

PLANNING BOARD MEETING OF MARCH 14, 2006

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Present – all members. James Holmes arrived at 6:32 P.M. Wayne Hayward arrived at 6:34 P.M.

Members Not Present – none.

Planning Director William Roth was also in attendance.

Chairman Fleurent – Discussed the events of the previous meeting and expressed his displeasure with how the meeting went. He stated that in the future everyone needs to act professionally and that personal outburst and attacks would not be tolerated.

B. Acceptance of Minutes – February 28, 2006

Albert Borges motioned to accept the minutes to the February 28, 2006 meeting. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

C. Planning Board Bills

1. Southcoast Media Group - \$299.00 – Knowles (3) - \$184.00 – Nextel & Carapace - \$57.50
Gary Staffon motioned to pay these bills. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

2. Tibbetts Engineering Corp. - \$478.84 – Carapace, LLC

Marinus Vander Pol motioned to pay this bill. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

3. Brown & Brown, P.C. - \$475.00 – Knowles (3)

Marinus Vander Pol motioned to pay this bill. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

D. Receipt of Plans - None

E. Approval of Plans – None

II. OTHER

1.) Alfred H. Robichaud – P & S of – New Boston Road

William Roth – This property, just north of Costa's Farm, is currently under chapter land and there is a buyer.

James Holmes – The Board of Selectmen turned this down last night.

William Roth – This would be a very contentious project.

Chairman Fleurent – I will entertain a motion not to purchase this.

Marinus Vander Pol motioned that the Planning Board finds no advantage in buying this land and there are no funds as well. James Holmes seconded. The vote was 7-1 (Wayne Hayward opposed) in favor. The motion passed.

Albert Borges motioned to send a letter to the Board of Selectmen telling them of the Planning Board's action on this and that the Planning Board is disappointed in the Board of Selectmen's not allowing the various Boards time to review and make their recommendations. Marinus Vander Pol seconded. The vote was unanimous in favor. The motion passed.

- Discussion ensued regarding the SRPEDD letter received regarding Chapter 40B housing and what cities/towns qualify.

II. PUBLIC HEARINGS

1.) Special Permit – Nextel – 72 Sycamore Street

William Roth – I am recommending that they review the project with you tonight and continue the hearing. The main issue is that the leased area is taking over 10 parking spaces. People taking buses to the casinos are parking off site within the street, which may be a sign that the onsite parking may not be sufficient. The issue of these buses going to casinos should be reviewed. There is also no lighting on the tower or the equipment shelter. There is no screening and they're subject to the Rivers Protection Act. That's not indicated on the plans. There's a host of issues to address. They need to go through my staff report and address the deficiencies. They want to dismantle the bus company's 80-foot lattice tower and erect a new monopole to accommodate Nextel's antennas and potential co-locators.

Thomas White (from Nextel) – We have addressed many, if not all, of the issues on our revised plans. We have addressed the parking. In the new plans, we created 10 new parking spaces further north. There's plenty of parking inside the facility.

Wayne Hayward – Why are you taking up the area of 10 spaces?

Thomas White – Because this is a multi-carrier tower and we need the extra area for the equipment of future co-locators.

Wayne Hayward – For future growth?

Thomas White – Yes. Also, the equipment and tower lighting is not required and won't be provided. We don't have problems with the recommendation for screening. I would defer to the board. We have a fence. If you want a fancier fence, we have no problem with that. We will have to go through the Conservation Commission because we're close to the river. That's not a problem. Space will be provided at no cost for the Police/Fire antenna. Utilities will be placed underground as feasible. There will be an 800 number on the accessory structure and will be provided to the Town.

Wayne Hayward – Can the tower be added to later to make it taller?

Thomas White – No.

Wayne Hayward – You said future use? Does that mean lower

Thomas White – Yes.

Gary Staffon – What time do you open?

Robert Hopwood (DATCO) – The day staff starts at 4:00 a.m. The regular staff comes on at 8:00 a.m.

Marinus Vander Pol – I would like to see a study of the existing conditions with a list of your changes.

Jeffrey Lucas motioned that the applicant not put in shrubs. Albert Borges seconded. The vote was 7-0 with 1 abstention (Marinus Vander Pol). The motion passed.

Marinus Vander Pol motioned for a conditional acceptance of the plans and a positive vote for a Special Permit conditioned that the applicant has no problem with the Town Planner's conditions. There was no second. The motion failed.

James Holmes motioned to continue the Public Hearing to March 28, 2006 and place it first on the agenda. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

Marinus Vander Pol motioned to close the Public Hearing. Gary Staffon seconded. The vote was unanimous. The motion passed.

2.) Special Permit – Carapace, LLC – 121 Alden Road.

William Roth – There are a number of issues and concerns with access on Bridge Street. There is also a concern with cars exiting Route 240 onto Bridge Street and the impact this new entrance would have. This is also a concern of the Police Chief. The Panagakos project nearby was approved with a condition requiring a future traffic at build out to be conducted by SRPEDD and, to be consistent, you may want to do the same. There are some engineering issues regarding stormwater. Tibbetts says they've addressed all but one and it's minor. There's no landscaping plan submitted. I don't think the sign they want to put up meets the sign code. I recommend the applicant continuing the hearing to addressing these issues.

Bill Madden (for Carapace) – We're building a 24-foot wide by 350-foot long access to property from Bridge Street. The boulders are for security. We are currently before the Conservation Commission. We are agreeable to a traffic study condition. This is a fairly straightforward proposal.

James Holmes – Are you okay with a right in and right out?

Bill Madden – If the Planning Board made that a condition, we'd have to live with it.

Gary Staffon – That pole has to be moved. The boulders should be pushed back.

Jim Lutz (owner of Alden Buick) – Customers come from far away. Most businesses have 2 entrances. This is a low traffic business.

Wayne Hayward – I would like to see him do a full site construction study to be fair and consistent.

William Roth – I recommend striping the circulation aisles, make them no parking.

Jeffrey Lucas – I think there needs to be some landscaping in front of the boulders.

Wayne Hayward – We need to look at the full build out.

William Roth – It's a Catch 22. That's not what they applied for. I can send it to SRPEDD if you'd like.

Gary Staffon motioned to send this application to SRPEDD. Albert Borges seconded. The vote was 7-1 (Wayne Hayward opposed) in favor. The motion carried.

James Holmes motioned to continue the public hearing at the applicant's request to April 11, 2006. Jeffrey Lucas seconded. The vote was unanimous in favor. The motion passed.

3. Zoning Amendment – Section 198.15 & 198.32.2

William Roth – The issue of special permit granting authority for some uses has come up with a recent application. Town Counsel reviewed the issue and made a decision that for use listed as requiring a Special Permit is under the purview of the ZBA. He says he wrote the code section and that was the intent; however, he acknowledged that it was vague in the code. I recommend you become the special permit granting authority for uses you have purview over with site plan review. Putting an applicant through two special permits for one project is redundant and not necessary. You already do it in docks and piers bylaw, cell tower bylaw, the Wetland Resource Protection District and Mixed-Use district. This amend would add the Business, Industrial and Park Districts.

Wayne Hayward – I'm okay with the code as Town Counsel drafted it.

Chairman Fleurent – We are an elected board. The Board of Appeals is appointed.

Gary Staffon motioned to recommend to Town Meeting the Bylaw Amendment as written. Jeffrey Lucas seconded. The vote was 5 in favor 3 (Dennis Vello, Wayne Hayward and James Holmes) opposed. The motion passed.

Marinus Vander Pol – But I don't think we should involve ourselves in less than 5 spaces.

Discussion ensued regarding the SRPEDD letter and the Home Depot project in New Bedford.

Albert Borges motioned to adjourn at 9:40 p.m. James Holmes seconded. The vote was unanimous. The motion carried. The meeting was adjourned.

Respectfully submitted,
James Pelland, Secretary to the
Planning Board