

## PLANNING BOARD MEETING MINUTES

April 13, 2017

**PRESENT:** Daniel Doucette, Stephen Strojny, Joe Agrillo, Lou Gallo, John Howarth, Robert Gendron, William Grant, Elmer Clegg

**ABSENT:** Vincent Michienzi

**PUBLIC:** Noreen Michienzi, Michaela Michienzi, Michael Scott, Pete Duval, Liz Brown, Rosalie Eube

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Ann Gutterson, Recording Secretary

Chairman Doucette called the meeting to order at 7:00pm.

**Public Hearing for Special Permit #01-2017:** Cont'd from 3/23/17. 1 Trowbridge Rd. Noreen Michienzi. For a sandwich shop/restaurant.

Mr. Clegg: Joe Agrillo Jr. is sitting at the table. He has been the primary landscape contractor at that facility. The bumpout in 2015, Joe was listed as the CSL. He's been an integral part of 1 Trowbridge Rd and tells me he's going to sit on this and vote. I ask one more time for him to recuse himself.

Mr. Agrillo: I met with my attorney, Tom Winn, and explained the situation. He said I have no financial gain or conflict of interest on this project.

Noreen: Mr. Clegg, did you get the answers you wanted?

Mr. Clegg: What you submitted didn't add any value. Came back with the site plans across the street. Judge on peak parking usage.

Noreen: You said you'd be flexible. I did go to Homes and McGrath and we removed some grass area and put spaces back at 9 Sandwich Rd that were on the 2013 drawing. We are adding 11 spaces.

Mr. Clegg: The parking lot has never been striped with the last approved plan.

Mr. Howarth: I went and counted the spaces. I counted the spaces to the door, checked all businesses and there are about 22 available spaces on 3 separate occasions. Worked out the numbers with the tables and counter space.

Mr. Howarth made a MOTION to approve subject to a parking plan showing the 11 added spaces plus the parallel parking on the north end of that lot be approved by the Planner's office.

Mr. Clegg: That assumes they were in compliance.

Mr. Howarth: Coreen and I outlined what was necessary; 15 spaces. 9 in back, 2 contiguous and 4 along the north side. They'll be delineated on the plan submitted to the Planner.

Mr. Clegg: This diagram the back yard fence was whited out.

Noreen: The fence has been moved back to the original 2013 plan.

Mr. Clegg: The January 2015 plan approved striping of the back lot which was a change from 2013. This change should come before the Board.

Mr. Howarth: We approve with contingencies.

Mr. Clegg: Show a site plan with existing plans. Needs to be a full reconciliation led by the Town Planner. I want an asbuilt showing striping and come up with the count that matches the requirement. Amount of space in that comes to 34,600sf divided by 180 = 190 spaces required, there is nowhere near that.

Chairman Doucette: There was a 40 space waiver granted in 2001 that continues with the building.

Mr. Clegg: In 2015 they added 760sf on the back.

Noreen: That was for garage space, not rentable space.

Mr. Clegg: I removed it from the calculation but there is still 380sf in the upstairs foyer.

Noreen: The common area isn't rentable space. We are at 157 spaces now, trying to put in 15 more.

Mr. Agrillo: We have the ability to approve this.

Mr. Clegg: The site has never had sufficient parking.

Coreen: It's a VB zoning district. Usually more pedestrian friendly with less vehicular traffic.

Mr. Gendron: I own a number of businesses, parking is always an issue.

Coreen: My memo is only a recommendations, I try to base against the bylaw. When the applicant provides testimony, a lot of the patrons will be internal, you can take that into consideration on site and utilize a reduction in numbers required. You could grant a waiver. In 2001, 42 spaces were granted and again later granted another waiver. If it requires 191, take off the 2 waivers then see if compliant with what was approved and start with that. There will be some additional, if nothing available, people won't stop.

Mr. Howarth: It's not maxed out all day every day. Employees and patrons of the building will be using it mainly. If we turn it down or ignore, it won't change the spaces/waiver. If we say they need 15-17 by restriping, they'll come into compliance. If not agreeable to Coreen, then they don't get it.

Coreen: Can we say before a building permit is issued, not occupancy permit? If I'm not satisfied, I'll send them back to the Board. There have been many changes with this plan. The plan I approve will be an asbuilt.

Mr. Clegg: On the calculation of spaces required, I did my own based on the diagram. I came up with 29, you had 17. 30SF waiting area (me 2.5 times that), peak employees – they have 2, do you think it'll be profitable with only 2 employees? The Daily Brew has 6 employees before lunch. Will need at least 6-7 employees.

Noreen: I can't afford that.

Mr. Agrillo: There are a lot more tables at the Daily Brew.

The MOTION was seconded by Mr. Gallo.

Mr. Clegg: Mr. Howarth, when did you see all the empty spaces? It's early April.

Mr. Howarth: Within the past month.

Mr. Clegg: What I see today is nowhere near what I see in the summer. Cape Cod Obstetrics is never open. What if another business goes in there?

Noreen: They have a 20 year lease, the space next door is storage, the beauty shop is open 4.5 days a week, the dentist 3 days.

Mr. Clegg: I along with all the voters, we're consumers and voters. Every May there is an opportunity. The consumer votes with his feet, if inconvenient parking or service, they can take their business somewhere else. Another pharmacy is opening in less than a month a mile away. I have decided to part company with that pharmacy and take my business elsewhere.

Rosalie Cole, resident: There are no spaces in front, in back have to take the elevator up to the main floor then walk over to the pharmacy. The drive-thru made matters worse. There will be people coming from the lab or doctor and will go in there.

Vicky Carr, Commission on Disabilities: Submitted a statement. Are automatic doors a law? You should check into that. Where does the ambulance park? After hearing everything said, I'd remove part of this letter. Entry in the hall, how will that interfere with people standing in line to get to the doctor?  
Noreen: It won't.

Pete Duval, Monument Beach: I have a handicap placard, that space is usually taken and I'm not parking way out front or across the street, I can't walk that far. If it gets me mad enough, I'll go elsewhere. There are very nice people there.

Roll call vote as follows:

Mr. Clegg – no	Mr. Grant – no	Mr. Agrillo – yes
Mr. Strojny – yes	Mr. Gendron –yes	Mr. Gallo – yes
Mr. Howarth – yes	Mr. Doucette – yes	

**Informal Discussion:** 431 Scenic Hwy. Ground mounted solar array.

Michael Scott, representing the developers: Mr. Slotta tried to develop and was unsuccessful and was asked to address the environmental condition as it was a dump in the 1900's. That put an end to develop it as a residential subdivision. The Solar Overlay District is adjacent to the property so we thought of extending it to allow for a passive use of the property and have some economic use.

Coreen: The existing overlay district is where the Bournedale school is now and can be amended by Town Meeting. I've done a map showing the extension and used property lines. The property is in front and there is a bog and open space behind. The DEP is changing how solar can be used in bogs so that could potentially be done.

Chairman Doucette: Would they be visible from Scenic Hwy? If you look at exit 5 in Plymouth, those solar panels are not attractive.

Mike: The property is 6 acres.

Mr. Howarth: How much would be allowed to be covered?

Mr. Gendron: Curbcut access?

Michael: We would have to talk to MA Dot about a curbcut, but we can access from the back of the property to bring in the panels.

Chairman Doucette: The option to access from the bog services roads would need permission from that owner. MA Dot may give a curbcut just for maintenance access.

Mr. Clegg: How will they get public safety vehicles in there if something happens to the transformers?

Chairman Doucette: The trucks are similar in size to the bog trucks.

Michael: It's a relatively passive use and the abutters were ok with the residential subdivision so I think they'll be ok with this.

Mr. Gallo: The back topo, is there a DEP cleanup number? No one really knows the density of the garbage. Would need DEP approval, want that bog protected and don't need disturbed garbage going into it.

Michael: This is preliminary. If we get the overlay then will work on the project.

Chairman Doucette: This would be less disturbance to the land.

Michael: Would like the Planning Board to sponsor an article for the next Town Meeting.

Coreen: The bog owners should be part of this if we are changing the zoning of their land.

Chairman Doucette: You should pursue and go forward to adjust or amend the solar overlay bylaw with all the considerations the Board mentioned: neighbors, access, landfill, vista.

**Subdivision Regulation Changes:** Stormwater regulations.

Chairman Doucette: Coreen worked hard on this for a long time, that's why I'm asking her to present it to us and we can digest it then at a future meeting, hopefully May, we can make changes, deletions, etc.

Coreen: Bernie Taber from the Buzzards Bay Natural Estuary Program. She's worked with many towns to develop this bylaw. The EPA is very complicated and I don't understand it all, that's why we have Bernie. There is a town group on this too. The Town has not been that compliant and this should have been adopted five years ago. The EPA is now changing requirements and is stricter. We will be back with more changes in the near future.

Chairman Doucette: This has to only be approved by the Board only, not town meeting.

Coreen: Eventually this will be a zoning bylaw, for now just subdivision regulations. We request drainage to be designed with EPA standards. Peer review should be made a practice.

Bernie: Bourne has a 2003 EPA permit. The town said they would work on subdivision regulations and it never got beyond the paper stage. In 2008 the Town was supposed to renew the permit and it's now 2017. The EPA is now looking at site plan review, it's the new reality that you'll have to start dealing with. The document was scaled back. There are exceptions, still need to work on it a bit, needs to be tweaked. The changes are very short. Westwood MA has more comprehensive Stormwater regulations. The largest complaint is ANR lots, they are uncontrolled. We encourage towns to adopt regulations that cure everything. It requires a specific bylaw that gives the Planning Board authority over all Stormwater. Better to have it all equal.

Chairman Doucette: Mr. Mulvey worked hard on this too.

Coreen: This is minimal. We are trying to fulfill what we said we would do then go on to adopt a comprehensive regulation that everyone can use – Conservation, town projects, Planning Board, etc. Probably will be a Town bylaw and will be a lot of work. Also will apply to residential, single family houses.

Bernie: The bylaw just gives the Planning Board the authority.

Chairman Doucette: We can adopt the subdivision regulations to start the process. The Fall or next ATM for the full bylaw changes. This has been worked on/off for 15 years.

Coreen: Every year the Town is supposed to report to the EPA and DEP. We're not doing what we said and Towns are being fined. We hired Dody back to get us back up to date with the reporting.

Mr. Gallo: When we report, what is it?

Coreen: It's a lot. Maintenance, DPW, storm drain maps, education, erosion control, illicit discharges, what you put on your lawn, etc. Commercial is only one piece. If the DPW sees illegal drainage, they are supposed to report that.

Mr. Howarth: The gunite wall/hill on Cranberry Hwy should have been reported. The guy on top of the hill felt that the degradation of his yard was due to that.

Bernie: Over 1 acre disturbed a Stormwater and maintenance plan is required.

Mr. Clegg: When is the next major change predicted?

Bernie: 2017 just came out and we got notice that September a notice of intent. I help with GIS mapping and there is a template for the old permit. The new one is very specific to towns. Implementation is the town's responsibility.

Coreen: The town has two groups, the pollution task force and the Stormwater working group. We may be able to do the initial notice of intent but after that, we'll have to hire someone.

Mr. Agrillo: Any power for previous subdivisions?

Bernie: The new EPA permit requires all outfalls to be monitored. If we think there is a problem with the discharge, it goes further.

Mr. Agrillo: Where do we stand against other towns?

Bernie: Not sure. Only ½ of the towns along Buzzards Bay are in compliance. I helped with the technical stuff.

Mr. Grant: 370 MacArthur Blvd has catch basin overflow and not adequate drainage.

Chairman Doucette: We'll put this on for the 2<sup>nd</sup> meeting in May. Gives time for everyone to review and formulate any questions and concerns. I think we can get this done, it's a start.

Coreen: Not enough staff. Do we hire a person? The day to day staff can't do it.

Mr. Clegg made a MOTION to continue. The MOTION was seconded by Mr. Gendron with all in favor.

Mr. Strojny made a MOTION to adjourn, seconded by Mr. Howarth with all in favor. With no further business before the Board, the meeting was adjourned at 8:30pm.

Respectfully submitted,  
Ann Gutterson