

PLANNING BOARD MEETING OF SEPTEMBER 12, 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 Not Present – Timothy Cox

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

Dennis Vello motioned to accept the minutes to the August 22, 2006 meeting. James Holmes seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills –

1. Southcoast Media Group – Ads - \$276.00 – Mariner Estates (2) & Bufftree (2)

Gary Staffon motioned to pay this bill. Dennis Vello seconded. The vote was unanimous in favor. The motion passed.

2. GAF Engineering - \$1,862.50 – Mariner Estates (2) - \$860.00; Bouvier/Severence - \$1,002.50

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

D. Receipt of Plans - None

E. Approval of Plans - None

F. Release of Lots -

1. DPM Development – Howland Heights

William Roth – When we release the lots, we only do the Form E release for the building lots. However, this subdivision is Land Court property and all are designated lots. We need to look at releasing all of the lots.

Marinus Vander Pol motioned to release the lots. Wayne Hayward seconded. The vote was unanimous. The motion passed.

William Roth – The applicant has submitted the requested six-month extension of the Fox Run Lane tri-party agreement.

Wayne Hayward motioned to accept the extension. James Holmes second. The vote was unanimous. The motion passed.

II. PUBLIC HEARINGS

1.) Special Permit – Bufftree (2) 67 Middle Street

William Roth – The first issue was regarding the condo association bylaws. I have asked for this on numerous occasions. We have had it on all other condo type projects. You could require this to be a condition. The second issue is that the building coverage is 31%, the max allowed is 25. If approved, it would still require a variance from the Board of Appeals. This is a non-conforming lot coverage. This brings it into conforming. Another item is a technical issue dealing with light locations. The other issues are technical. They need detailed screening for the trash areas. The code does not talk about driveways. I feel that parking and driveways are the same. The parking spaces go right up to the property line. I feel you can make a determination on this because the lot and parking currently extend to the property line and the proposal brings it towards conformance. However, that issue is the Boards determination. Tibbetts has six items. I don't have a review of the six items listed, but they appear to be minor and technical in nature. Jeffrey Osuch has written a letter to be entered into the record. He says the BPW should have put in larger pipes under Main Street, but did not. However, the applicant should not size the pipe to meet what the BPW did, but instead should size the pipe to meet the entire flow of the water shed because the Town in the future may have to replace the pipes in Main Street to accommodate the flow. Chief Francis has approved this for site plan only. The police chief approves. The assessor's office has a problem with the name "Harbor Village". It's too close to some others in town. Most of the issues are minor and technical in nature.

Steve Gioiosa (SITEC Engineering) – MR. Roth has explained things pretty well. We worked through a number of issues including Chapter 91 on tidelands. No further study is required. We re-entered the conservation review process. The Conservation Commission closed their hearing and voted to approve an Order of Conditions. The technical issues are not a problem and have been incorporated into the plans. Regarding the two zoning related issues, we do have a variance from the Board of Appeals. On the drainage issue, we spent a lot of time with public works. They are comfortable with our approach. We are picking up town drainage and diverting it through the new 48" pipe. There will be water quality improvements on site. There are also off-site improvements including the reconstruction of sidewalks on Pease and Main Streets. There will be public walkways on the site as well. Some park benches and amenities at Pease Park will be improved. There will be the creation of parallel parking on Middle Street. This will provide additional parking for the project and the public as well.

Wayne Hayward – You are not going with Mr. Osuch's recommendations?

Steve Gioiosa – Correct, we sized our pipe based on the two 30" pipes the BPW installed.

Wayne Hayward – It's a town drainage line that the town will be responsible for.

Steve Gioiosa – We would be responsible for our drainage systems.

Wayne Hayward- Can you straighten out the sidewalk issue.

Steve Gioiosa – They show concrete. I can't answer tonight what the Town is doing with this.

Chairman Fleurent – The proposal is to put concrete around the perimeter.

Drew Tillett (Applicant) – If the town doesn't, we will. We work very closely with public works to address the impact.

Gary Staffon – My big concern is that the two 30" pipes installed on Main Street are going to be the equivalent to a 48?

Steve Gioiosa - That's correct. It's been reviewed with public works.

Gary Staffon – Are they willing to get some of the blacktop out of there?

Steve Gioiosa – The applicant is committed to concrete walks.

Drew Tillett – We have put significant money into this.

Marinus Vander Pol – What percent of storm water is being treated by the on site storm captors?

Steve Gioiosa – The parking lot run off would be fashioned that way.

Christine Watt (Abutter) - My concern is with the drainage. It directly affects me.

Paul Simmons (Abutter) – When we have a rainstorm, we have water there.

Chairman Fleurent- It's always been that way down there.

Marinus Vander Pol – That's why you don't fill in wetlands.

William Roth – Based on what I am hearing from the Board, it appears that you all want to approve the project. If this is the case, I recommend that you close the public hearing and let me draft conditions for you to review and approve at the next meeting.

Marinus Vander Pol motioned to give them a vote of confidence that this board will approve with order of conditions. Albert Borges seconded. 6-0 in favor (Wayne Hayward abstains). The motion passed.

James Holmes motioned to close the public hearing. Gary Staffon second.

Drew Tillett – I have no problem with that.

2.) Definitive Subdivision – Mariner Estates (2) Welcome Street

William Roth – The applicant's attorney is here.

Attorney Michael Kehoe (for the applicant) – I was engaged by the petitioners this morning and request a continuance to meet with the engineers and take into account the Town Planner's suggestions. I am requesting a continuance to the next meeting. I have signed the form.

Gary Staffon – Mr. Kehoe has worked for me in the past and is not right now. I want that disclosed.

Wayne Hayward – Can't we discuss this now? We can only talk about this in this forum.

Chairman Fleurent – It isn't fair to the abutters. It's up to the Board.

Gary Staffon motioned to continue the public hearing at the applicant's request to September 26, 2006. James Holmes seconded.

William Roth - I can send a letter to all of the abutters regarding the continuance and charge the applicant. Stormwater and access are the issues on this application.

Marinus Vander Pol- there is no presentation available tonight. The attorney doesn't have any of the background material.

Wayne Hayward – Shame on this developer for not being prepared for this. You have restricted yourself to only seven members and you haven't even started.

The vote was 6-1 in favor (Wayne Hayward opposed). The motioned passed.

III. OTHER

1.) Division of Fisheries & Wildlife – Rare Species – Map & Priority

William Roth – They have this priority habitat and have completed the maps. We can request a copy of the maps and the CD.

Marinus Vander Pol – Can this be extended to the individual members or just the board?

William Roth – I can look into it. This is just for informational purposes.

Gary Staffon – I would like to bring up the chicane issue with Shannon Meadows. I would like to motion on shortening the chicane by forty feet or so to make access easier. I think we should give it a chance. But I do feel there are people affected by it.

William Roth – I recommend that you notify the direct abutters before you discuss it. Bringing it up at a meeting and voting on it is a bit premature. Abutters and developer should be here.

Chairman Fleurent- There was a purpose of why it was installed and this board recommended it.

Gary Staffon – This will be a Planning Board decision regardless.

William Roth – We can't require the developer to do something. If the Board wants to discuss it, I will notify all involved.

Gary Staffon- I don't want to waste peoples' time.

Wayne Hayward – I've gone there a few times. It's not maneuvering over the chicane. However, I will agree that the owners will have to make turns they don't want to make. We need to give it some more time. I don't know what else to say about it.

Albert Borges – I went up Oliver Street, and as I got around the curve, I had to pull over to avoid getting it. Some could be taken off.

Marinus Vander Pol – Once this traffic-calming device appeared on plans, the abutters issues were highly predictable. We need to give it a chance to settle in. If it's still an issue when the developer is finished, perhaps some of the security may be retained in case it is necessary. I don't think a decision needs to be made now.

Albert Borges – They have widened some of the driveways, but there are still problems.

Gary Staffon – I wanted to bring it up to the Board. Maybe we should come up with some sort of a timetable. There were people with issues, and I want them to know that we are looking at it.

Chairman Fleurent – Once traffic signs are implemented, and it is still a problem, we will act on it accordingly. Is there anything else?

Gary Staffon – I see that the Captain Whitfield house is being rehabbed. It's nice to see that history is being preserved.

William Roth – They're looking for donations and support, morally and financially.

Chairman Fleurent – Congratulations are in order to the Town Planner for getting the \$600,000.00 grant.

William Roth – Thank you.

More discussion ensued regarding the Welcome Street application and the length of time it is taking for the applicant to be ready.

Discussion ensued on Rep. Roderiques' bill on building and special permits.

Marinus Vander Pol motioned to adjourn. Gary Staffon seconded. Meeting adjourned at 8:02 p.m.

Respectfully submitted,
James Pelland, Secretary to the
Planning Board