

PLANNING BOARD MEETING MINUTES

September 12, 2019

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

ABSENT: Elizabeth Brown, Lou Gallo

STAFF: Jennifer Copeland

PUBLIC: Don Bracken, Jim McGlaughlin, Jim Mulvey, Zac Basinski, Noreen Michienzi, Chris Farrell, Jennifer Cheyne, Kim Kayne, Sam Haines, Keith Galizio, Laurie McLaughlin, Peter Luciani, Stephen White, Fred Carbone

Chairman Strojny called the meeting to order at 7:02pm.

81P: 3 & 5 Red Brook Pond Dr. 1 lot.

Mr. Carroll: Combining lots, wooded and close to the pond. There is a drainage easement on the lot line.

Zac: They are two undersized lots and are already merged, just want it shown as one to sell.

Mr. Carroll made a MOTION to endorse. The MOTION was seconded by Mr. Doucette with all in favor.

184 & 186 Williston Rd. 2 lots.

Jennifer: Approved as a back lot, equal exchange of land.

Mr. Grant made a MOTION to endorse. The MOTION was seconded by Mr. Doucette with all in favor.

Discussion: New Stormwater Regulations. Sam Haines, Conservation Agent.

Sam Haines, Conservation Agent: This is part of the MS4 program which is an EPA mandate. Impaired waterways are forcing us to clean up. Fix problems before they happen with this bylaw. Will require more peer review and monitoring during the construction phase which we haven't really done. Treated on site or before it leaves the site. This is for one acre or more in size of alteration. Originally was supposed to do in 2003, we are a little behind.

Chm. Strojny: Just concluded the LCP and water quality is a big priority. Applaud your efforts. What is the issue with Buttermilk Bay?

Sam: Nitrogen, bacteria pathogens. Every water body has some impairments.

Mr. Clegg: Hen's Cove has lots of upland runoff.

Sam: 80% nitrogen from septic systems. Waste water possible? Look at systems, dog runoff/waste. Everything you do ends up in your water. Have more denitro systems.

Mr. Clegg: McDonald's on MacArthur Blvd had to do major work on that site as water was pooling on MacArthur Blvd. Will you be doing after construction monitoring?

Sam: Long term O&M plans that can be tied to a site.

Chris Farrell: Buttermilk Bay – Bourne, Wareham, Plymouth all go in there. Bogs in Plymouth that runs in there. Red Brook comes from Plymouth too. Working with the other towns?

Sam: I work with Wareham, they are sampling now. Everyone will require these bylaws. DEP/EPA are the regulatory authority. All urbanized towns in MA are required to do this.

Chris Farrell: What happens if they don't meet the mandate?

Sam: Fined, prison time, the EPA can take over the program.

Ms. Goldstein: How is the State monitoring?

Sam: Spot checking, we file annual reports, they have an audit system.

Mr. Grant: How does it relate to the 208 (groundwater) plan?

Sam: Separate portion of the water quality act. This deals with surface water.

Request for Occupancy Permit: 85 Main St. Buzzards Bay Brewery.

Chris Farrell: Everything is done inside, the Fire Dept is coming back Friday. Electrical final is done. Roger had a couple things that needed corrected. The fire alarm is set. Hope to get done before Saturday so they can move forward.

Chm. Strojny: Spoke to Roger Laporte today, if all inspections pass, he's ok to issue a temporary occupancy permit for 90 days. The larger project will be in front of us again. Any further changes bring to the Board before making them.

Mr. Clegg: The application we approved covered 85-93 Main St. Parking, do we separate it out per unit?

Chm. Strojny: Address parking next month when they are in front of us.

Mr. Carroll: Occupancy permit is just about occupying the building. Let's let parking be separate.

Chm. Strojny: Might be a nice test run of the project.

Chris F.: Grading started today, start paving on Tuesday weather permitting.

Mr. Grant: One project, significant changes since we approved. Addressing again on the 10th. To create one unit seems inextricably intertwined. Approved plan wasn't followed and it's not even paved. Don't see a compelling reason.

Chm. Strojny: Roger said not unusual to roll out in phases. Not setting precedent. Changes aren't detrimental. Invested a lot of money in this project for downtown development. Getting a tenant, people will find a way there.

Mr. Grant: Putting the cart before the horse, Building Inspector can issue the OP with the Planning Board plan. We decide if it's significant not the Building Inspector. New parking requirements changed, not his role, ours.

Chm. Strojny: All legitimate issues and I still have no objection to one unit.

Mr. Clegg: Mr. Michienzi should have come back on the changes he made. When develop a multi-unit project, he has a tenant and is well along to get in and produce revenue. Not all units ready at the same time. Partial OP when those conditions exist.

Mr. Doucette: Number 85 is one of the four units and not affected. Canal day didn't have the parking, people found their way down there last year. Think this will work.

Ms. Goldstein: Lots of the parking was waived, idea was to get this moving. The plan wasn't followed.

Chm. Strojny: The Building Inspector welcomes our guidance. HE asked for an opinion of the Board. Do you oppose the issuance of a 90 day temporary occupancy permit for this unit only?

Six do not oppose, one opposed.

Public Hearing for Extension of Special Permit #08-2006D: Cont'd from 8/8/19. 829 Scenic Hwy. Robert and Judith Tubbs. For a 6 month extension for two buildings of mixed use.

Atty. Chris Kirrane: The Planner didn't have a chance to read the P&S. Has been an issue with the title and that's why looking for an extension. If not extended, it's dead in the water.

Jen: We have the P&S, deliver of the deed had a date on it.

Chris: Deed is delivered 45 days with a building permit. Confident we can get shovels in the ground within six months. Working with the attorney on the other side about the lien. Came up after the P&S.

Mr. Clegg: Goes back to 2009. Environmental changes since, need to see a conclusion to this.

Chris: My client will meet current stormwater regulations.

Sam H: Received a two year extension about five months ago by ConCom. Not going beyond that date. It's old, concerned about stormwater.

829 Scenic Hwy. Cont'd:

Mr. Clegg made a MOTION to approve the extension for six months. The MOTION was seconded by Mr. Doucette. Roll call vote as follows:

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

Public Hearing for Site Plan Review/Special Permit #05-2019: Cont'd from 8/8/19. 100 Main St. Vincent Michienzi Sr. For renovation and addition with covered patio.

Zac: Removing on-site parking and gaining an extra space. There are seven on-street spaces. Required is 14 spaces, special permit for a 50% reduction and serving food outside, rear yard setback, unloading trucks in the right-of-way. Continue use of non-conformity on an undersized lot. Improving circulation. Increase on-site recharge. DRC approved. Have to go back for the patio.

Mr. Clegg: Loading/unloading is common to do from Main St.; trash: currently a dumpster on town property. Will change to 96 gal. barrels against the south side of building where the current shed is and will be fenced by a 4' fence open on the sides as per the DRC recommendations. Benefit – instead of a site integrated with the park that violates parking, now no parking. Sec. 2800 discourages exposed parking, that's impossible here. 2853 eating establishment, 9 spaces, 2854 approve the reduction. The Corps lot and lot behind are available for parking. If closing curb cuts, can grant the reduction. All sewered best with seating not parking.

Mr. Carroll: Concerned about it being detrimental with the new park.

Mr. Clegg: The patio, updated building, picture parents with the kids can see and use. Accessible from the park. Proposed a beautiful building, integrates better than what was originally planned.

Ms. Azarovitz: It's exactly what the DRC wanted.

Mr. Doucette: With the patio it looks like an extension of the park. Changes make it more compatible with the park. Patio and on street parking, relationship with sidewalk, keeps separated in an area with someone getting hurt with in increased use of the park.

Chm. Strojny: Tremendous improvement. Lot of hard work and thought in this plan. Love the design over what we first saw.

Mr. Clegg: Encouraged to maintain the existing roofline, it hasn't changed.

Mr. Doucette: Preexisting/non-conforming, can open another restaurant.

Mr. Clegg: Sec. 2600 isn't applicable, precedent in downtown.

Mr. Grant: It's a great improvement.

Chris: When I was on the Board and the Main St. Steering Committee, we looked at this building. The Town tried to buy it then. It wasn't for sale. This has been the blister on the back side of the park and now have an opportunity to fix it. If not approved, as it is will sit there. Closing off the curb cuts will eliminate some dangerous spots.

Mr. Carroll: Capitalizing on major investment by the Town. See point maybe best outcome at this point.

Mr. Clegg made a MOTION to approve subject to the following conditions:

- Final lighting plan must be submitted and approved by the Town Planner prior to issuance of a building permit.
- Submission of an as-built plan showing all above and below ground appurtenances must be submitted prior to issuance of an occupancy permit.
- Emergency access as per the Fire Dept.

- Any changes to the approved site plan or architectural plans must be approved by the Planning Board before being implemented on site.
- Design Review Committee approval of the patio, landscaping, and fence prior to issuance of a building permit.
- Trash containers to be screened with a 5' fence along the south property line.
- Improvements to remove two curb cuts and replace with granite curbing; addition of a 6' walkway; and defining seven parallel parking spaces (paint lines) is at the applicant's expense and upon review and approval of the DPW superintendent.
- On-street loading is allowed preferably on the east side.
- Certification from the Health Agent that the bathroom and grease traps are adequate before an occupancy permit is issued.
- Certification from the Conservation Agent that the revised proposal meets conservation regulations.
- Sewer Commission approval that the allocation is sufficient for flow.

The MOTION was seconded by Mr. Doucette.

Mr. Clegg made a MOTION to amend by stating the fence should be 4'. The MOTION was seconded by Mr. Doucette with all in favor.

Mr. Clegg: I feel very good about the process with the engineer and applicant.

Roll call vote as follows:

Mr. Doucette – yes	Ms. Brown – absent	Ms. Goldstein – yes
Mr. Clegg - yes	Ms. Azarovitz – yes	Mr. Gallo – absent
Mr. Carroll – yes	Mr. Grant – yes	Mr. Strojny – yes
Mr. Handy (alternate) - yes		

Public Hearing for Site Plan Review/Special Permit #08-2019: 227 Main St. James McLaughlin. Convert existing building to mixed use.

Don Bracken: Client bought a year ago, cleaned up, installed a fence. Was a single family, now gutted. Wants to put an addition on the rear and the front left to mirror the right side. The plan is for office on the first floor and two apartments on the second floor. Parking in the rear, 11 spaces. Will pave the lot and the driveway will be 18' wide. Still need ConCom approval. Will plan 6 street trees at 3" caliper and remove the existing tree. Trying to match the lights at the community building for continuity. Drainage on site, connect to sewer and installing a new water line. Adding a porch, need relief from Sec. 2838 façade. Not changing the grade.

Mr. Clegg: Would like a report from the DRC before we approve.

Fred Carbone, has done a great job already. The property next to Nicks is kept clean. Reducing bedrooms.

Peter Luciani: Brings a huge asset to the Town. Maintains his properties at a high level.

Keith Gilizio: Believe Main St. will be something one day, inspiration to all of us.

Steven White: Excited, he does a great job. He's a great asset.

Mr. Doucette made a MOTION to continue to 10/10/19. The MOTION was seconded by Mr. Clegg with all in favor.

Public Hearing for Site Plan Review/Special Permit #09-2019: 49 Herring Pond Rd. Donald Bracken Jr. To construct a mixed use building and reconfigure site and parking.

Don Bracken: Have owned the property for 14 years. This is for a 2-car garage with a 1 bedroom apartment above. Will have to add stairs to the back balcony for a second egress. Will file with ConCom, upgrading the septic system. The overall pavement area is being reduced, drainage is being reconfigured.

Chm. Strojny made a MOTION to approve subject to the following conditions:

- ConCom review
- Utilities shown on the site or asbuilt plan prior to issuance of an occupancy permit
- Lighting plan with fixtures submitted
- The line of disturbed work must be staked
- Board of Health approval of septic system adequacy

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

Mr. Doucette – yes	Ms. Brown – absent	Ms. Goldstein – yes
Mr. Clegg - yes	Ms. Azarovitz – yes	Mr. Gallo – absent
Mr. Carroll – yes	Mr. Grant – yes	Mr. Strojny – yes
Mr. Handy (alternate) - yes		

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Mr. Clegg with all in favor. With no further business before the Board, the meeting was adjourned at 9:45pm.

Respectfully submitted,
Ann Gutterson