

PLANNING BOARD MEETING of May 20, 2014: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS:

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm. Mr. Hayward indicated to the Board and Public that the meeting was being recorded.

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Vice Chairperson, Rene Fleurent, Jr., Francis Budryk, John Farrell, Jr., Jeffrey Lucas (arrived at 6:33 pm), Peter Nopper, and Gary Staffon.

Absent: Kaisa Cripps

Planning Director William Roth was also in attendance.

Wayne Hayward explained the May 13, 2014 minutes were not in the Board's packet, therefore they would wait to the June 10, 2014 meeting to approve.

Planning Board Bills:

1. **Staples** - \$421.38

Gary Staffon made a motion to pay the Staples bill for \$421.38 and was seconded by Jeffrey Lucas.

On the question, Rene Fleurent, Jr. asked if it was for Office Supplies.

William Roth advised it was for office supplies as well as the upgrade to Microsoft 7.

The motion passed unanimously.

2. **Monaghan Printing** - \$145.00 - Stationary

Gary Staffon made a motion to pay Monaghan Printing \$145.00 for stationary and was seconded by Jeffrey Lucas. The motion passed unanimously.

II. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

None.

III. PUBLIC HEARING:

1 Special Permit - Brighton Health Advocates, Inc.
d/b/a **Compassionate Care Clinics** – 2 Pequod Road (con't from 5/13/14)

Chairman, Wayne Hayward called the hearing back in order and re-introduced the Board members. Mr. Hayward said that the Board were looking at plans dated May 19, 2014.

Engineer, Kenneth Ferreira was in attendance and he explained that the lighting plan was now available as well as the landscaping plan put together by G. Bourne Knowles. He said they also added the dumpster location to the plans.

Wayne Hayward asked if the parking spaces were the same.

Mr. Ferreira said yes, there are 27 spaces.

Wayne Hayward asked about the hours of operation.

The applicant's attorney, Chris Saunders explained the applicant had requested the hours of operation at 10-6, Monday, Tuesday, Thursday and Friday and 10-4 on Saturday; with Sunday & Wednesday closed.

Jeffrey Lucas suggested giving a grace period for hours from 9:30-6:30 on one of the special conditions, since the applicant would have to come back if they wanted to change the hours.

William Roth explained that Condition #12 explained that an Annual Report was due to the Board as a change of the code and in order to alter these conditions the applicant would need to come back before us for a new Special Permit. Mr. Roth explained that Condition #4 is listed as less restrictive than what the applicant was requesting.

Jeffrey Lucas asked if the state had any restrictions on operating on Sunday.

Attorney Saunders said they did not.

Discussion ensued.

Rene Fleurent, Jr. stated that he would still like to see the facility closed on Sundays.

William Roth asked, what if they added "may modify hours of operation during the annual report meeting," to Condition #4.

John Farrell, Jr., asked why the Board didn't just go back to their original By-law hours of 8a.m. to 8p.m.

Wayne Hayward explained that he thought it was just the Board being cautious and it was the applicant's request for the hours suggested. Mr. Hayward said this was a new usage in Town and he felt that they should be a little cautious.

Jeffrey Lucas explained his intent was so that the applicant wouldn't have to reapply for a Special Permit if they wanted to tweak the hours, this way his previous suggestion would give them a little leeway.

Discussion ensued on modification of hours, if any.

Attorney Saunders stated he wasn't in the original meeting regarding the Business Plan; however, he agreed with the Town Planner that it would be difficult to have the applicant return to initiate a new Special Permit if they wanted to tweak the hours.

More discussion ensued on hours of operation.

William Roth read an amendment to Condition #4.

Jeffrey Lucas asked if the State had a re-certification and when that was.

President, Shelley Stormo of Compassionate Cares said they would be filing for a re-certification in February of next year.

The Board tried to discuss what concerns they had at the previous meeting.

Wayne Hayward asked if the Board had any comments on the landscaping or lighting plan that they had received. There were none.

There were no concerns regarding signage.

Jeffrey Lucas reminded the Board that there were concerns about the chain link fence and storage containers at the previous meeting.

William Roth said he spoke to the Board of Health Agent who agreed that the applicant should have a chain link fence in the rear, not a solid fence.

Rene Fleurent, Jr., stated that he had huge concerns with the containers that would be attached to the building and he would like to see a built out instead.

Attorney Saunders said they are leasing the building and they wouldn't want to put that kind of investment into a building they don't own. He stated that when the containers are affixed to the building they become a structure.

Discussion ensued.

Jeffrey Lucas said he was more concerned with the security of it.

Gary Staffon said that he believed they have gone around and around on this subject and that he strongly believes that once the containers are affixed to the building they are indeed a part of the building.

Wayne Hayward addressed Andrew Tillett, the contractor who was in the room, and asked if he wanted to add anything further regarding the containers.

Mr. Tillett explained that once affixed to the building, under the building code it is a structure.

Wayne Hayward asked Ms. Stormo if the containers were not there would this be a fault to their business.

Ms. Stormo said they are putting in the containers to help their growing team to germinate seedlings for an array of options for their customers. She said at this time they are not willing to add a build out to the facility they do not own.

Mr. Fleurent, Jr., and Mr. William Roth continued to argue about what is a building vs. a structure, in regards to the containers. Mr. Fleurent was of the opinion that the containers proposed is not a building or structure and didn't meet their code.

Wayne Hayward confirmed that the tone of the Board's By-law was set to not allow growing outside and he was comfortable that the containers held only seedlings, and then would be put inside for growth.

Attorney Saunders said that basically the issue will come from the Enforcement Zone Officer. He said the finished project will be secured.

Resident, Deb Wojick of Precinct 1 stood up to speak in favor of this project. She read a statement that she had prepared to the Board in support.

Wayne Hayward said that the State Legislation had placed a lot of the restrictions on this type of usage and that the Board was doing their job.

Shane Share of Precinct 2 said that he sees one particular Board member "standing in the way" of the Special Permit. He shared his medical condition of 25 years of migraines and said it was a very real sickness to him and others. "This affects me daily," he said.

Wayne Hayward said that he resented that the previous speaker thought the Board was not doing their job. Mr. Hayward said because of the questions and concerns the Board has does infatically mean that they are doing their job.

Gary Staffon asked if there were no more questions or comments from the Public Hearing if they should close the public hearing.

Wayne Hayward asked Mr. Roth if he thought the public hearing should be closed.

Mr. Roth said that there was an updated plan of lighting and the landscaping as the Board requested therefore he does believe the Public Hearing could be closed and that the Board could vote on it tonight.

Gary Staffon made a motion to approve the Special Permit for Brighton Health Advocates, Inc. d/b/a Compassionate Care Clinics of 2 Pequod Street with the 15 conditions as amended and was seconded by Francis Budryk. The motion passed 6-1, with Rene Fleurent, Jr. in opposition.

IV. LONG RANGE PLANNING:

William Roth told the Board that he was waiting from any studies that the School Department may have in regards to the Master Plan; as well as information from the DPW regarding Water Analysis and other information.

V. CORRESPONDENCE:

None.

VI. OTHER BUSINESS:

In other business, Gary Staffon asked Mr. Roth if he has heard anything about the old Shaw's building having any interest from businesses.

William Roth said that he has reached out to the Management Company that leases the building and they said they are trying to get it rented. Mr. Roth offered to help navigate the building process. He also said that he too has read and heard rumors through Facebook and other outlets that people believe that either Trader Joe's or Whole Foods is coming to that building; he said that is not true.

Francis Budryk made a motion to adjourn and was seconded by Gary Staffon. The motion passed unanimously.

Meeting adjourned at 7:41 p.m.

The next meeting is June 10, 2014.

Respectively submitted,

Patricia A. Pacella
Recording Secretary