

PLANNING BOARD MEETING MINUTES

February 22, 2018

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

ABSENT: Steven Strojny

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: James Mulvey, Tom Guerino, Steven Good, Bill Kelley, Wendy Haynes, Bill Cavanaugh,

Ann Gutterson, Recording Secretary

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

Mr. Grant made a MOTION to take business out of order. The MOTION was seconded by Mr. Doucette with all in favor.

Public Hearing for Site Plan Review/Special Permit #10-2017: Good Builders. 21 Foster Howard Rd. For a 7,000sf building with contractor bays/offices.

Chairman Clegg: We heard this at the last meeting but because of a flaw in the notice system, we are hearing it again.

Steve: We will have a curb cut on Foster Howard Rd. and Rt. 28A. Parking for the people using them, no outside storage with a complete and extensive landscape plan.

Ms. Brown: It's for general contractors, similar structures nearby. Very impressed with the project as presented. Area of focus was the siting and architectural look. Slight change to drainage and drive. Talked about maybe adding a cupola.

Chairman Clegg: The state won't approve until after the Planning Board does.

Ms. Goldstein: What's the rationale behind the Rt. 28A curbcut?

Steve: Ease of use of the lot. More will most likely use the 28A access. The Fire Dept. likes to see entrance and egress.

Jen Copeland: Tier 1 documents need to be given to the Fire Dept.

Ms. Goldstein: Did they require or did they like it? What size trucks can fit in the site?

Steve: Anything smaller than a tractor trailer can access the site 24/7. Need to look at the other buildings, accessibility all around them, and this lot wouldn't allow for that.

Public Comment:

Bill Kelley, Rolling Oaks: Our development is across from the entire 4-lot parcel. Originally developed in 1987 but nothing done. We are one block beyond the entrance to Lot 33. 16 residents on our street. We've benefited from the buffer along 18A, always a wooded area, gives a more residential feel, mitigated noise and visual aspects. The design for the lot will have a major impact on the residential feel of 28A. Asking to consider some changes:

- Issue with the need to have large access into a non-retail lot. Foster Howard is already a very commercially developed street with automotive facility and large storage building similar to this. My feeling is there is not a need to provide an access off 28A for 6 contractors. Design it so a truck can turn around. If 28A isn't developed, it will keep the privacy/buffer for us and the value of our properties.

21 Foster Howard Rd. Cont'd:

- How the building is situated on the lot: Building is on the North side of the lot, move centrally visible from 28A if on the other side of the lot would reduce visual impact/footprint from the residents.
- Will the builder come back and request an entrance on 28A? Are any necessary with an existing paved road (Foster Howard) without having as much impact on the residents in the area? Bigger, wider opening. Take the money from extra landscaping and improve the access on Foster Howard and preserve the existing buffer on 28A.

Steve: The building is situated so all activity is in the front, away from the neighborhood. It also gives more area to landscape/buffer. Activity would be similar to what I have now at my other building on County Rd. behind the dance studio. Very little impact to traffic. I don't have control over the other lots. If there are 3-5 cars in the lot, a truck would have to make an 18 point turn to go back out onto Foster Howard Rd. Would be very limited with one egress. I don't want it to be an eyesore. I'm not going to cut down what the State doesn't want down.

Coreen: The total width of Rt. 28A is 80'.

Ms. Goldstein: Along 28A there are two stakes with orange, is that where the curbcut will be?

Steve: I don't know, it could be a lot line.

Ms. Goldstein: Across from Getty Lane.

Chairman Clegg: Those could be from the subdivision plan.

Mr. Kelley: This lot is in the middle.

Chairman Clegg: We can only deal with the property in front of us now.

Mr. Kelley: This is 1 of 4 lots. Keep in mind future driveways.

Chairman Clegg: MA Dot will be the ultimate decider on any curbcuts on 28A. Less likely to allow a curbcut on the two lots near the light.

Coreen: Curbcut is the technical term for a driveway, etc.

Mr. Kelley: Not necessarily larger/wider?

Ms. Brown: No. Just means cutting the curb.

Mr. Kelley: Said very intermittently used. If no 28A access, maintain the tree buffer. Don't see any reason to landscape on Foster Howard Rd. No 28A access would be much more acceptable to the 16 residents of Rolling Oaks.

Wendy Haynes, 2 Rolling Oaks: We are the most affected by this. I echo Mr. Kelley's concerns. We purchased in 2004 for a quiet feel. Troubling that some sort of development will affect the value of our houses. Not opposed to the development, mostly the curbcut.

Chairman Clegg: You are aware that the strip is zoned commercial?

Wendy: Yes.

Bill Cavanaugh, 4 Rolling Oaks: Your other building does it have separate entrance /egress?

Steve: It doesn't, but it has a large parking lot to turn around then back down the by the building. It's a totally different layout. I'm not planning on tractor trailers. I don't know who the tenants will be.

Ms. Brown: When I mentioned trucks, I was referring to fire trucks.

Ms. Goldstein: Your dumpster truck, do you have a dumpster business?

Steve: No. Dumpster truck is for my construction business. Not saying I couldn't turn it around. A lot of thought was put into this design. My truck would be a middle size. I go out of my way to not keep anything outside.

Chairman Clegg: Compared to a Dunkin Donuts, this is benign traffic.

21 Foster Howard Rd. Cont'd:

Steve: Cars will be parked there.

Chairman Clegg: Parked vs. coming and going constantly.

Mr. Gallo: We've always been up against residential vs. commercial. He's met all the bylaws.

Mr. Grant made a MOTION to close the public hearing. The MOTION was seconded by Mr. Doucette with all in favor.

Mr. Doucette: Any truck stored in the building increases the fire load.

Ms. Azarovitz: I'm familiar with his other building and it's not a hindrance to the residential behind it.

Ms. Brown: He's proven to be good to his word. This area will be developed.

Ms. Brown made a MOTION to approve subject to the following conditions:

- Prior to issuance of an occupancy permit, an As-Built plan must be submitted to the Planning Board showing all appurtenances above and below ground.
- Tier 1 documents must be given to the Fire Dept.
- Water line access must be off Foster Howard Road

The MOTION was seconded by Mr. Gallo. Roll call vote as follows:

Mr. Gendron – yes

Ms. Azarovitz - yes

Ms. Goldstein - no

Mr. Grant – yes

Ms. Brown – yes

Mr. Gallo - yes

Mr. Doucette – yes

Mr. Clegg – yes

Mr. Strojny – abstain

BACK IN ORDER

Public Hearing for Special Permit #06-2017: Cont'd from 1/25/18: 1077 County Rd. Rose Kozaryn Living Trust. For more than four horses, indoor riding arena and associated site work in a Water Resource District.

Chairman Clegg received a request to continue to April 12, 2018 asking for a 45 day extension.

Mr. Doucette made a MOTION to continue to 4/12/18. The MOTION was seconded by Mr. Grant.

Ms. Goldstein: Do these continuances get granted automatically?

Chairman Clegg: We don't have to grant. There are strong efforts underway to resolve this case. I was asked to attend a meeting with Mr. Goss and BCT. They are trying to get a resolution within 30 days. I suggested he withdraw the application. Nagle felt not at this time. If no resolution in 45 days, tell Nagle to move forward with the hearing.

Ms. Brown: If we don't want to allow for the continuance, what happens?

Chairman Clegg: We tell him a date when he'd have to appear. If major things occur, I'll let you know.

Vote: All in favor.

Request for Temporary Occupancy Permit: 3 Technology Park Dr. CDS.

Nobody appeared for this.

Coreen: I think a form needs to be filled out and put the contact person/information, timeline, what is left to be done, etc.

Informal Discussion: Proposed marijuana bylaw.

Tom Guerino: After the ballot initiative, legislature adjusted voter referendum and made changes. Opportunity for city/town to opt out. Towns that voted against would need to go to Town Meeting and have a vote to prohibit. The Attorney General's (AG) office established a Cannabis Control Commission effective 4/2/18. They will start taking applications and they suggested having all ducks in a row prior to that date. Once application is made to the CCC. Laws/regs of city that are in place at the time of an application are in effect. If not regulation and an application is put forward, then there is no regulation on the books. Recommendation: The current moratorium is in place. Brought before the Board of Selectmen, if they choose to bring forward to Town Meeting, would do a zoning and general bylaw. Looking at having a special town meeting on 3/26/18. Licenses: There are 9 liquor retail establishments. The Town can limit the number. Local option tax up to 3%. Meals tax brings in \$400-\$500,000 a year, we think this would be similar. This has been passed by Town Counsel.

Coreen: Timing issue. Town Counsel suggested to have the hearing on our 3/22/18 meeting.

Chairman Clegg: Does this as proposed fit into our bylaws? Need any change to the use table?

Coreen: It should, people usually go to the table not the text.

Ms. Brown: Will there be discussion on what parts of town it can be in?

Chairman Clegg: No. Before it comes to us in a public hearing.

Ms. Brown: What happens if we don't do this?

Tom: If the Town says No, then the current zoning bylaw stands. No prohibition and would be an allowable business. The town has approved medical marijuana. Town did a letter of support and is front of the Board of Health. We had a recent meeting with the proponents. This deals specifically with recreational sale.

Mr. Doucette: One zoning and one general bylaw. Simple majority or 2/3 vote?

Coreen: If it's a Selectmen article, will be forwarded to the Planning Board and the Board votes to support or not then makes that recommendation at town meeting. You may not agree but you don't change the article.

Tom: If it fails at town meeting, then the Selectmen would look at a number of issues provided in the law. From a citizen petition to allow, would nullify the previous action. The Selectmen will make a recommendation if there will be a Town Meeting or not on 3/26/18.

Mr. Grant: People want to know the possible revenue.

Tom: Would need more in-depth discussion. Holding a forum and need to be provided that information and will be made public prior to a vote.

Mr. Grant: That will be a spirited back and forth.

Chairman Clegg: Will public comment be allowed?

Tom: That's up to the purview of the Chair.

Mr. Grant: All that's put before us is a ban, not two choices.

Ms. Brown: Concern about the CCC status. We wanted a moratorium, why isn't this time limited?

Tom: this is what's been suggested by Counsel and some in a number of other communities.

Chairman Clegg: How many towns on Cape voted to ban?

Tom: A number of towns; Falmouth, Sandwich, Mashpee is pending, Harwich is going to vote. The original town (West or East Bridgewater) and metrowest communities followed. Information on the MA Association of Planning – APA and the CCC site, also CMRCP.org.

Coreen: If it fails the moratorium is in effect until November 18th. Town Counsel says that many not be enough to prevent.

Mr. Grant: The Cape Cod Times on 2/20/18 said Chatham was split. The Selectmen recommended and the Planning Board rejected.

Coreen: If the zoning bylaw fails, the general could pass.

Mr. Grant: The AG hasn't taken a position if a general bylaw would be effective.

LCP subcommittee charge letter

Chairman Clegg: On 1/25/18, we took a vote to establish a subcommittee. I realized after that had a slight technical error. We are an assembly and we appoint committees, not sub-committees. I just wanted to correct that.

Mr. Grant made a MOTION to establish a Local Comprehensive Plan Committee consisting of four (4) members of the Planning Board with the Town Planner serving as ex-officio member. The Committee is charged with responsibility to complete the ten-year review and revision of the entire LCP as required by Cape Cod Commission regulations or presentation to Town meeting. Appointed Committee member are Board Vice-chair Steven Strojny, Elizabeth Brown, Daniel Doucette and Jeanne Azarovitz. The MOTION was seconded by Mr. Gendron. Roll call vote as follows:

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

Chairman Clegg: They can have a facilitator, and a strong involvement with town officials and the community.

Committee Reports

Mr. Doucette: The CPA applications are in the process of being looked over informally. We will set up a public hearing soon.

Ms. Brown: the Open Space draft plan appendix G, and ADA upgrades.

Mr. Doucette: It's before the CPC.

Mr. Gendron: I will not be pulling nomination papers. My company just received a contract to do 36 hospitals nationwide.

Chairman Clegg: You have brought a skillset to the Board.

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Mr. Gallo with all in favor. With no further business before the Board, the meeting was adjourned at 10:20pm.

Respectfully submitted,
Ann Gutterson