

PLANNING BOARD MEETING MINUTES

November 10, 2011

PRESENT: Christopher Farrell, Doug Shearer, John Howarth, Louis Gallo, Donald DuBerger, Jon Nelson, Gerald Carney, Dudley Jensen

ABSENT: Daniel Doucette

ALSO PRESENT: Paul Gately, Diana Barth, Andrew Campbell, David Allen, Donald Ellis, Joe Sorenti Jr., Jon Fitch, Eugene Curry, Walter Steinholm, John Lipman, Karen Fenton, Taylor Dowdy, Mike Ford, Jean Maier, and other members of the public

Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:08 P.M.

Mr. Howarth made a MOTION to approve the minutes of 10/27/11. The MOTION was seconded by Mr. Carney with seven in favor, one abstention.

Compliance Review: Cont'd from 10/13/11. 41 Meetinghouse Lane. Drainage, loading dock.

The applicant sent a letter requesting a continuance to the next meeting.

Port of Call II: Cont'd from 10/27/11. Road status, bond update.

No applicant present. This is the second meeting he failed to attend.

Mr. Howarth made a MOTION to take the bond. The MOTION was seconded by Mr. Jensen with all in favor.

Discussion: Cont'd from 10/27/11. Old Plymouth Road. Sorenti. Illegal auto repair, storage of vehicles.

Mr. Sorenti stated the property is all set.

Chairman Farrell stated that he originally wanted to move the business from Meetinghouse Lane to this property.

Sorenti: I'll clean up when I'm ready to. The Bricks, wood and metal will stay where they are. Can't make me move them.

Chairman Farrell asked if the vehicles are registered?

Sorenti: all but one.

Mr. Shearer stated the trailer with the fridge – you'll need a building permit for storage. Are you paying excise tax on the vehicles on your property?

Sorenti – yes. I have a mobile business and fix vehicles on other properties.

Mr. Howarth stated that nothing is cleaned up.

Sorenti asked why Mr. Howarth is out to get him. He'll get permits. The FD has a permanent structure only 4' off the property line, not 15'.

Chairman Farrell: you'll need to make a complaint to the Building Inspector.

Public Hearing for Site Plan Review/Special Permit #08-2011: Cont'd from 10/27/11.
80 Cranberry Hwy. For a gas station with convenience store.

Atty. Mike Ford presented the plan. The business is in a B-2 district with R-40 district at the rear. It's currently being used as overflow parking for the business next door. There is an existing special permit #06-2008 for three pumps, 6 filling stations a convenience store and restaurant with drive-thru.

Would like to just do 5 pumps with 10 filling stations with a kiosk for now and within 5 years possibly construct a 1,000sf convenience store. Then the kiosk will go away after the store is built. No restaurant, no drive-thru. Looking to be optimal for marketing. Want to find a store tenant prior to constructing a store. Waivers requested: Left turn and accel/decel lane. A traffic impact study for phase 1 & 2 was filed. There is adequate site distance. There will be no significant impact on traffic.

Outstanding Issues:

- Parking setback – now 16.2' – ok

- Waivers – 50' curb cut radius – now 30'

- Elevations of phase 2 store

- Sideline plantings – enhanced

- Lighting – compliance with foot candle regulations

- Parkign plan – 65 spaces – sufficient? Handicap signage

- MA Dot permits.

- No issue with water supply

- Natural environment – 25%. 50' of woods will be saved. There are TOPO challenges

- Retaining walls

Mr. Howarth was originally opposed, but neighbors wanted the store. The new plan has more pumps and a Phase 2 "option". The store is 1/3 the original size. The separation from Hilltop Drive is only 31' (50' regulation). Not in favor of approving the waivers. Parking including the store should be 9 spaces, not 6. This has an impact on the neighborhood. The 2008 plan was more beneficial than this one.

Mr. Gallo: when Market Basket goes in, the area will change, need a bigger radius for trucks. The retaining wall is 20' high. The grade needs to be 4-5' approaching the highway.

Mr. Howarth stated they ended up spraying gunite on the wall further down the road to hold it up and prevent erosion. Many complaints, want to see the wall first.

Taylor Dowdy stated the wall will be stamped by an engineer and deemed safe. Limited by the canopy area, want a level surface. We tried to raise it as much as possible.

Mike: showed an overlay of the previous project. Stated this has less impact with no drive-thru. The original project had two 10' walls. There is now more green space/plantings.

Randy Hart, engineer: Trip generation was done in August on a Saturday and weekday. This is a less intense use of the land. This will have 20 more trips with just the gas instead of the 165 predicted with the store and restaurant with drive-thru. MA Hwy didn't react to an extra lane. A left turn was allowed on the prior

project. There are two points of access needed for gas stations to run smoothly; trailers with boats, landscape trailers, RV's, will paralyze internal flow which spills out to the street. If a right turn only, people will do a U-turn to get back to the bridge.

Mr. Howarth stated the store was a benefit, just gas is not. Do not believe we will ever see the store with this "phased" plan.

Mr. Nelson stated the benefit of the first plan was greater to the area so it was easier to sign off on the waivers.

Mr. DuBerger: there are 40% more pumps and I liked the 2-tiered wall better, it was a better scale and safer/easier to construct.

Taylor: will look to split but will lose some natural vegetation.

Mr. Shearer asked if the grade changes were because of the pumps?

Taylor: they are sloped as much as we can with the ADA issues. The street is 70-71/72-73 and slopes up from there. The store is at 72 and the left drive is 73. We are grading to the catch basins. The datum might be different than the previous project.

Chairman Farrell stated we have had issues with phased projects and we never see the second part. The neighborhood wanted a store. Have some concerns about the restaurant and drive-thru. Thought the speakers would be muffles and the lights would be shielded from the residential.

Mike asked if the store was built you would approve?

Mr. Howarth would support.

Steve: It becomes a lender issue. Don't have a signed lease yet. Want to open by 7/4/12 with gas only. There is a much better chance of getting a tenant once this is approved it will help market the site. Everything now is dead. Can have it built in 2 months because we will have the permits. The bank won't give money without a tenant for the store.

Mr. Howarth stated you already have a permit. Won't trade extra pumps for no store.

Walter: This didn't get built for a reason. This is what you need to make the project happen.

Jerry Ellis: the gas company used to be there. Agree about the store, the requests are reasonable, the original plan was superior. There are two stations in the village now and they have 2-4 pumps each. Rarely see backups. You are on a higher volume road. Today you can't buy milk or bread in Sagamore. Have to go five miles in any direction. A store is what people would want. It's a right place and use but the store is a necessity.

Keith Allen, abutter. If you didn't look on a Sunday, then you didn't look. It will get ugly. Wall issues – not a good idea. Didn't want the traffic.

Jean Curry from Gray Gables: support, understand the points and logic the applicant has.

Robin Anderson, Atlantic Design Engineers – supports. Read letters. Fueling is the more important aspect.

Karen Fenton read a letter from Jerry Ingersoll in support of the project.

John Lipman supports the project. Read letters from a few people. As a planner this is an excellent project. Know they are working to bring the store online ASP, tough economical times.

Mr. Lamarsh, abutter – not really a need for gas, need the store.

Others read letters of support.

Mr. DuBerger stated that all the letters mentioned gas and store need. We are asked to approve gas only. The store is an important part of what people want. Understand lending issues, cut reluctant to vote yes with no store. Want a bigger store.

Walter stated we need a 5 pump setup to entice a good tenant and to run properly. Wanted a better pump layout to get a better tenant. Trying not to tear up the land as much. Will look at increasing the store size and terrace the wall. Need the phased store. Don't want to default on permits. Surprised by some comments.

Mr. Howarth: the best of intentions you know where they go. We represent the people.

Mike: will take another look at the plan. Would like to continue to 12/8/11.

Mr. Carney made MOTION to continue to 12/8/11. The MOTION was seconded by Mr. Howarth with all in favor.

Preliminary Subdivision Plan: 526 Scraggy Neck Rd. John Sheldon. Two lots.

Atty. Jon Fitch presented the plan. History: This was two lots in 1927. 3.5 acres with 20' frontage and 80' frontage on the 2nd lot. A house was built in the middle. Would like to take the house down and put back as two lots. Working with Coreen we provided a short road to provide frontage. Each lot will be 1.75 acres. The house currently shares a driveway. Will request some waivers from road construction standards. Utilities are already there.

Mr. Howarth stated that underground utilities are required.

Jon: there are overhead now, anything further would be underground.

Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Carney with all in favor.

Mr. Howarth made a MOTION to adjourn. The MOTION was seconded by Mr. Carney with all in favor.

With no further business before the Board, the meeting was adjourned at 8:55 PM.

Respectfully submitted,
Ann T. Gratis