

PLANNING BOARD MEETING of June 10, 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, Kaisa Cripps., Jeffrey Lucas, Peter Nopper, and Gary Staffon.

Absent: John Farrell, Jr.

Planning Director William Roth was also in attendance.

Gary Staffon made a motion to approve the May 13, 2014, Minutes and was seconded by Jeffrey Lucas.

On the question, Mr. Staffon asked for a correction to page 9, where he stated it should read that he said “that’s what we should do, refer this to our engineer as our Chairperson suggested.”

With the correction, the motion passed unanimously.

Gary Staffon made a motion to approve the May 20, 2014 minutes and was seconded by Jeffrey Lucas. The motion passed unanimously.

Planning Board Bills:

None.

**II. CURRENT PLANNING:**

Receipt of Plans:

1. Special Permit – On Ice Realty, LLC – d/b/a **The Ice House** - 136 Huttleston Avenue (PH 7/8/14)

Gary Staffon made a motion to schedule a Public Hearing on July 8, 2014 for On Ice Realty, LLC – d/b/a The Ice House and was seconded by Jeffrey Lucas. The motion passed unanimously.

Approval of Plans:

None.

**III. PUBLIC HEARING:**

- 1 Special Permit – **IMAC Management Group, Inc.** – 67 Middle Street (con’t from 5/13/14)

Wayne Hayward reopened the Public Hearing from May 13, 2014.

William Roth advised the Board that new plans came in on June 9, 2014. Mr. Roth also advised that Kaisa Cripps has put forth the correct document for the Mullin Rule, stating that she has read the minutes, reviewed the file and watched the video of the previous meeting in order to participate in tonight’s hearing.

Wayne Hayward asked the applicant if that was all right, to which they agreed.

William Roth reviewed his memorandum with the Board. He advised that the revised checklist and letter arrived from Mr. Rogers yesterday and the Planning Board’s engineer has not reviewed as of yet. Mr. Roth advised his recommendation would be to continue the hearing to wait for the sign off from the

Board's Engineer as well as waiting for the applicant to meet with Conservation Commission, which is scheduled for June 16, 2014. Mr. Roth also advised that there was no building permit required for a 6' fence per the Building Commissioner.

Wayne Hayward asked Mr. Roth if he knew what the changes were on the new plans.

William Roth stated he did and explained a few of them.

Engineer, Bob Rogers reviewed his memo dated June 9, 2014, which originally were answers to the Board's engineer. Mr. Rogers reviewed the changes and explained they had originally filed a RDA with Conservation Commission, but has since been required to file a Notice of Intent. Mr. Rogers continued that they have agreed not to have boats worked on and it was strictly for boat storage.

Wayne Hayward asked why all the cement was being dug up.

Mr. Rogers said that historically it was 100% paved and since the clean up and the prior condo project, which was never built what they are doing is reducing pervious material.

William Roth stated it was a method of reducing pervious area.

Resident, Faye Bartlett asked what the buildings were going to be used for, and whether they were going to be used for boat storage.

Mr. Rogers replied that the buildings would be used as office space and an apartment on the second floor in one of the buildings and storage in the other building.

Jeffrey Lucas advised that on the proposed plans still stated that the chain link fence would be 8'.

Mr. Rogers confirmed it was an error and in the details it states it would be 6'.

Ms. Bartlett asked at what point in this Public Hearing does the type of building material be discussed.

Mr. Hayward said that the Board hadn't even done a review as of yet, and they would first ask their questions. He acknowledged that perhaps he allowed the abutters to speak to soon.

Mr. Hayward went on to ask Mr. Roth if their Engineer was aware of the drainage changes. He also asked the Board if they had any drainage concerns.

Jeffrey Lucas said that the Board's consultant said they were not going to be in 100% compliance, but they also made some suggestions.

Discussion ensued.

Mr. Lucas asked Mr. Rogers to explain the silt soc that was proposed around the existing catch basins.

Mr. Rogers said that the silt soc was strictly used during the construction phase.

Discussion ensued on zoning and the zoning uses in that area.

Kaisa Cripps said she would like to see a restriction on the permit that would only permit boat storage as Mr. Roth had written in one of the conditions early on.

Wayne Hayward stated that it was very hard to restrict only to boat storage and there was no way to enforce that in the future.

Mr. Staffon said that he recently watched a shrink-wrap of a boat on site and that it's done in a very clean way. He said he felt this other round about stuff that was being discussed was unnecessary.

Wayne Hayward and Bill Roth had a discussion around definitions of Marine Services for future uses.

Frank Budryk gave a little history of the site, that it was first deeded to the Town and then sold, just so people could have a little background on the property.

Rene Fleurent, Jr., stated that he saw this project fitting their code. Mr. Fleurent stated that personally did not like the proposed use and would like to see a different use, but it is allowed by code and the applicant can apply for it.

Kaisa Cripps said she too would rather see a park there, but it does meet the code with strict conditions.

Wayne Hayward said he would like to see something in writing from the applicant that the Board can hold them too in the future. He said the word 'boat' means a lot to him.

Mr. Rogers said, "Its 1.3 acres, Mr. Chairperson."

Discussion ensued.

Mr. Rogers said they were very agreeable to Mr. Roth's first order of conditions.

Jeffrey Lucas said that he didn't feel the Board needed to write up an order of conditions for the applicant, he concurred with the Chairperson that they applicant write up something they are comfortable with and the Board would see if that's what fits in their decision processing.

Pamela Lafrennier, Attorney for the Applicant, asked the Chairperson where he didn't think the applicant complied.

Wayne Hayward explained the zoning regulations in that area.

Mr. Roth reviewed from his first memo potential order of conditions, listing number 3 & 4 being unique to this site and the rest being fairly standard. Per Wayne Hayward's request, Mr. Roth reviewed the wording of the Special Conditions.

Rene Fleurent, Jr. said the Board should condition thinks they feel may or may not comply.

Mr. Rogers said he felt they were going around and around on the same issues and he felt very frustrated.

Mr. Hayward expressed his frustration as well, but said that this has only been the second meeting and the revised plans were just given to them tonight.

A discussion ensued around setbacks.

Rene Fleurent, Jr., asked what the other Board's concerns were.

Jeffrey Lucas said the boat storage is the elephant in the room.

Kaisa Cripps asked that Mr. Roth get a new letter/note from the Building Commissioner regarding the setbacks, which was done in 2005, and Ms. Cripps wants to make sure that those setbacks are currently in compliance.

William Roth reviewed the other Departments in Town's comments.

Resident, Faye Bartlett asked to make a suggestion regarding the setback. She said it wasn't fair to the community or the other abutter/resident that was present, who said the setback is 10', and that it should be looked into.

Mr. Roth said he has it in his notes to review it with the Building Commissioner; however, it was the Building Commissioner who stated it was a 5' setback.

Ms. Bartlett then asked again about the exterior of the building and thirdly stated that "boat storage" may mean maintenance of boats and she is concerned about that.

Mr. Hayward said in regards to the exterior of the building that was the type of material on buildings and the Board does not have any architectural review in a mixed use.

Mr. Hayward said he would like to see self imposed special conditions.

Mr. Fleurent, Jr. said he was not a fan of this project but he thought that the Board was doing an un-due process to the applicant. "What are our issues with this project," he asked

Jeffrey Lucas said they needed to have a better definition not a condition.

Frank Budryk said there should be no loopholes in this project that could be questioned in the future.

Jeffrey Lucas agreed saying that the Board has a responsibility to be very clear of what's taking place there.

More discussion ensued on shrink wrapping, setbacks, hours of operation and verbiage for order of conditions.

Kaisa Cripps made a motion to continue the public hearing for IMAC Management Group to July 8, 2014 and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

**IV. LONG RANGE PLANNING:**

None

A brief discussion about future discussions regarding zoning issues.

Rene Fleurent Jr., also brought up a brief discussion about the Master Plan.

**V. CORRESPONDENCE:**

None.

**VI OTHER BUSINESS:**

William Roth advised everyone there was a Form A that was submitted for the July 24, 2014 meeting and the majority of the Board needed to be present.

Kaisa Cripps made a motion to adjourn and was seconded by Gary Staffon. The motion passed unanimously. Meeting adjourned at 8:27 pm.

Next meet is Tuesday, June 24, 2014.

Respectfully submitted,

Patricia A Pacella  
Recording Secretary