

PLANNING BOARD MEETING MINUTES

June 8, 2017

PRESENT: Chairman Elmer Clegg, Daniel Doucette, Stephen Strojny, Robert Gendron, William Grant, Lou Gallo, Elizabeth Brown, Sandra Goldstein, and Jeanne Azarovitz

STAFF: Coreen Moore, Town Planner; Tracy Sullivan

PUBLIC: Attorney Geoffrey Nickerson, Kevin Klaver, Zachary Basinski – Bracken Engineering, K. Machachlan, Joe Longo – Horsley Witten, James Mulvey, and other members of the public.

Meeting was called to order at 7:00 pm

Chairman Clegg: commented that he viewed an article from Cape Cod Home on Buzzards Bay Visitor's Center's mural, he stated it was a great article and encouraged the audience and Board members to visit the Center to view the artist's work.

The Meeting Minutes of April 25, 2017 were approved on a Motion made by W. Grant and second by S. Strojny with one abstention, Sandra Goldstein, Voice vote ayes have it Motion passed.

1. 81P: As noted 430 Wings Neck Road was incorrectly published on the agenda as 430 Wing Road. Chairman Clegg due to the fact that it was a public meeting, and after a short discussion approved and signed the ANR subdivision of one lot into 2 lots at 430 Wing Neck Road.

2. Request for Release from Covenant: Continued from 5/25/17, Lot 2 Eustis Lane.

S. Strojny recused himself –

Attorney Geoffrey Nickerson Owner's Representative: explained that a two lot subdivision was approved in April of 2016. Lot 1 was sold in the fall, with a covenant and a bond for \$46,000 in which the bond represented estimated cost of road work completion and drainage. The owners would like to sell the 2nd lot and is asking to be released from the covenant. Attorney Nickerson stated that the lot had drainage issues that had to be addressed along with the drainage adjacent from the hammer head.

Chairman Clegg: also stated the widening of portion of the road in front of lot 2 needs to be addressed and deferred D. Doucette for his observations.

D. Doucette: spoke with the DPW Superintendent and the contractor hired to do the project, as well as with the Town Planner. D. Doucette would recommend to release the lot with one condition that the occupancy permit is not given until the road is complete. This way they could construct the dwelling and pave the road once complete.

Attorney Nickerson: stated that the potential buyer will not go forward if the occupancy permit is tied to the completion of the road work.

Chairman Clegg: asked if the completion of the road work is the seller's responsibility. He asked the owner's attorney if he would you like to propose any conditions that the Board could consider. What are

the owner's plan for completing the road work? What assurance do we have that the buyer will complete the road?

Attorney Nickerson: responded that the owners would allow buyer to do his site work and then they would complete the road afterwards. We could look in to a shorter time line to finish.

Chairman Clegg: the conditions that D. Doucette proposed would that take care of that? There is a lack of certainty between buyer and seller as well as the Board and seller, we need to come to a resolution to assure the date certain or by the time the buyer completes construction on his house. I need you to propose a way to accomplish that.

Attorney Nickerson: offered to complete the road construction by fall.

Chairman Clegg: D. Doucette are you willing to a date certain by December1?

D. Doucette: yes

Chairman Clegg: asked what are our options if not work is not completed by that date, our decision said its good for two years, and it is not mentioned in the covenant, Town Planner?

Town Planner: stated that the condition was placed on the release of Lot 1.

Chairman Clegg: asked Attorney Nickerson if the seller would be willing to have the completion date of December 1? Let's make it November 30.

D. Doucette: yes

Chairman Clegg: asked Attorney Nickerson: would you be willing to agree to the date of November 30th for completion date by seller and subject to inspection by the DPW Superintendent and any other condition?

Attorney Nickerson: yes

D. Doucette: the bond will be in place if work is not completed

Chairman Clegg: would you like to make a motion on that D. Doucette?

D. Doucette: I Motion that we release Lot 2 with the condition that the bond will be at risk of being taken if the road work is not done by November 30, 2017, all work is subject to inspection of the DPW Superintendent. Seconded by Robert Gendron, Voice vote, all in favor, ayes have it.

S Strojny: asked if there will be a discussion with the Board members.

Chairman Clegg: is there any discussion from Board members and audience – no discussion

Chairman Clegg: With no further discussion, Motion by D. Doucette, seconded by Robert Gendron, Voice **Vote-** All in favor ayes have it, Motion passes

Chairman Clegg: asked the Board to take agenda item 5 out of order, ahead of 3 & 4 – Motion made by D. Doucette, Seconded by S. Strojny, Voice Vote, all in favor ayes have it, Motion passes.

5. Public Hearing for Site Plan Review/Special Permit #03-2017: 395 Old Plymouth Road Sorenti Brothers, Inc. For a contractor's yard with 6,150 sf space building and alternative parking lot surface.

Zachary Basinski P.E. – Bracken Engineering: on behalf of applicant David Foster to request site plan review

History of Bracken Engineering and Dave Foster who runs Foster Creative Design which is a landscaping company and has been in business for the past 17 years, operates on State Rd. rents facility which he has out grown and would like to construct new facility. 395 Old Plymouth Road, Sagamore is an existing underdeveloped lot which is about 46,000 sf, abutted to the west by State Rd. to the east Old Plymouth Road, to the south a cell tower lot, and to the north Kirkwood Commercial Office buildings. Mr. Foster is looking to build a 6,000± sf office space and the Special Permits we are looking for to do this are sections 1233 and 2220 of the by law, the project area is approx. 30,000 sf, onsite utilities water, gas electric, coming off of Old Plymouth Road, onsite parking in accordance with zoning by law. This property is solely for Mr. Foster's use, if the market were to down turn, Mr. Foster would have the ability to split the bays, if it ever came to that we would be back in front of the Board. The onsite septic to be reviewed and approved by the Board of Health, site would be served by on site storm water management system which will adhere to the towns bylaws 2 rain garden areas on low side of lot which will manage 80%-90% of the smaller storms, larger storms would overflow and run into underground sub surface system underneath the gravel parking lot that is why we are asking for an alternative paving surface help reduce run off on the property, Mr. Foster has track machines that are stored on property which could destroy the pavement, if there is ever an issue later on its easier to replace a gravel driveway than a paved drive way. We did receive the Town Planners comment letter regarding outstanding statements that we did address and sent to the Board:

Overall building height will be under 35 ft., 33.4 ft. elevation, discussed colors going beige with neutral colors to blend in, metal space building designed by Morton Builders.

Chairman Clegg: asked what the siding is made of.

Metal frame metal roofs – screening on property; wooded lot, screened by woods on south side of cell tower, screened on the north by building, and plantings along the front, chain link around the property, will fill in with vinyl slats if needed. Erosion control siltation notes added to the plan and updated. Reviewed employee parking, very few customers come to building, confident parking will be adequate, no issues pedestrian flow. Questions on signage and drainage being on the right of way of the drive way, there is a culvert and a little limited swale. This will be reviewed with the highway department and if we have to get approval from the Selectmen we will do so. Signage will pull back on lot if needed. Loading spaces were added, Special Permit criteria; we see no concerns with vehicle and pedestrian flow there will be no impact on natural environment, storm water system will treat and mitigate all storm water and is designed in accordance with the Massachusetts Storm Water Act, harmony with the neighborhood, security lighting will be in place night time should be dark site at night.

Other questions and concerns that were addressed; movability of fire truck, Knox box will be in place so the Fire Department will have access. Other Fire Department requirements and what type of gate to be used.

Chairman Clegg: asked the Town Planner for comments.

Town Planner: I would defer to reviewer first Mr. Gallo.

L. Gallo: they covered a lot of what the Town Planner made comments on, before I make a motion does the Board have any questions or concerns.

S. Strojny: Storm water management being in the forefront, is it able to handle all of it

L. Gallo: absolutely, the retention pond almost natural, Mr. Chairman I would like to go over this at the end of the meeting this a boiler plate of what we will be looking at in future meetings. We should make this as a part of the occupancy permit that an as built plan should be submitted before occupancy.

Chairman Clegg: would you like to discuss with the Board at conclusion of the meeting

Lou Gallo: Yes

Chairman Clegg: stated that after the last agenda item, we are open to other questions from the Board.

Discussion and questions followed pertaining to storage, screening and notifications of abutters.

Mr. Gallo made a MOTION, Seconded by Mr. Strojny to Approve Site Plan Review/Special Permit #03-2017 with the following conditions:

- a. The building height must not exceed 35 feet and must be shown on the final architectural plans stamped by a professional engineer.
- b. The sign location shown within the right of way requires the permission from the Board of Selectmen.
- c. Drainage structures shown within the right of way requires permission from the Board of Selectmen with input from the DPW Superintendent.

VOTE: Unanimous, as depicted in a roll call vote as follows:

Mr. Strojny – Yes	Ms. Goldstein – Yes	Ms. Brown - Yes
Mr. Gallo – Yes	Ms. Azarovitz - Yes	Mr. Grant – Yes
Mr. Doucette – Yes	Mr. Clegg - Yes	Mr. Gendron – Yes

Robert Gendron Recused himself from Agenda Items 3 and 4

Chairman Clegg: Agenda items 3 and 4 relate to Perry Ave development, and it would be prudent to take item 4 first and item 3 second. Would the Board agree?

Motion by D. Doucette to reverse Agenda Items 3 & 4. Seconded by S. Strojny; All in favor, Voice Vote ayes have it motion passes

4. Public Hearing for Special Permit #05-2017: 21-25 Perry Ave. CMP Development. Request frontage/lot width relief to make lots buildable.

Joe Longo, PE Horsley Witten: We were in front of the Board a month ago and made the necessary revisions based on a discussion Town Planner, regarding lots 2,3,4,& 5 all varying more than 180 ft we are looking for relief for frontages for each of those lots.

Chairman Clegg: the floor is yours if you wish to add more

J. Longo: explained that the plan has not changed, reviewed lot frontages: divided lot 3 into two sub lots lot 3 buildable, lot 3A utilities only, lot 1 already approved, lot 2 over 180 ft, lot 4 frontage on Kendall over 180 ft, and lot 5 fronts Perry Ave over 180 ft.

Town Planner: there is a difference in the plan and the definitive plan will have to be amended because you added lot 5 which was not on original definitive plan because lot 4 could not be brought down under the 500 feet which would require a variance. Lot 5 would need to be annexed to lot 4 when sold, the definitive plan will have to be amended if the Special Permit is approved.

Chairman Clegg: definitive was approved on April 27th?

Town Planner: Yes

J. Longo: lot one plan was recorded at the Registry of Deeds. Notes were made on the deed that they needed a Special Permit.

Chairman Clegg: Will we be able to approve the lots not including lot 5

Town Planner: as long as you have both elements they can be approved.

Chairman Clegg: We may proceed in approving lots including lot 5

Town Planner: yes

S. Strojny: gave a brief overview of the bigger project that was part of the Hampton Inn project for the new Board Members which included topography, drainage, lot size, lot coverage and preliminary process. Standard of review in our bylaws 2827, there are some criteria they have to meet for relief in which they have met 2 particular criteria which are 2728 A & B Mixed use development and pedestrian usages. They clearly meet or exceeds the criteria of Sections 2827 A & B, 2838 and 2840 from our bylaws.

E. Brown: asked a question about the frontage requirements, both Chairman Clegg and S. Strojny commented, discussion followed. No further discussion from the Board.

Public Comments

Karen Machachlan Abutter – 19 Perry Ave

I have my concerns that they are asking that the lots go in the opposite direction, is it because they want to maximize the hundreds of people living in condos in that area and not bring in retail or shops in that area?

Chairman Clegg: are you concerned that is more residential and not commercial?

K. Machachlan: yes that is partly my concern, with Perry Ave being the frontage on this project, my fear is that Perry Ave will become like Main St. I was also hoping they would bring commerce on to the true Main St.

J. Longo: I have been working on the project for about 3 years and our intent was and still is to bring in mixed use commercial, retail and residential. To bring in growth to Main St. Buzzards Bay. Discussion followed on their intent to see the project move forward.

S. Goldstein: asked where on Perry Ave Ms. Machachlan lives she lives and if she is looking for relief.

K. Machachlan: stated she lives at 19 Perry Ave and stated she would like to see downtown come in to fruition first and I don't want to be engulfed by hundreds of people, agrees the view will be stunning.

J. Longo: public access was addressed and is accessible from Main Street. Discussion of parking pursued.

E. Brown: stated she feels the access from the Canal to Main Street will bring people in to the business located there.

Mr. Strojny made a MOTION, Seconded by Mr. Doucette to Approve Special Permit #05-2017 with the following conditions: The Definitive plan must be modified to include lot 5 as shown on the plan submitted with this application dated May 5, 2017.

VOTE: Roll call vote as follows:

Mr. Strojny – yes	Ms. Goldstein – yes	Ms. Brown - yes
Mr. Gallo – yes	Ms. Azarovitz - yes	Mr. Grant – yes
Mr. Doucette – yes	Mr. Clegg - yes	Mr. Gendron - recused

3. Request for Release of Covenant: Lot 1, Kendall Court

Chairman Clegg: Town Planner do you have any comments

Town Planner: this a typical lot release, he has conditions on his definitive regarding building out the road so you can use the other lots as a surety and do not need a cash bond at this time

S. Strojny: Agrees with the Town Planner.

Discussion followed regarding the name of the street, Kendall Court.

Motion by S.Strojny to release lot 1, from covenant subject to the definitive plan and conditions

Seconded by D. Doucette, Voice Vote ayes have it, Motion passes unanimously

Other Business

Mr. Gallo: led a discussion regarding the concerns of storm water management and to educate the Board on the evolvement of catch basins. Rain Gardens catch the water like a catch basin that sends it back underground to an infiltration system that far exceeds what a catch basin could do. Older catch basins could clog up and fail. Mr. Gallo asked the Board to be a little more open minded when they see plans for rain gardens. Rain gardens are very heavily planted, not a mosquito breeding ground. Discussion amongst the Board followed.

Public Comments

J. Mulvey: stated this is based under the Clean Water Act of 1972 and the Phase 2 Storm Water Management, this is not a new concept they have been experimenting on them for a few years now. Design of the Rain Garden is key, as well as maintenance you must be very careful of the plantings used.

S. Strojny: agrees with Mr. Mulvey, stated there are over 150 species of plants going to be used for the Hampton Inn.

No further discussion on the rain gardens.

Chairman Clegg: according to information our next meeting is June 22, Two projects McDonalds and Katie Marie Drive Stanley Steamer.

W. Grant: stated that he is unsure if McDonalds will be ready to be put on the Agenda.

Chairman Clegg : thanked L. Gallo and S. Strojny for their input at tonight's meeting and asked W. Grant to mentor the new Board members on the process. Questioned if the new members picked up their plans from the Planning Board Secretary as they have rules and regulations that need be reviewed.

On a motion by D. Doucette and seconded by S. Strojny to adjourn the meeting at 8:18pm Voice Vote, ayes have it. motion passed unanimously

Respectively submitted,

Tracy Sullivan