

PLANNING BOARD MEETING MINUTES
September 15, 2016

PRESENT: Daniel Doucette, Stephen Strojny, Vincent Michienzi, Lou Gallo, John Howarth, Elmer Clegg, William Grant

ABSENT: Robert Gendron, Joe Agrillo

STAFF: Tim Lydon

PUBLIC: Ron Bello, Eleanor Wendell, Michael Conrod, Dennis Lonergan, Steve Ballentine

Ann Gutterson, Recording Secretary

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

Minutes of 8/11/16: Mr. Clegg made a MOTION to approve, seconded by Mr. Gallo, with all in favor.

8/25/16: Mr. Clegg made a MOTION to approve, seconded by Mr. Howarth, with all in favor.

Request for Release of Covenant and posting of Bond: Eustis Lane Subdivision. Release the 1 lot and post a bond.

Chairman Doucette: They submitted a quote for \$39,500 to get the road work done. The Town typically adds 15% and we hold that portion for up to three years then release.

Eleanor: We didn't anticipate selling the lot so fast, so we haven't had time to get the road done. The Lt. at the Fire Dept. said he had no trouble with the road. The property is closing on 9/30/16.

Mr. Clegg: Can we condition no occupancy until the road work is completed?

Mr. Howarth made a MOTION to release one lot and posting of a bond in the amount of \$45,425 and to hold 15% of that for up to three (3) years. The MOTION was seconded by Mr. Grant.

Mr. Clegg: When will the principal on the bond be released? – When the road is complete.

Eleanor: We plan on using the proceeds from the sale for the bond.

Mr. Strojny: I'm concerned about setting a precedent about posting the bond after the sale.

Vote: 6 in favor, 1 opposed.

Discussion: 41 Meetinghouse Lane. Ron Bello. Review of site plan: Dumpster location and planter placement.

Mr. Strojny: I worked with Ron. History; we recently approved a BBQ restaurant and there were some site issues: traffic flow, dumpsters, overgrowth into spaces. We conditioned it on a further review of the site. The growth has been trimmed back, the dumpsters are tricky. Each business has their own contracts. Ron will work to get them in the corral. The planter will be cut back to be even with the existing landscaping. I'm satisfied. He's been diligent. The building is in great shape. MOTION to put a letter in the file for the satisfaction of the special permit condition stating the conditions have been met and the Board is satisfied at this time and the dumpsters will all be in the corral by July 1, 2017.

Ron: The planter will be reduced in October, the dumpsters are already being condensed and have been pushed way back.

The MOTION was seconded by Mr. Howarth.

Mr. Clegg: I was approached by a resident and they heard one common dumpster.

Ron: the problem with that is each tenant has a different output of trash. Cardboard vs. trash, it's a tough sell. I discussed it with the tenants. There can't be one big enough for everyone.

We have no recycling program. The Town used to have a cardboard pickup program, but no longer. The businesses aren't interested in recycling.

Vote: All in favor.

Access Determination: 0 Freeman Lane

Dennis Lonergan: I received a letter from the town of Sandwich stating it doesn't trigger anything they can see for them. I have a letter from the Bilodeau's and they're not opposed. I'm going to respect the property and the road. The stone wall will stay intact. I talked to M&W about the solar farm asking if they'd put a line of privet hedges along the border on their property.

Chairman Doucette: The DPW has stated there will be no Town services: trash or plowing. Trash will have to be brought up to Sandwich Rd.

Mr. Clegg: The stone wall in Bourne, is it contiguous?

Dennis: It's spotty. Once it's cleaned up we'll know better. The main historic wall is on the Sandwich side.

Steve Ballentine: I have concerns about the status of the Lane, it's not really a road, it was never made for access to anything. It began as access to a farm. When Bourne was incorporated, the original driveway was the starting point and they did a straight line as the Town marker/line. The BCT line goes to the outside. Do they need a waiver of the subdivision regulations?

Coreen: I've done research on this and the line was established for a division of the Towns. It's always been known as an unofficial road and is shown on 3 plans that are recorded at the Registry. It's not a subdivision road. If the land was sub-dividable, it would have to be brought up to standards. It's use as a right of way/traveled way within a right of way was made when the towns divided. Improvements to the road are up to the Board. I know there are some concerns, clear understanding, will do work on the Bilodeau property, just how much he can improve the road without going on other properties.

Dennis: I'm building one house. The road will be an easement really, will be maintained as a country road. There is very little I have to do: remove 2 dead trees, vines, overgrowth. It's not really a road with drainage, etc.

Chairman Doucette: Typically, we allow one house for a drive. If the property is subdivided, then the road would be brought up to subdivision standards.

Dennis: Two buildings, a barn, which we'll be living in temporarily and a smaller house. I have no other plans for the property.

Mr. Clegg: Is anyone paying taxes on the "drive"?

Coreen: It's not separate. It was 3 lots.

Dennis: BCT is on the left in front, part in Sandwich and Part in Bourne. The wall on the left is the old boundary.

Mr. Clegg: When BCT acquired the property, what access did you include in that property?

Steve: The neighborhood uses paths through the Bilodeau land. Nothing on the deed showing use of the right of way.

Coreen: The deeds of four properties always called it Freeman Ln, an ancient way established on a plan "in common with all others".

Dennis: BCT did beautiful paths back there, can't deny they use it. I'll put a gate at the beginning of my property.

Coreen: If the Board determined this wasn't a road or lane, it wouldn't be buildable.

Mr. Gallo: I almost bought this land in the mid 80's. It was Freeman Farm when it burned down, the power plant bought it and now it's a solar farm.

Dennis: The solar farm clear cut it all. Hopefully they want to be good neighbors and plant the privet hedge to block the tanks and the farm.

Mr. Howarth made a MOTION to approve with the stipulation they are not allowed to remove or relocate the stove walls, clear cut trees and need to keep the Freeman Lane name for historic value and there are no Town services down the road. The MOTION was seconded by Mr. Michienzi.

Mr. Clegg: After reading the BCT memo, does it fall under the Subdivision rules?

Coreen: We've come across this several times. One time we did a subdivision. We are not creating a lot here, just determining access. It would be an ANR if they had frontage and a subdivision if not. All it is, is access to an existing lot.

VOTE: All in favor.

Public Hearing for Special Permit #07-2016: Cont'd from 8/11/16. 1025 Sandwich Rd. to reopen a restaurant.

Coreen: I heard from the applicant yesterday. I wanted to do research on case law but he has to make the argument as there are different definitions of use. If he can declare the hardship, he can reestablish the use.

Mr. Howarth: The hardship was for the former owner.

Coreen: It's more of a reason why it wasn't used.

Mr. Howarth: Not a clean 21E, the gas spill was a long time ago.

Mr. Strojny made a MOTION to continue to 10/13/16. The MOTION was seconded by Mr. Clegg with all in favor.

Public Hearing for Site Plan Review/Special Permit #06-2016: 4 & 6 MacArthur Blvd. Cumberland Farms. For a retail store and gasoline sales/canopy.

This has been continued to 10/13/16

Mr. Howarth made a MOTION to continue to 10/13/16. The MOTION was seconded by Mr. Grant with all in favor.

Mr. Howarth made a MOTION to adjourn, seconded by Mr. Clegg with all in favor. With no further business before the Board, the meeting was adjourned at 7:56pm.

Respectfully submitted,
Ann Gutterson