

PLANNING BOARD MEETING MINUTES

May 27, 2010

PRESENT: Chris Farrell , Daniel Doucette, Doug Shearer, Dudley Jensen, John Howarth, Louis Gallo, Peter Meier, Clement DeFavero

STAFF: Dody Adkins-Perry, Engineering Technician

ALSO PRESENT: Paul Gately, Diana Barth, Jim Mulvey, Ron Matheson, Ford O'Connor, Bob Scena, Lewis Ferretti, Tim Santos, Joseph Dorsey

Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:00P.M.

Mr. DeFavero made a MOTION to approve the minutes of 5/13/10. The MOTION was seconded by Mr. Doucette with all in favor.

Informal Discussion: Improvements for unpaved portion of Commonwealth Ave.

Ford O'Connor would like to see what the Board will require to develop the two lots at the end. An ANR was previously approved on the unpaved portion. Can't re-subdivide the lots. Would like to create two opposing driveways creating a hammerhead. The road isn't in great shape.

Mr. Doucette stated we can't always define complete access. If it's designed in the best interest of public safety that's all we can do. Layout the opposing driveways on a plan.

Mr. Gallo would like to leave the paved area at 20'.

Dody stated the ANR did not have vital access and paper access is not allowed. The lot is in common ownership with the Cranberry Hwy. lot. As it is now, it's not buildable.

Ford is looking into the title.

Chairman Farrell stated we had a similar situation on Nightingale Pond Rd. and we required him to bring up to subdivision standards.

Mr. Howarth made a MOTION that the road be brought up to subdivision standards. The MOTION was seconded by Mr. Meier with all in favor.

Mr. Doucette stated we have always granted access to one lot and the second requires the road be brought up to subdivision standards.

Public Hearing for Site Plan Review/Special Permit #06-2010: 418 MacArthur Blvd.

Robert Scena. To add service bays in a Water Resource District.

Ford O'Connor and Tim Santos represented the applicant. Bob Scena received a special permit for the addition five years ago, was never constructed and never requested an extension. Have addressed most of the items from Town Planner's memo. With the addition of land, the open space and impervious surface percentages get better. Decreasing the non-conformity. We do not have all the waste haulers permits. Have done a recent 21E to show the site is clean.

Mr. Shearer reviewed the project. It's in a Water Resource District, Zone 2. Sec. 4721 prohibits service bays.

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They are grandfathered for the existing and will need a supportive finding for the new eight bays. The loading zone on a public way is not doable. How will the trucks load/unload with the addition?

History: 1989 a special permit was granted with 22 conditions. It was re-approved in 2005. Waste hauler submissions only 1 year worth of reporting. Don't want to see another empty building but need responsible people.

Joe – Environmental Energy – reviewed back to 2002 for this site and found they were always in compliance. 100% confident the site is clean.

Mr. Doucette stated we want a report every six months. We need to make sure hazardous waste is hauled away in a proper way in insure the public of clean drinking water. It may be clean now, but we don't know what's heading that way in the future. Sensitive area. Your client has failed in that over the years.

Mr. Shearer made a MOTION to vote under Sec. 2320 that the project is not more detrimental to the neighborhood. We did not allow CC Muscle & Speed and it's the same basic idea. The MOTION was seconded by Mr. Meier.

Mr. Howarth stated the clean 21E is proof that they do things the right way. Don't want an empty building.

Ford: anyone can view the records at any time. Can we go through the conditions first before voting?

Bob stated he can get the reports.

Chairman Farrell: the point is they were never given to us.

Mr. Shearer withdraws his MOTION. Mr. Meier withdraws his second.

Mr. Shearer stated that loading/unloading on Otis Park Drive is in violation of Sec. 3370. Your own plans contradict. One page has one number of spaces, another page has another number. How are there so many more spaces than in 1989?

Tim Santos stated they are valet spaces, not as big as a typical 10x20 space.

Mr. Shearer: you need adequate customer parking, employee parking and service parking spaces. You only have nine customer and three handicap spaces.

Tim: Employee and customer has 50 spaces. Need 51.

Mr. Shearer: Designated areas for service, employee non-valet spaces. May affect the 300 car license.

Ford stated Otis Park Dr. has always been used for loading and by other businesses also.

Mr. Shearer stated there is no wiggle room. Can't grant.

Tim stated he can rework the plan for loading.

Mr. Shearer: the reporting was never adhered to. Need it done and done correctly. In 2005 three conditions were added and Otis Park Dr. loading was allowed and it shouldn't have been. Need to make sure the well is protected during construction.

Mr. Shearer proposed the following Conditions:

1. Above ground tanks and containers of all toxic and hazardous materials must be stored on a surface free from cracks or gaps and be impervious to the hazardous materials being stored.

- a. The service areas and hazardous waste rooms must have floor drains that are piped into a gas/sand/oil separator and thence into a tight tank as per 248CMR 10.09, March 11, 2005 edition. (*this is a change from Condition 1 in the 1989 and 2005 Condition 1*)

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2. The area which contains any toxic or hazardous materials must be secured against unauthorized entry;
3. The area must be clearly marked (e.g. by a visible line or tape or fence) and must be separate from any points of generation;
4. The area must be posted with a sign: "Hazardous Waste" in capital letters at least 1 inch in height. The total capacity of the area must be identified similarly;
5. All storage must have secondary containment and must operate passively (i.e. no power to operate containment). The containment must be for 120% of the total posted volume allowed within the area, including dry materials;
6. Any spillage must be promptly removed and the owner or operator shall keep appropriate and adequate absorbent materials on hand to facilitate spillage containment and removal. Spills greater than one gallon of any petroleum products or exceeding permissible contamination levels as stated on the appropriate MSDS for other materials shall additionally be reported within twenty-four hours; as well as any spill, regardless of quantity, which results in a release to the environment.
7. Each container and tank shall be clearly and visibly marked throughout the period of accumulation with the following:
 - (a) The words "HAZARDOUS WASTE" or "HAZARDOUS MATERIAL" as appropriate
 - (b) The contents shall be identified: acetone, oil, toluene, etc.
 - (c) The type of hazards associated with the materials indicated in words: Ignitable, toxic, dangerous when wet, etc;
 - (d) The date upon which the accumulation begins;
 - (e) The shelf-life or expiration date if applicable;
 - (f) All labels must be clearly visible for inspection;
 - (g) All containers must be in good condition. Any container found failing (rusting, dented, leaking) must be disposed of properly;
8. At least weekly, the owner or operator must inspect all areas where hazardous containers are stored, inspecting for leakage, or deterioration of containers and the containment system caused by corrosion or other factors. Sufficient aisle space must be maintained between containers to allow for inspections;
9. Wastes of different types must be segregated. I.E. waste oil cannot be mixed with fuel oil or oils used for other purposes;
10. Containers of incompatible wastes must be separated by a berm, dike or other similar device/structure. The area within the structure must be of sufficient size to accommodate 120% of the specified material stored.
11. Each container holding materials must be covered with a securable cover or lid throughout the period of accumulation.
12. No storage of any type of material will be allowed in a container at or below ground level. I.E., all containers must sit above floor level. No underground tanks of any kind will be allowed. (other than noted in 1.a.)
13. Hazardous wastes generated must be removed by a certified waste hauler. A contract or other means of proving such a service has been undertaken shall be submitted with the application of the Special Permit. In the event that the contract is terminated for any reason, it shall be the operator's or owner's responsibility to notify the Board of Health within three business days, along with information regarding how service will be continued. Service shall not be interrupted longer than 25 days without revoking the Special Permit.
14. A bond or an insurance policy shall be placed in the event of a spill or leakage for the life of the Special Permit. This figure may be adjusted by the Planning Board in the event it proves to be inadequate for handling a potential spill or leakage.

15. Prior to any work relative to the above conditions or any other conditions associated with the special permit, engineering plans supporting such conditions shall be submitted to the Planning Board for review;
16. Any change in ownership, beneficial interest shall required an amended Special Permit.

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17. Any substantial change in materials stored or used - or change in use - shall require an amendment to the Special Permit.
18. Contract(s) to maintain outside drains, (i.e. the changing of absorbent pillows) shall be part of the file.
19. A certified Hazardous Waste Hauler/Inspector shall certify that all conditions of the Special Permit have been met every SIX MONTHS to the Bourne Planning Board in writing. A list of any change and/or removal shall be part of said report.
20. If entrances are gated on Otis Park Dr. a Knox Box and keys are required. No vehicles are allowed to block entrances.
21. The monitoring well MW-1B, located SW of the existing building, must be protected during and after construction for future ground water monitoring.
22. Loading/unloading is NOT allowed on Otis Park Drive or MacArthur Blvd. (Sec. 3370 Zoning Bylaw).
23. The Bourne Water District must be allowed access to the property for random periodic inspections to ensure 4700 of the zoning bylaw is being adhered to.
24. A license to display a safe number of vehicles must be obtained from the Board of Selectmen. The number will account for total parking spaces shown on a parking plan less customer parking spaces, employee parking spaces, and service parking spaces. No spaces shall impede access for emergency vehicles or for loading and unloading areas.
25. Signage designating parking for Customers, Employees and Service will be displayed and maintained.
26. Storm water drainage calculations, watershed delineation, and an inspection and maintenance plan signed by the responsible parties for such is required.
27. Any new signs will require a sign permit and will need review from the Planning Board.
28. All conditions of the Fire Department must be met. Including but not limited to the conditions outlined in the letter dated May 21, 2010 from Lt. Pelonzi.
 - A Knox Box is required for each of the buildings with a tie-in to the fire alarm system
 - Upgrade of the existing fire alarm system to include coverage in the addition is required
 - Installation of automatic sprinkler system throughout the entire building with a tie-in to the fire alarm system is required
 - All hazardous materials storage shall be in compliance with 527 CMR
29. Any and All changes to the plan will be subject to review and approval of the Planning Board.
30. A compliance review is to be held every six (6) months with the Planning Board or until the Board determines a review is no needed for compliance. During this review all materials needed to meet the conditions above will be supplied to the Planning Board by the owner or operator of the property.
31. Failure to meet any of the conditions listed as 1-19 (conditions from 1989 approval is grounds for immediate rescission of the 1989 Special Permit. Failure to meet any of the above or future conditions is grounds to implement Section 1240 (violations) and/or 1241 (rescission) of the town zoning bylaw.
32. Prior to the issuance of a final occupancy permit, an as-built site plan must be submitted depicting final locations of all structures and site related appurtenances per Section 1238.B.8. of the Zoning Bylaw.
33. Prior to issuance of a building permit, the Applicants shall submit a revised Site Plan.

Ford: We agree to all the conditions.

Bob stated for a Tier 1 enterprise they require at least 12 service bays. Service is the only think keeping dealers alive now.

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Mr. Shearer made a MOTION for the Supportive Finding that it's not more detrimental and to allow hazardous waste removal in a Water Resource District. The MOTION was seconded by Mr. Meier. Roll call vote as follows:

Mr. Gallo – yes	Mr. Howarth – yes	Mr. Jensen – yes
Mr. Doucette – no	Mr. DeFavero – yes	Mr. Meier – yes
Mr. Shearer – yes		

Mr. Howarth asked if you didn't comply then, what makes us think you'll comply now?

Ford: If he violates the reporting, he loses everything. It will destroy the business. Mr. Shearer stated a letter to go to the applicant stating even if the business is closed, reporting must still be done and an annual review will be conducted by the Planning Board.

Bob will have an environmental company report to the Board as often you want. Ford stated the building is designed to keep everything inside. The applicant neglected to file. The Planning Board never sent him a letter requesting it. Mr. Doucette stated the burden was never on the Planning Board. The burden to report and adhere to the special permit is on the applicant and he failed every time and miserably.

Mr. Howarth wants reporting every year to every six months.

Chairman Farrell: you can't build the new bays without the new lot. Need to submit a new plan for loading/parking. It's a package deal.

Mr. Shearer made a MOTION to send a certified letter to the applicant/owner regarding Sec. 1241 stating there will be a compliance hearing every six months from today for existing building and compliance with 1989 conditions. The MOTION was seconded by Mr. Meier with all in favor.

Ford invited the Board to view the site any time.

Proposed Access Drive: Main St. to Army Corps parking lot.

Mr. Doucette worked with Coreen and made a MOTION to report to the Selectmen that we are in favor of this access drive.

Dody stated this is not a road. Just a second access drive to the new parking lot. The MOTION was seconded by Mr. Meier with all in favor.

Chairman Farrell stated when first looking at the parking lot project this second access is huge for safety purposes.

Election of Officers:

Mr. Meier made a MOTION to leave the slate of officers as is. The MOTION was seconded by Mr. Howarth.

Mr. Meier made a MOTION to close nominations. The MOTION was seconded by Mr. DeFavero with all in favor.

All in favor of leaving the officers as is: Christopher Farrell –Chair; Daniel Doucette – Vice-Chair; Douglas Shearer – Clerk.

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Mr. Meier with all in favor.

With no further business before the Board, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,
Ann T. Gratis