

## **PLANNING BOARD MEETING MINUTES**

### **February 25, 2010**

**PRESENT:** Chris Farrell, Daniel Doucette, Doug Shearer, Don DuBerger, Dudley Jensen, John Howarth, Clement DeFavero, Peter Meier

**STAFF:** Dody Adkins-Perry

**ALSO PRESENT:** Paul Gately, Diana Barth, Jim Mulvey, Phil Herr, Ford O'Connor, Gray Curtis, Bob Schofield, Tahir Khan, Michele Ford, Sallie Riggs, Tudor Ingersoll, Phyllis Ingersoll, Mark Bartlett, Dante & Mary Jane Gallerani, Rich Prevett, Jean Langley, Gretchen Cross, Janet Black, Trude Sparks, Joshua Mark, Jeff Hamilton, Tom Wood, John Manning, Neil Langille, Dave Peterson, Jamie Conlon, Christopher Cross, Scott Zeien and many other members of the public

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Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:00P.M.

Mr. Meier made a MOTION to approve the minutes of 1/28/10. The MOTION was seconded by Mr. Howarth with all in favor.

**Request for Bond:** 1 Williams Ave. Jeff Hamilton. To post a bond for the remaining landscaping and receive a temporary occupancy permit.

Mr. Doucette stated an as-built has been submitted along with a check for \$2500 which covers the cost of the landscaping plus 25%. He also stated that Mr. Hamilton did a nice job on the site. Mr. Doucette made a MOTION to accept the bond for a temporary occupancy permit. The MOTION was seconded by Mr. DeFavero with all in favor.

**Public Hearing for Special Permit #02-2010:** 41 Meetinghouse Rd. For a restaurant.

Tahir Khan stated he wants to open a family sports bar. There will be food served from Atlantic Beach Pizza, a gaming area, and tv's. He needs approval from the Planning Board before he can apply for a liquor license.

Mr. Howarth reviewed this project. He stated he doesn't want it becoming another Dino's. What happens when the food fails? It becomes a dive bar. The back of the property is a mess with a storage trailer, dumpsters, etc. Wants it cleaned up. There is no issue with granting a parking waiver. The loading ramp in the rear is a safety hazard and it needs to be filled in or fenced off. The front parking lot floods with heavy rain. Drainage needs to be improved. Board of Health will recommend a new septic system.

Dody stated Tahir doesn't own the property. He can't be held to improve the entire site.

Mr. Howarth stated that if we don't fix this now, it will be too late.

Chairman Farrell asked if Tahir will talk to the owner about fixing the drainage and the loading ramp.

Tahir stated he will speak with the owner and the storage trailer will be removed in 10 days.

Mr. Howarth made a MOTION to approve subject to the following conditions: Meet Board of Health Regs, fix drainage in front, clean up the back of the lot, fill or fence loading area.

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

Mr. Meier – yes	Mr. Shearer – yes	Mr. DeFavero – yes
Mr. Doucette – yes	Mr. DuBerger – yes	Mr. Jensen – yes
Mr. Howarth - yes		

Mr. Doucette made a MOTION to take #5 - MCOB out of order. The MOTION was seconded by Mr. Meier with all in favor.

**Public Hearing for a Change to the Zoning Bylaw:** Marine Center Overlay District.

Ford O'Connor, Mark Bartlett and Scott Zeien.

Mark stated they have done the calculations for 5 title V systems on the hill if they were to put single family houses there. The wastewater system will help clear up the bay and keep it clean. The additional bedrooms on the hill are needed to make the system work. They will be able to take an additional 52 homes. A preliminary cost estimate to hook up would be \$15,000 plus a monthly or quarterly fee. Alternative systems run \$25-\$30K. A reduction of 71% nitrogen loading is shown just for the marina with the system. Not sure how many buildings yet for the condos.

Chairman Farrell asked: what is the design of the buildings? The plant? What is the tie in cost? who will build the road mains? How is it handled?

Mark stated Scott would build the mains, the State has many mandates that need to be met. The plant would be operated by a management company. The plant is an alternative for people if they didn't want to put in a new system. Some people's systems may never fail.

Mr. Howarth and Mr. DeFavero feel Cataumet is the wrong place to put condos.

Mr. DuBerger stated they are selling it as a way to save the bay. It's increasing his profit margin and is spot zoning, it's wrong. There are bad site lines along Shore Rd., zero setbacks, density is not consistent with the LCP. Think it's still possible if you didn't do the condos.

Chairman Farrell stated Phil Herr determined that it was not spot zoning and it is an expansion of an existing use.

Mr. Doucette stated he fully supports this. It's well thought out and planned.

Good for the environment, business and the residents.

Mr. Shearer stated Scott is in business to make money, like everyone. This is a chance to enhance the neighborhood and improve the water. The benefits extremely outweigh the negatives.

Mr. Meier supports. Let the people at Town Meeting vote.

Ford stated even if this passes, each project needs to come before the Planning Board, Board of Health for approval. The Handy house allows us to improve site lines.

Many of the abutters had questions about cost to tie in, who's responsible for a failure, is it expandable? General consensus of speaking abutters – in favor of proposal.

Expansion is based on technology. Rough cost is \$15,000. A management company will be responsible for everything.

Mr. DeFavero made a MOTION to not support this and not to send it to Town Meeting. The MOTION was seconded by Mr. Howarth.

Roll call vote as follows:

Mr. Meier – no	Mr. Shearer – no	Mr. DeFavero – yes
Mr. Doucette – no	Mr. DuBerger – yes	Mr. Jensen – yes
Mr. Howarth – yes	Mr. Farrell - no	

Mr. DuBerger left the meeting.

Mr. Howarth made a MOTION to take business out of order and to hear Old/New business. The MOTION was seconded by Mr. Meier with all in favor.

The ministry of St. Theresa's Church in Sagamore wants to use the property as a thrift shop for St. Vincent de Paul. They sell clothing for \$1-\$3 and donate clothing to the poor. Town Counsel ruled it would be an extension of the ministry and is allowed in a residential district. Hours are Thurs, Fri, Sat from 10-3.

Mr. Howarth made a MOTION that this is an allowable use. The MOTION was seconded by Mr. DeFavero with all in favor.

**Public Hearing for a Change to the Zoning Bylaw:** Wind Energy Conversion System.

Mr. Doucette stated that Coreen worked very hard. To section 2220 the residential component was added to the chart. Other changes were suggested. Dody stated the package should include the Coast Guard map that's in there now.

Mr. Doucette suggested having a handout at Town Meeting.

Bob Schofield stated the overall height includes the blades and to add overall height to RWES.

Mr. Doucette made a MOTION to continue to 3/11/10 to fine tune what we've been working on and to make sure it's consistent with the original. The MOTION was seconded by Mr. DeFavero with all in favor.

**Public Hearing for a Change to the Zoning Bylaw:** Bournedale Overlay District. 4 articles.

Sallie Riggs has been told there will be no exit 2.5 off of Rt. 25, so they need a Rt. 6 entrance for the panhandle property. The DCPC document needs to be revised. The process has been started by the Selectmen and the CCC will have a hearing then to the Assembly of Delegates for a hearing.

Review of the four articles was discussed with no changes.

Mr. Doucette made a MOTION to approve and send the four articles to Town Meeting. The MOTION was seconded by Mr. DuBerger with all in favor.

Mr. Doucette made a MOTION that Hotel, Office space and similar uses are considered commercial in the Scenic Development District (SDD). The MOTION was seconded by Mr. Howarth with all in favor.

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

With no further business before the Board, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,  
Ann T. Gratis

Attachments: Town Meeting Articles discussed.