

## PLANNING BOARD MEETING OF July 13, 2010

Place: Town Hall Banquet Room

### I. ADMINISTRATIVE BUSINESS

Chairman Hayward – Opened the meeting at 6:40 PM

#### A. Quorum/Attendance

Members Present: Chairman Wayne Hayward, Albert Borges, Joseph Morra, Gary Staffon, Albert Silva and Peter Nopper. Quorum being present was acknowledged by Joseph Morra.

Members Not Present – Raymond Fleurent and Marinus Vander Pol (resigned on 6/29/10).

Planning Director William Roth was also in attendance.

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A response to the resignation letter of Marinus Vander Pol was addressed and a letter of appreciation and thank you to Marinus Vander Pol was prepared, signed and read out loud, then to be mailed.

#### B. Acceptance of Minutes –

The Acceptance of Minutes of June 22, 2010, was addressed. Motion by Albert Borges and seconded by Joseph Morra to accept the minutes. The vote was unanimous. The motion passed.

The Acceptance of Minutes of June 29, 2010, was addressed. Two corrections were addressed and changed on the Minutes. Motion by Joseph Morra and seconded by Albert Borges to accept the minutes. The vote was unanimous. The motion passed.

#### C. Planning Board Bills -

None.

#### D. Vote to declare a vacancy on the Planning Board -

The Chairman noted the Planning Board now has a vacancy as the Board accepted Marinus Vander Pol letter of resignation. Motion by Albert Borges and seconded by Joseph Morra to declare a vacancy on the Planning Board. The vote was unanimous. The motion passed. The Selectmen and Planning Board will begin to look to appoint someone to fill the vacancy.

### II. CURRENT PLANNING

#### A. Receipt of Plans – Special Permit – Seaport Inn, 110 Middle Street

Director William Roth – addressed the board and discussed the parcel and plan. Gary Staffon motioned to have a hearing on the special permit and Albert Silva seconded the motion. The vote was abstained by Joseph Morra. The motion was passed. The hearing on this Special Permit will be held on August 10, 2010.

#### B. Approval of Plans - Form A - Sherwood Street.

Director William Roth – addressed the Board and discussed the plan. Approval was recommended.

Albert Silva motioned to approve Form A and Peter Nopper seconded the motion. The vote was abstained by Gary Staffon. The motion was passed.

### **III. LONG RANGE PLANNING –**

None.

### **IV. PUBLIC HEARING – .**

1) Special Permit – Francis Budryk – 1 Main Street – (continued from 6/29/10).

Chairman Hayward – Opened up the continued discussion. He introduced the Board members and indicated that no additional public notice was given to abutters and that this was the fifth meeting. Chairman Hayward indicated Board Member Raymond Fleurent was out ill this evening. Six members are present and all six members would need to vote positive for the Special Permit to be allowed. The two thirds voting requirement was explained to the applicant. The discussion is closed, as to further public testimony. The purpose of the meeting was to review requested language on conditions and to possibly vote.

Chairman Hayward – Some revisions would be needed to the draft conditions dated 7/7/10 in that the sunset or renewal clauses need to be removed. The letter dated 7/13/10 prepared by Chairman Hayward was read and reviewed as would be the new conditions. Every three years the special permit would be reviewed and if there are no complaints, legitimate documented complaints, the special permit would be renewed for another three years. Other draft conditions to be removed, would be No. 3 and replaced with the language in draft conditions, dated 7/13/10. Draft condition No. 11 would not be perpetual as it would now be renewable. Remove Item No. 3 as no more fences needed. Item No. 5 need to be revised.

Albert Borges – How about draft Item No. 6 of the 7/7/10 letter?

William Roth – Event definition being broad is better determination, as event must be posted on the sign and notification must be one week in advance.

Chairman Hayward – The three year renewal can come into play here as well.

Attorney for Mr. Budryk – Can I make a comment?

Mr. Manchester – Is it closed? We can't talk and influence the Board? Yet Mr. Budryk can talk?

Chairman Hayward – Yes. The applicant can talk.

Attorney for Mr. Budryk – Mr. Budryk is satisfied with eight notified events a year. There are two major Polish holidays: Christmas Eve and Easter. Item 6 is okay.

Peter Nopper – I am satisfied with the conditions.

Albert Silva – we are at a conclusion.

Joseph Morra – Satisfied.

Gary Staffon – I have to say that I am not happy. I know we did work hard on this. As far as this mixed use and the permit, this is one of the first. This is a banquet facility. Use variance for the property. The special permit is for use. I am just not comfortable with this. Look, it takes 27 conditions. My vote tonight would be opposed.

Chairman Hayward – All concerns; no drinking, no restaurant. This was crafted well and what Mr. Budryk

asked for. Give me something concrete as to being opposed.

Gary Staffon – No way of knowing that we are not creating a nuisance for neighbors.

Attorney for Mr. Budryk – As to nuisance, Mr. Budryk does not want to jeopardize having this facility not work after putting all this effort and money into it. Nuisance is your speculation. It would be up for renewal every three years.

Chairman Hayward – Do you think three years is too long? Two years was mentioned and I recommended three years.

William Roth – Zoning Board could send this to Planning. The Zoning Official and Police would deal with violations.

Mr. Budryk – This is for eight events a year.

Gary Staffon – The property is in the neighborhood, and I am concerned about noise. I am looking at what could happen.

Attorney for Mr. Budryk – What kind of nuisance? Be specific. It's zone for that. Can you be more specific?

Gary Staffon – People, noise, nuisance.

Attorney for Mr. Budryk – That's speculation.

Gary Staffon – I am not changing my mind.

Chairman Hayward – Remove condition No. 11. Let's continue the discussion until 7/27/10. Joseph Morra motioned to approve continuing the discussion to 7/27/10 and Albert Borges seconded the motion. The vote was unanimous. The motion was passed.

Attorney for Mr. Budryk – will all board members be here? Anything about nuisance should be addressed and Mr. Budryk will comply.

## **V. OTHER BUSINESS –.**

Chairman Hayward – The Community Preservation Committee appointment is for two years and is up in May. A Planning Board member needs to be on the committee. Funds are allocated to: open space; historic; community housing and fund recreation. It works in part on being matched by the state, based upon the Registry of Deeds trust fund. Primary function is to review applications. The committee usually meets six times a year on the second Thursday of the month. The position is appointed by the Chairman. I would like to have an answer on this by the 7/27/10 Planning Board hearing.

Albert Borges - motioned to adjourn. Joseph Morra seconded. The vote was unanimous in favor. Motion passed. The meeting was adjourned at 7:35 pm.

Respectfully submitted,

Shirley Monte,  
Recording Secretary