

PLANNING BOARD MEETING OF FEBRUARY 13, 2007

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 – Gary Staffon arrived at 6:38 p.m.

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes – None

C. Planning Board Bills –

1.) Refund – Bekemeier - \$100.00

James Holmes motioned to pay this bill. Timothy Cox seconded. The vote was unanimous. The motion passed.

2.) Southcoast Media – Ads

Bekemeier - \$123.00

Timothy Cox motioned to pay this bill. Marinus Vander Pol seconded. The vote was unanimous. The motion passed.

Rochester's Restaurant - \$69.00

James Holmes motioned to pay this bill. Marinus Vander Pol seconded. The vote was unanimous. The motion passed.

3.) GAF Engineering – Bouvier/Severence - #3 Invoice - \$263.38

James Holmes motioned to pay this bill. Timothy Cox seconded. The vote was unanimous. The motion passed.

D. Receipt of Plans –

1) Definitive Subdivision – Alan Des Roches – 267 New Boston Road (PH – 3/27/07)

William Roth – I recommend scheduling the public hearing for the 27th of March.

James Holmes motioned to set the Public Hearing for March 27, 2007. Timothy Cox seconded. The vote was unanimous. The motion passed.

E. Approval of Plans – None

F. Other - The discussion, motions and votes pertain to all three street acceptance requests.

1.) Street Acceptance – Courtlyn Way

William Roth – The selectmen have routed these here for any comments. This is a subdivision

that we approved. I am recommending that we recommend approval subject to 2 conditions, that they submit the maintenance schedule on the pump station and that they clean the catch basins and stormwater facility in April just prior to Town Meeting.

James Holmes motioned to recommend the acceptance of Courtlyn Way, Oliver Street and Rivard Street. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

Wayne Hayward – It seems to me that the chicane is working. We need to be vigilant regarding that however.

Chairman Fleurent – We also have \$50,000.00 being held in escrow on the Shannon Meadows property.

Robert Long (Long Built Homes) – I'm looking for a release of \$20,000.00

James Holmes motioned to release \$20,000.00. Gary Staffon seconded. The vote was 7-0 in favor. Marinus Vander Pol abstained. The motion passed.

2.) Street Acceptance – Oliver Street - Extention

3.) Street Acceptance – Rivard Street

4.) Consultation – Oxford Pub

William Roth – This is to determine whether or not you think additional parking is warranted on the new plan and how you wish to process making such a decision. They're remodeling after the recent fire. They want to convert a storage area into a new handicap compliant restroom and convert the two existing restrooms into a single handicap restroom. The remaining area is for the pub itself. With this remodel, the capacity at which people can fill this room will increase.

Dawn Bourgeois (owner) – The occupancy is currently set at 54.

Chairman Fleurent – At the time the building was put there, there were no rules and regulations. Today, it's a non-conforming use. Therefore, there is no special permit required. All of the work is being done inside the building. As far as parking, there is none.

Marinus Vander Pol – Is there an enlargement and change of use?

Daniel DePina (owner) – By no means are we trying to increase capacity. This is a safer open floor plan. Overcrowding and parking have never been a problem.

Albert Borges – This business has been there for 60 or 70 years and there has never been a parking problem.

Wayne Hayward – To be fair, there is a process to go through to get a special permit.

William Roth – I recommend you continue this until you talk to the building commissioner, so he can let you know what the new occupancy would be if the additional area is added.

Daniel DePina – We never mentioned any capacity increase.

Wayne Hayward – It may not be your intent. But you might be increasing it inadvertently.

William Roth – The building commissioner feels this is an enlargement. Therefore it must comply.

Gary Staffon - They're opening this up a little bit. But there is nothing we can do about parking.

Chairman Fleurent – It's a non-conforming use.

Marinus Vander Pol – It would have been helpful to have a lot plan.

Marinus Vander Pol motioned that the Board find that off street parking is not required because there is no substantial enlargement of change in use with the condition that the 264 or so square foot area never be allowed to be counted towards occupancy. Gary Staffon seconded.

Chairman Fleurent – Our advice is what Mr. Vander Pol is saying.

Wayne Hayward – It's either a permit or it's not. You can't make a determination. This isn't even a public hearing.

Chairman Fleurent – I disagree. He's looking into information as to how to proceed.

Marinus Vander Pol amends motion to add "except in the special permitting process". Gary Staffon seconded.

Amendment carries 4-2 (Timothy Cox and James Holmes opposed. Wayne Hayward and Dennis Vello abstained).

Motion carries 4-3 (Timothy Cox, James Holmes and Dennis Vello opposed and Wayne Hayward abstained.)

Gary Staffon motioned that they do not need a special permit for the parking determination. Albert Borges seconded. The vote was 6-0 in favor. Timothy Cox abstained. James Holmes left the room during the vote.

II. PUBLIC HEARING

1.) Special Permit – (Modify) – Rochester's Restaurant – 136 Huttleston Avenue

William Roth- The application received a special permit for an expansion of use in 2001, which necessitated additional parking. He requested a gravel parking lot. They modified to put in paving. But the lot is still gravel. Also, there was no landscaping done as per the special permit. They are requesting to be allowed to leave the gravel and reducing the landscaping. BPW has issued a memo regarding landscaping and their sewer easement. All other departments had no concerns and all taxes are paid. If you choose to allow this, my recommendation is that paved aprons at the Bridge Street entrances need to be provided for safety reasons.

Chairman Fleurent – Do you agree with the order of conditions?

Kenneth Ferreira (engineer for the applicant) – You need to make a determination of waiving conditions 4 and 5 based on the BPW recommendations.

William Roth – That would eliminate those conditions.

James Holmes motioned to recommend the BPW recommendations eliminating conditions 4 and 5. Timothy Cox seconded. The vote was unanimous. The motion passed.

Kenneth Ferreira – We are agreeable to the other conditions.

James Holmes motioned to approve the application with the order of conditions. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

Chairman Fleurent discussed the meeting that he had with the Finance Committee on February 8, 2007. The Finance Committee felt that the Capital Outlay request of \$6,000.00 should be a separate Article or part of the Master Plan Article already submitted. The Master Plan Article would have a part A – the survey, and a Part B, the Master Plan.

James Holmes motioned to remove the Capital Outlay request from the budget and make it Part A of the Master Plan Article. Gary Staffon seconded. The vote was unanimous. The motion passed.

Timothy Cox discussed the Potter Street request. He has information that some of the owners at the end of the beach did not agree with the acceptance request.

A general discussion ensued regarding street acceptances and the use of engineering funds for street acceptance surveys.

William Roth informed the Board that the Town received a grant for \$10,000.00 to update the GIS system, to Mass GIS Level II. He also informed them that a CDBG grant for \$1,000,000.00, (Housing rehab and Middle Street infrastructure project), is due on February 16 and a Mass Historic Grant for \$100,000.00 for Phase I Town Hall Renovation, is due February 21.

Marinus Vander Pol motioned to adjourn. Gary Staffon seconded. The vote was unanimous. The motion passed. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

James Pelland, Secretary
To the Planning Board