

## PLANNING BOARD MEETING OF June 8, 2010

Place: Town Hall Banquet Room

### **I. ADMINISTRATIVE BUSINESS**

Chairman Hayward – Opened the meeting at 6:35 PM

#### A. Quorum/Attendance

Members Present: Chairman Wayne Hayward, Raymond Fleurent, Albert Borges, Joseph Morra, Gary Staffon, Albert Silva and Peter Nopper

Members Not Present – Marinus Vander Pol

Planning Director William Roth was also in attendance.

Chairman Wayne Hayward announced that Shirley Monte was hired as the new recording secretary for the Planning Board and was so present.

Chairman Wayne Hayward addressed the Board and indicated that Mr. Vander Pol had not been in attendance for most of this year and he has had almost no contact with the Board. A letter was presented by Chairman Hayward for all Board members to review and sign, if they wanted to sign, before mailing to Mr. Vander Pol. Albert Silva motioned to accept the letter and it was seconded by Joseph Morra. The motion passed.

#### B. Acceptance of Minutes –

Albert Borges motioned to accept the minutes for the May 11, 2010 meeting. Albert Silva seconded. The vote was unanimous. The motion passed.

#### C. Planning Board Bills

##### 1. Staples - Office Supplies - \$837.61

William Roth explained the charges. Gary Staffon motioned to pay this bill. Peter Nopper seconded. The vote was unanimous in favor. The motion passed.

##### 2. UMass Dartmouth Center for Market Research – Market Research \$250.00.

William Roth explained the purpose was for a Business Survey/report and how UMass Dartmouth Center was a great resource at a fraction of the normal price for economic and business research data reports. Albert Silva questioned if the budget had the \$5,000.00 for future report. William Roth indicated projections indicate there are sufficient funds between the Planning Board and Planning & Economic Development Department professional services accounts. Chairman Hayward addressed the Board to pay the bill. Gary Staffon motioned to pay this bill. Raymond Fleurent seconded. The vote was unanimous in favor. The motion passed.

### **II. CURRENT PLANNING**

A. Receipt of Plans: None

B. Approval of Plans - None

### **III. LONG RANGE PLANNING –**

None.

#### IV. PUBLIC HEARING – .

1) Special Permit – Francis Budryk – 1 Main Street – continued from 5/11/10.

Chairman Hayward – Opened up the continued hearing. He introduced the Board members. He indicated that the public notice was already read and posted. Chairman Hayward addressed the forum indicating the hearing is being televised.

Chairman Hayward - indicated there was a minor technical issue to be addressed that at the Planning Board Meeting of May 11, 2010, six members were present and one Board member was not. Mullen's Rule indicates a member can miss one meeting but can still be a full voting Board member as long as the member submits an affidavit to the Town Clerk stating that he is aware of all of the issues, had reviewed the minutes and video of the hearing. Gary Staffon indicated that he had reviewed the minutes and video and would be submitting an affidavit to the Town Clerk. Seven members of the Planning Board are now present and can now continue with the Public Hearing.

Chairman Hayward - addressed the forum indicating brand new plans, two plans, have been revised and submitted to the Planning Board and attached to memo dated June 1, 2010 hereto.

Al Ewing (Applicant's Engineer) - Reviewed the plans and project including the parking areas; indicated the addition of the function room proposal for 65 individuals and requires 1 vehicle for 2 ½ people for a total of 31 vehicle parking spaces. Event Parking was reviewed and it was indicated that 31 event parking spaces would be available. Every six to seven weeks an event would be anticipated to occur.

Albert Silva – Questioned what was the difference between regular and event parking and why were there two different patterns for parking?

Raymond Fleurent – Indicated that he did not favor the idea of double parking.

Chairman Hayward – indicated 1 Main Street is a mixed use zoning district and such zone was created approximately 12 years ago.

Raymond Fleurent – Felt it was the intent mixed use district to allow residential uses to go over commercial uses that were there and was to acknowledge the development pattern in the district that existed. The intent was not to take a residential house and turn it into a business.

Chairman Hayward – the original parcel was divided up into three lots, the one with the existing building and the two residential lots to the east. The entire parcel today has a function room, gift shop and seven rooms for the bed and breakfast. Today there are so many codes for Fire Systems and occupancy. The petitioner is asking for the event room to be used with additional frequency. It is indicated that an event would be held once every six weeks. The Polish Cultural Club has worked on parking to meet the Board's request on the number of vehicles.

Anna Surma (Architect Representing Owner) – Addressed privacy issues, noise issues, extent of changes, improvement for neighbors, evergreen hedges. Proposes a fence and hedge to screen the parking area from the adjacent pool and residences, indicated that all event parking would be on the grass so as not to increase gravel or pavement. The plan is to make the site as pleasant as possible. There would be some landscaping around the terrace.

Chairman Hayward – requested details as to lighting and screening for headlights to the adjacent property, as there is no indication of lighting on the plans.

Anna Surma (Architect Representing Owner) – issue has not been addressed. There would be a person helping with parking and will help when vehicles leave. Not in favor of bringing in lights. A light may be added over the garage.

Francis Budryk – Indicated that a motion light would be located on the garage and would only come on with movement when it was dark. Similar lighting is already on the main building.

Chairman Hayward – There are conditions on lights as to brightness and what direction the light is facing. What about the retention pond?

Al Ewing – We have an Order of Condition from the Conservation Commission. They required that the pond be increased by 240 cubic feet and to give additional volume.

Anna Surma (Architect Representing Owner) - Terrace would be the same level as the function room, so people could come in and out on the walkway towards driveway.

Chairman Hayward – What is the finish floor elevation. How high is terrace from current ground level?

Al Ewing – don't know.

Anna Surma (Architect Representing Owner) – It is not that high and not subject to setbacks.

William Roth – I respectfully disagree, depending on the height from grade it may be subject to setbacks.

Anna Surma (Architect Representing Owner) - Maybe a foot difference, cut on the right. A couple of inches of a slope. The finish floor is close, only a few inches difference.

Chairman Hayward – We need the details. Need details of exterior lighting and specifications. We need to see spot grades, cut in fine and any concern for elevating up. It needs to be in compliance with American with Disabilities Act.

Albert Borges – I walked the area during the recent rain and there was no problem with drainage. I'm just concerned with parking.

Gary Staffon – Any reason why not blacktop on the new parking area?

Al Ewing – We wanted to reduce the amount of impervious area as much as possible.

William Roth – I recommend that a pea gravel or pervious material be used. I felt that it needed to be as low impact as possible to blend in with residence. I recommend the least impact as possible.

Gary Staffon – Blacktop is not ugly.

William Roth - I felt that black top was more of an impact and it is my recommendation to not pave the event parking area.

Gary Staffon – How did the last event of go for parking?

Francis Budryk – I don't believe the neighbors were even aware of the event. There were 45 to 50 people present, about 2 to 3 people in a car. There was food served and music. No problem with parking at all.

Stella Marnick (56 Green Street) – Member of the Polish Women's Club have donated tea service. Member of the museum and thought the entire January 2010 event was nice. We are not dancing the Polka. It is different areas coming together. Other places don't have parking. Is that the wrong question to ask? Where is their parking?

Chairman Hayward – It is very different to compare one property to another. This is a mixed use district. This is a case by case review. We are moving towards compliance.

William Roth – read the email received dated 6/7/10 from Napoleon Holmes, who is the owner of 100 Fort Street, and is totally against any change in the use of Francis J. Budryk's property. Mr. Holmes could not be present as was out of state in Florida.

Francis Budryk – Mr. Holmes property is currently for sale.

Rick Charon (Engineer) – Representing neighbor who is planning on building on the adjacent vacant lot is opposed to the expansion of building and change of use. View of client's would be obstructed by the proposed addition. Applauds the architecture and engineer for Francis Budryk but the problems are: parking, hours of an event; what size the group to the event will be; how many events a year and it appears if the events take place on the nights and weekends it will interfere with the residence peace and enjoyment of their residential property when they are home.

Anna Surma (Architect Representing Owner) – Addition to the one story already in existence would be a tiny building at the end with the similar height, lower than rest of structure. (Architect refers to plans).

Darryl Manchester – (abutter 9 Main Street) the revised plans have Mr. Manchester even more opposed. The problem is parking and that 31 vehicles will be stuffed against his property. The vagueness of how often the cultural center will be used. This would be a commercial property in a residential setting.

Albert Borges – This impacts all residents.

Darryl Manchester (9 Main Street) – use of commercial in a mixed use is a problem. Now there a proposal for the Polish Cultural center to be a non-profit for taxes and liability. There is no definite plan as to what is going to happen. Lighting, parking, commercial, potential for expanding to a non-profit business. We need a lot more information.

Deborah Sistare (8 Main St) – I have the same concerns as Darryl Manchester. We have no idea as to how many people and how many times a year.

Chairman Hayward – I agree some issues are vague.

Darryl Manchester – Mixed use? This neighborhood is residential. My opinion is the area was commercial and zoned as mixed to bring in residential properties in. This is not cut and dry. This needs a special permit. This is too vague and the potential future use brings up a big red flag as to non-profit. We need to look to the future in our neighborhood.

Chairman Hayward – There are concerns. It is a mixed use district. We will look at the issue again.

Darryl Manchester - The question is parking.

Gary Staffon - Parking probably is the main issue. The Board is not getting a clear view as to event parking not working. Stacking parked cars never works out. We need details.

Al Ewing – The owner is proposing to limit the use, to 65 people.

Francis Budryk - 65 people would be the top.

William Roth - A special permit allows the Board to look at restricting occupancy. The Board cannot violate the building code and allow more than maximum occupancy. The special permit would allow a reduction by the Board. The Planning Board can set lesser amount of people; they can set hours of operation and set number of events per year. A special permit can be very restrictive. The Board can look at any number of conditions to meet criteria.

Albert Silva - what would stop the applicant from having a party every six weeks? Who enforces?

Chairman Hayward - if denied here, he can't reapply for two years. The applicant would have to comply with codes. Complaints trigger code enforcement. Remedy through court. Building commissioner responds within 48 hours. Without plans there is mayhem.

Albert Borges - Conditions are necessary.

Chairman Hayward – An example is that there were conditions placed on the Titleist Company and the employer enforced them. A complaint could have been generated. There are ramifications for violators.

Raymond Fleurent - how many times a year were there gatherings?

Francis Budryk - four in the last year. If the Board says no, can I have two separate kitchens? Legally, I can have a second kitchen. We want you to limit. This is my home. We came in front of the Board to be respectable and have controls. I want restrictions. The engineering requirements for additional drainage are met. Being a non-profit is not a crime.

Raymond Fleurent - Will you be applying for non-profit?

Francis Budryk - Just for the Polish Cultural group. We will restrict to the number of people.

Chairman Hayward - we shouldn't get overly broad. A second kitchen I would say can be done. Conditions and restrictions if not met, the police can be called and a log is made. If someone violates then money fines are set. Abutters don't like nature or perception of one thing. Options are: 1 vote; 2. how much additional information is needed; 3 close public hearing and no new testimony.

William Roth - indicated applicant needs to supply more detailed description to the Board to indicate: maximum occupancy of 65; hours of operation; number of events per year. This needs to be laid out to help Planning Board prepare conditions. Board could approve with conditions.

Chairman Hayward - Let's go along those lines. For next meeting no more engineering plans needed. The Board will need a sales pitch from applicant convincing reasons for approval. Board can then decide what restrictions or conditions apply.

Francis Budryk – Yes, I will go along with that.

William Roth - This must be in writing and turned in in advance of the next meeting. A detailed description of occupancy and use and times will be needed.

Chairman Hayward - Make your best case. One large number for occupancy, not knowing is not good. You need to figure out in detail what you are requesting.

Francis Budryk - I will do that

Chairman Hayward - June 22nd will be the next meeting. Keep public hearing open.

Peter Nopper - Application is making a good effort.

Francis Budryk - Does anyone notice that I take care of the monument in the neighborhood? I want to be a good neighbor.

Chairman Hayward - continued the meeting to a public hearing 6/22/2010. Gary Staffon motioned and Albert Silva seconded. Motion was allowed.

## **V. OTHER BUSINESS –**

William Roth – Notified the Board that he was voted in as he president of the Massachusetts Association of Planning Directors (MAPD) for the next year.

Chairman Hayward - offered congratulations.

William Roth - discussed Green Street block grant project. Sidewalks and road are mostly done. A week to ten days and the contractor will be finished except for top coat in the Fall.

Raymond Fleurent – What do you know about Howland Road?

William Roth – For some reason, I get a lot of calls from the public, asking as to Howland Road. Howland Road is a Mass DOT project with the Board of Public Works. I recommend that you contact the Board of Public Works

Chairman Hayward - Is part of Route 18 closed?

Albert Silva - No. Working south side of 18 between Purchase Street and Route 6 exit heading south.

Chairman Hayward - motioned to adjourn. Gary Staffon seconded. The vote was unanimous in favor. Motion passed. The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Shirley M. Monte  
Planning Board Secretary