

PLANNING BOARD MEETING MINUTES

October 25, 2018

PRESENT: Elmer Clegg, Steven Strojny Daniel Doucette, Jeanne Azarovitz, William Grant, John Carroll, Lou Gallo, Sandra Goldstein, Elizabeth Brown

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: Jim Mulvey, Ford O'Connor, Gary Labrie, Mark Ricciardi, Robert Ricciardi, Peg Laurover, Bill and Debbie Perry, George Rucher, Ann and Eric Erickson, Andrew Singer, F. Cichowski, Linda Zuern, and other members of the public

Chairman Clegg called the meeting to order at 7:07pm.

Project Follow-up: 790 MacArthur Blvd. Campbell's Boat Works. Landscaping.

Ms. Azarovitz: There were four trees planted in the last two days. The stipulation of the decision was they be 3" caliper, they aren't. There is sod going right up to the tree base, no mulch. Longevity of these trees is a concern. Need something else there to augment.

Chairman Clegg: January they were in front of us and were granted waivers from the original plan.

Ms. Azarovitz: They are pear trees, same as along the fence. They should be planted in a way they'll survive. If sod is removed and the area mulched it's a good first step. Trees look like a 1.5" caliper. 3" usually has a four foot root ball and are 15' high and need a sizeable hole. Big difference. Suggest if sod removed and some shrubs and perennials to dress it up as opposed to changing the trees.

Chairman Clegg: I think we need to stick to the letter of the law; planting in a proper manner for long healthy life is the way to go.

Coreen: Section 3516 of the bylaw, is the provision for maintenance. Enforcement condition from the building inspector.

Ms. Goldstein: Are they fruit bearing trees? That will attract animals to eat the fruit, don't want it dropping to the ground.

Ms. Azarovitz: They were planted today, utilities and gas lines are my biggest fear. Doesn't look like they called Digsafe. These are close to utilities.

Mr. Grant: If they are supposed to be 3" caliper and they aren't, they should be required to put them in. I don't see as a close issue, they are not in compliance. Section 1240 violations of site plan review confirm with the building inspector of compliance if in violation – 7 days to appear before the Board and take appropriate action. Would be helpful if owner is here and tell us about the trees.

Ms. Azarovitz made a MOTION to write a letter to the building inspector with the notice of violation.

Ford: You got four new trees. You wanted two new and two old. If they die, they have to be replaced.

Mr. Grant: There are quite a few that are dead.

Ms. Azarovitz: They aren't 3" caliper.

Chairman Clegg: Backed off of original site plan requirements considerably regarding landscaping along the front of the building along MacArthur Blvd. We have gone further than we should have and should move forward with enforcement.

The MOTION was seconded by Mr. Grant.

Ms. Brown: Desire to improve MacArthur Blvd. in general. Landscape compliance is part of that. Think they need to comply.

790 MacArthur Blvd. Cont'd:

Chairman Clegg: Multiple members have commented favorably on the grass or our minimum standard with a requirement for landscaping 15' back from pavement. Got a temporary occupancy permit. Applicant said the bank needed the final occupancy permit and we agreed to give waivers so they could get that.

Mr. Grant: We granted in haste without full plans.

VOTE: 8 in favor, 1 opposed.

81P: 340 MacArthur Blvd. 1 lot.

Chairman Clegg: 81P Section in the State Control Regulations. ANR goes to the registry and give assurance that it's a legal lot.

Dan, attorney: They are under an option to lease to operate a business.

Chairman Clegg: The 21 day clock doesn't start until an appropriately completed application is on file.

Coreen: An 81P can create lots if it has frontage, access on an approved way. Very narrow focus on what we look at. It meets the minimum requirements.

Chairman Clegg: In the ANR handbook, it's spelled out what we can and can't do. If we can't find it requires a subdivision, we are required to approve.

Dan: Filing for a use freezes it for 3 years. This is a perimeter plan that protects development rights and against zoning changes.

Chairman Clegg: They want to protect the use before they make the investment. This is not a public hearing, we are not obligated to open to the public. Due to the nature of the business, I'll invite public comment, but restrict it to ANR comments only.

Bill Stafford: The requirements have to have Bourne code zoning, on 10/1/18 Bourne said it can't have adult marijuana, the application specifically states it is. Asking you don't endorse.

Chairman Clegg: Medical and retail. Your letter. Reasons we might want to pass the bylaw because you might be subject to exposure. Whatever is stated on the application is for information only and not part of the decision. They could have said they were going to have dog fights and we couldn't deny.

Mr. Strojny: The only zoning bylaw that applies is frontage. If undersized but had frontage, we'd have to grant, but would be denied with a building permit. The use end is a fight for another day, it's not in front of us. Not a determination with zoning and stamp the plan. Very limited to what we can do.

Chairman Clegg: If the Haven Group goes forward, they will have to come back at least for site plan review. That's when we focus on the zoning bylaws to the intended use. We are merely approving the perimeter of the lot saying it doesn't require a subdivision.

Linda Zuern: What kind of bylaw changes will affect this?

Coreen: Use protection only. Any other changes are not protected.

Mr. Strojny made a MOTION to approve with the stamp. The MOTION was seconded by Mr. Gallo with all in favor.

81P: 79 Barlows Landing Rd.

Ms. Goldstein: Creating two lots, 7 and 8, by combining lots. MOTION to approve. The MOTION was seconded by Mr. Doucette.

Coreen: Combining lots 2, 3 and part of 6 to create lot 7. From 3 lots to 2.

All in favor.

Public Hearing for Site Plan Review/Special Permit #06-2018: 79 Barlows Landing Rd, LLC. 79 Barlows Landing

Rd. Construct a 8,983sf addition to existing building, upgraded landscape, drainage, parking.

Andrew Singer, attorney: Industrial use, construct an 8,983sf addition to the east side with landscape, drainage and parking.

Chairman Clegg: How big is the existing?

Andrew: About double the size. This is to bring more of the business inside and have less impact on the environment. Be more efficient and safer to keep inside. Improve the business, not an expansion.

Better for the neighborhood and water dept. No changes to buffers on the west, south or east. Front a small change with some additional truck parking but still a buffer. New fire lane on the back of the building. 2012 grandfathered. A large portion is gravel, one section is paved with drainage. Maintain paved parking and add a 15'x120' area for commercial vehicles. Allow remainder as is, which is gravel. We will get the size of the gravel area to be maintained to you.

Coreen: We need that number for any future development.

Andrew: Originally approved in 1998. A parking waiver is needed, 33 required, we're providing 29.

Continued use is allowed, the addition will be on a previously disturbed portion of the property. Road setback of 30' will remain the same, enhancing landscaping at the entrance, drainage, erosion, silt, will be controlled. 12 vehicles for the new area, 17 spaces outside of fence, 9 employees. More than adequate parking. Fire lane goes around the building and is ok with the Fire Dept. Septic is being upgraded. Might get quieter with more work inside.

Ms. Goldstein: Visited the site and parked out front. Noticed on the left more pavement and parking on that side if needed. Adequate parking. Thank Mr. Ricciardi for the tour, makes a lot of sense to move inside. Better for them, less noise outside. Adding arborvites to the entrance. Still 40' of natural cover in front of the new parking area.

Coreen: Received the stormwater plan today and signed with O&M. Engineer signs off. Not over an acre disturbed, doesn't need peer review. Lots of the runoff goes into the ground. Conservation doesn't need anything.

Chairman Clegg: To the south is Lily Pond, is the buffer adequate?

Ms. Goldstein: Will look the same. I'd say it's adequate. 120' minimum buffer there.

Chairman Clegg: Many years mining sand from there. Is it mixed or imported? – All mixed.

Mr. Ricciardi: It started as a sand pit in the 60's and that use continues.

Andrew: The sand mining will be on lot 8.

Chairman Clegg: How many more years of mining?

Mr. Ricciardi: As long as we have sand, then we'll haul it in.

Fran Chikowski, Lily Pond: Pleased the tree buffer is staying the same. Google earth shows the tree line ends 115' from the building, 100' on the eastern side, wider in the middle.

Andrew: Grade will remain the same.

Coreen: Trees and wetlands are west of Lily Pond with some upland, all residential.

79 Barlows Landing Rd. Cont'd:

Ms. Goldstein made a MOTION to approve with the finding that it's not more detrimental. The MOTION was seconded by Mr. Doucette with all in favor.

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

1. An as-built site plan depicting final locations of all structures and site-related appurtenances must be submitted and approved by the Planning Board or its representative before the issuance of an occupancy permit.
2. The applicant shall provide a map depicting the area and calculations of the alternative surfacing before a building permit is issued.
3. The applicant/owner shall be responsible for maintaining the stormwater system in a clean and well-functioning condition, and shall do nothing to which would alter the drainage patterns or characteristics as shown on the plans as approved by the Planning Board.
4. A salt alternative should be used to treat paved surfaces instead of salt as stated in the Pollution Prevention section of the Stormwater report.
5. The site is located in a Water Resource District and is subject to the prohibitions and limitations of Section 4700 of the Zoning bylaw. A copy of this section shall be part of any lease and shall be posted in a place easily visible by employees.

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

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

Committee Reports

LCP: Mr. Strojny stated the workshop is set for 10/27 from 10-12 for public input. About 37% of the existing plan has been accomplished.

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

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

Respectfully submitted,
Ann Gutterson