

**I. ADMINISTRATIVE BUSINESS:**

Chairperson, Wayne Hayward – Opened the meeting at 6:37. 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 Holloway-Cripps, John Farrell, Jr., Jeffrey Lucas, Peter Nopper and Gary Staffon.

Absent: None.

Planning Director, William Roth, was also in attendance.

Peter Nopper made a motion to approve the September 23, 2014 minutes and was seconded by John Farrell. The Motion passed unanimously.

Planning Board Bills:

1. Fairhaven Neighborhood News – 89 - Ad/ Richard Barnes & Mill Bridge Holdings - \$110.00

Francis Budryk made a motion to pay Fairhaven Neighborhood News bill of \$110.00, and was seconded by Mr. Lucas. The motion passed unanimously.

2. GCG Associates – 89 – Eng/ Richard Barnes – Special Permit - \$472.50

Gary Staffon made a motion to pay GCG Associates bill of \$472.50 and was seconded by Jeffrey Lucas. The motion passed unanimously.

3. GCG Associates - 89 - Eng/ Mill Bridge Holdings –Special Permit - \$472.50

Gary Staffon made a motion to pay GCG Associates bill of \$472.50 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* – **Richard Barnes** – 214 Huttleston Avenue (Cont. from 09/23/14)

Wayne Hayward opened the public hearing which is continued from September 23, 2014.

William Roth reviewed memo of October 8<sup>th</sup>. It was also emailed to the applicant and the engineer. The revised plans address the 7-foot sidewalk issue. They revised the plans and got rid of light pole and landscaping conflicts. They also addressed the comments on the

landscaping plan and they also revised the drainage. We have a final letter from GCG and then Conservation Commission has approved the project. One issue that the Applicant did not address was employee parking and putting up employee parking sign. I have added that as a condition which would be condition No. 5. I am recommending approval subject to the 19 conditions within the report. They are fairly standard. The 2<sup>nd</sup> condition would be the waiver of the Stormwater section regarding side slopes but there is a caveat that the Conservation Commission requested.

Wayne Hayward asked who wasn't at the last hearing.

Kaisa Cripps said she wasn't there and will be abstaining from the vote.

Wayne Hayward noted everyone else was available to vote.

Wayne Hayward explained he did have concerns about the storm water. After Conservation Commission approval, they removed two large underground infiltration trenches that were infiltrating all the roof runoff. I spoke with John Rockwell today about his thoughts on removing that.

Wayne Hayward explained that roof runoff water is deemed clean water by the DEP. There was usually not much sediment or anything that would plug up any underground infiltration. Mr. Hayward didn't know why the Conservation Commission would be adamant about removing two infiltration trenches like that. Mr. Hayward wanted to make sure if that infiltration is being removed, that new calculations would be upgraded. There can't be more volume leaving the site post-development as pre-development in a ten-year storm. Those calculations were done again and thru an increase in the size of the storm water basin and further metering, they were able to meet regulations.

Wayne Hayward spoke to John Rockwell and invited him to comment in future if he had issues with storm water regulations and things he thought should be changed so we could look at those possible changes.

John Keegan from SITEC Engineering was present and explained that after removing rooftop underground infiltration system, they installed a large level spreader in which the roof. The rooftop runoff was going to run over a grassy area then run into this level spreader and turn back into a sheet flow and into pond. During this process it's going to help to infiltrate a normal onsite infiltration. They increased the bottom of the detention pond. There is enough storage in the pond and not exceeding one foot of storage to contain the difference between the existing ten-year storm and the proposed ten-year storm.

We took the volume calculation and subtracted it and found out what volume was and provided that into the detention pond. So that volume number remain in pond and infiltrate slowly into the soil.

We have also added stormceptor here so the area from lot will receive proper treatment before it's funneled in. Riff raff was put in the slopes here so there were no problems with steepness of the slopes. Mr. Keegan explains different calculations. The stormceptor could handle the input. It was designed for high capacity. Mr. Keegan explained storm calculations. Mr. Keegan explained it was not going to be deeper than it was right now or hold more volume. It will function exactly like the other pond. The largest increase will come in when we get higher storms, but once the peak goes by, the pond will drain down. From each storm you have about a 2 ½ period of time before it starts to drop from the highest 5.3 feet back down to a 3-foot level.

Jeffrey Lucas asked if it was 2-1/2 days.

John Keegan explained it was 2-1/2 hour period.

Wayne Hayward explained it was important as you wouldn't want water depth there for days.

John Keegan explained there is a 4 foot chain-link fence around area and the site is occupied over there which will keep with the occupation of site. People won't likely go back there.

Jeffrey Lucas asked if the level spreader would funnel it down, that it was going to be 6 inches lower, and wondered if it would drop into the pond.

John Keegan explained the purpose of the 6 inches is to stop the flow. Instead of a channelized flow, it will be a sheet flow.

Francis Budryk made a motion to approve Fresenius Medical Care Special Permit with the recommendations from concerns in past. It was seconded by Gary Staffon.

Jeffrey Lucas explained, on No. 5, that he didn't think the employee parking signage was necessary. Explained one of the last restaurants they did has marked employee parking had it and how it would be enforced. That it was up to the applicant where people park so customers are not inconvenienced.

Rene Fleurent, Jr., explained part of the reason he made the recommendation for employee parking at that location was because it's a multi-use site between Walgreens, a local restaurant and medical facility. If employees parking more toward restaurant and towards Walgreens, then there wouldn't be enough parking for the restaurant and Walgreens. Mr. Fleurent explained that was why he was trying to keep employees closer to the medical building.

Richard Barnes explained that the tenant Fresenius made sure they designed the site to accommodate their customers and employees. And their building design is such that that area is intended to be for employee parking. There were 10 spaces specifically that we will designate and the employee entrance is right there. There is also a loading area. So it's the logical place that there be employee parking. At any one time they have a maximum of 10 employees. It would accommodate them. Customers go in front door. It should work very well.

Rene Fleurent, Jr., explained the applicant didn't have an issue with No. 5 and would like to keep it.

Gary Staffon explained some of the abutters had a question with busses turning around on the site. Did you people have a contact or any problems with Walgreens stopping buses from turning around on the site?

Richard Barnes explained they have not addressed that yet. It was an important concern and we will address it. It's not a public access way. They shouldn't be turning around in the driveway. It's more a local enforcement jurisdiction. If we need to get involved, we will. It actually creates a liability for ownership

William Roth explains that they really didn't know about it, and he does know about it and it was on his radar to discuss with the School Department and, if need be, bring in the owners if they have concerns with it because it is private property.

Gary Staffon explained there are concerns and the neighbors were unhappy with it.

William Roth explained he will be following up on it.

John Farrell, Jr., explains the only thing not met in No. 5 is the signs, posting the signs for employee parking and makes a motion to strike that.

Jeffrey Lucas seconded.

Wayne Hayward responded to be clear on the question - It is a valid motion. It's been seconded. Is that sign currently on the plans?

William Roth responded no.

Wayne Hayward asked if it was just a condition.

William Roth responded that was correct.

Wayne Hayward explained there is a motion an amendment to the motion.

Rene Fleurent, Jr., explained there was talk of removal of a hydrant on plan and was it being replaced somewhere elsewhere? And why was hydrant there initially? It's right inside Walgreens' perimeter (Looking at map).

Wayne Hayward explained there were two hydrants on site.

Rene Fleurent, Jr., asks why was it being removed and not being replaced with another one. There must have been a reason we put a fire hydrant there.

John Keegan explained that on the approved plans, it was called a temporary hydrant. Mr. Keegan thought they brought the 8-inch out there so they could extend it in the future. Mr. Keegan explained they kept it down to a 6-inch and put a valve in front of the hydrant. DPW said they didn't need a hydrant there, cut back to the original 8, extend it and bring it down to the building. They put a hydrant at the end of the lot so they could open the hydrant when they wanted to flush the line.

Wayne Hayward asked if the hydrant next to Walgreens was going to be removed and if Walgreens had another hydrant further up?

William Roth explained they have a hydrant right in the island and there is a hydrant in the parking space. (Referring to plans.) Mr. Roth explained it was being removed and then moved down.

Wayne Hayward explained there is a motion and an amendment to the motion.

Wayne Hayward asked if there was anything on that before voting (no response). Explained it was a simple majority vote, a positive vote would be to remove Condition No. 5. So 3-4. Motion fails. Condition 5 will remain, going to ask that you put in employee parking sign. Now on the main motion as amended. There are seven members that can vote, one member will abstain. It will take six positive votes. Anything from the public?

Paula Gillette expressed there was never a bus issue. That it's right to her property. It's a single level. The pond is bigger, it can handle the water. They put in shrubs for her and she expressed she was happy.

Kaisa Cripps explained that Paula Gillette is a direct abutter but her house is not seen on the plans. Walgreens was a direct abutter, and they don't have all the parking. They don't have her house and there are others there. Is it a standard?

William Roth explained it was structures within 100 feet.

Paula Gillette explained her house was very far.

Rene Fleurent asked to move forward with a vote.

Wayne Hayward put forth the motion as amended with 19 conditions. The motion passed unanimously.

#### **IV. LONG RANGE PLANNING:**

##### 1. Master Plan Discussion

William Roth explained he spoke with Paul Kitchen, Business Manager for the School Dept. about the School Master Plan that was funded 8 or 9 years ago. It is more of a needs assessment for the two elementary schools. And he was asked about the projected growth, population growth and he said they don't have that type of information. Mr. Roth was hoping they had more of a needs assessment that made the ultimate decision to go from the four elementary schools to the two. He said he would try to get a copy of it. Mr. Roth didn't know how relevant it would be.

Wayne Hayward explained all documents on hand were going to be requested by a planning consultant.

Rene Fleurent explained when going through the Master Plan, it gave a very nice overview and inventory of schools in the town, number of employees, and those things. Mr. Fleurent would like to continue to have documentation in A Master Plan.

William Roth explained that could be easily done by a consultant.

Rene Fleurent explained it would save Town money if they could do it.

Wayne Hayward asked if that was a feasibility study helping them with the school.

William Roth answered yes.

Wayne Hayward explained the Executive Summary, the first pages were in terms of waste water and water pollution control. The last two pages talk about build-out of water supply and you're talking \$3-5 million in build-outs in water mains. The bigger issue is the sewer treatment plan. The issue was not discussed much and still in limbo.

William Roth explained he didn't know where to go regarding this sewer treatment plan. Everyone knows it needs to be brought up to standards. It's going to run 10 of millions of dollars. Mr. Roth would talk to the superintendent.

Wayne Hayward explained as long as that was assessed and done. All the plans in their possession shows intent by the town, that's what we're requesting, more clarification on what the School Committee and BPW has for us?

William Roth agreed.

Discussion ensued about traffic on Sconticut Neck Road and the new school.

Wayne Hayward asked if there was anything else for the Master Plan.

Gary Staffon explained for the Bike Path Study Committee, the dike that runs toward Lawson Avenue, the part not paved if there was potential to get that paved?

Rene Fleurent explained it would be possible but expensive.

Discussion ensued.

Francis Budryk asked if was looking at the Master Plan and what did people want to see for the town?

Gary Staffon explained the Master Plan was for us to use as tool, a 10- or 15-year tool, to see where we have come and where we want to go.

Discussion ensued on purpose of a Master Plan.

## 2. Auto Dealer Use – Potential Zoning Amendment

Mr. Hayward explained they also have Auto Dealer used potential zoning amendment.

William Roth referred to an October 9<sup>th</sup> memo. It's fairly self-explanatory. There are two auto dealers. I've been frustrated with lack of information auto dealers get approved with. It's just not really true site plan review. There are two legal opinions. The first one was interpreted that the Planning Board had no jurisdiction. Mr. Roth did not agree with that interpretation and spoke with the town council and explained how it was being interpreted and he said it shouldn't be. He wrote a second opinion letter revising and clarifying. There would be certain triggers whether it be used or new that trigger special permits. It's still vague and all auto dealers are at the used category should be changed from permitted to special permit.

Mr. Roth explained they should do the site plan review and once the site plan review was done, it gets turned over to the Licensing Authority. We'll have done all site plan review and special permit. Mr. Roth explained he hoped they would get a majority that says this is an issue and we need to tackle it.

Wayne Hayward explained that after reading about it, he did speak to Bill. He had a different take than him regarding Town Counsel's opinion. Mr. Hayward agrees with his opinion and thinks the authority is clear. It is the Board of Selectmen and the Building Commissioner. I think the regulation is severely lacking. I think that's the problem.

Mr. Hayward explained there were no standards on how the site plan is proposed on what size scale. Mr. Hayward would be more than willing to have them come before the Planning Board, but to do so, a Special Permit means we would have to engage our authority through the use regulation tables to accomplish that.

William Roth explained even with two interpretations, the zoning enforcement officer still interprets the special permits aren't required. These Legal opinions are being interpreted differently and we need to take the vagueness out of it.

Wayne Hayward asked if Mr. Roth could propose some language they could look at.

William Roth explained that he was and wanted to get the Board

John Farrell, Jr., asked if this has this gone above enforcement, has it gone to the selectmen on their position.

William Roth explained the selectmen have been talking about getting good site plans. We have to get handle on this and the only way is to require a Special Permit site plan review.

Rene Fleurent explained that he applauded Mr. Roth for his initiative in this area. One reason is that many of these auto retails or service stations were grandfathered from many years ago. Mr. Fleurent explained he looked forward to seeing this initiative being created.

Jeffrey Lucas explained that he seconded that. I think it's a good proposal.

John Farrell, Jr., asked if it was something they would want to go in front of town meeting?

William Roth explained this was zoning bylaw and they would do it for May.

Discussion ensued on the merits of a bylaw amendment. The consensus was to have Mr. Roth bring a proposal to the Board.

V. CORRESPONDENCE:

None.

VI. OTHER BUSINESS:

Wayne Hayward explained that Open Space and Rec. plan update, a Planning Board representative was needed.

William Roth explained that the Board of Selectmen set up a committee at his request. We have contracted with SRPEDD to do the Open Space and recreation plan. It is between now and September of 2015. We have certain members, myself, the Rec. Director, Conservation Committee already appointed someone, BPW would be the Superintendent, Planning Board and two at large and we've solicited citizens for anyone who wants to look at doing that to submit names seeking a representative from the Planning Board to be on this.

Wayne Hayward asked if there were any volunteers explained they would put on agenda for next meeting.

John Farrell, Jr., asked what the commitment was, how many meetings, how often were they meeting?

William Roth explained probably every other month for the next year.

John Farrell, Jr., volunteered.

Kaisa Cripps explained she will be his alternate.

Wayne Hayward asked if the Planning Board members could be updated to the process.

Jeffrey Lucas made a Motion to nominate John Farrell to be the representative on the Open Space and Recreation Plan Committee with Kaisa Cripps as an alternate. Peter Nopper seconded. The Motion passed unanimously.

William Roth notified the Board that Town Meeting is on December 9th and articles are due December 24<sup>th</sup>.

Wayne Hayward asked if there was any other town business.

Kaisa Cripps explained that she was wondering if Mr. Roth could give an update on EJ's failure to comply with several items on Special Permit requirements.

William Roth explained the remaining outstanding issues are the need to put in a driveway at the residence. Mr. Roth explained that he was going to recommend that the applicant come and discuss the modifications to the Landscaping they made and if the Board is satisfied with the landscape plan as is, then there is no issue.

Wayne Hayward asked if he was talking about the trees out front.

William Roth explained that was correct.

Kaisa Cripps explained her big concern is from residents in the area who have complained, and she took a picture this evening, that the two residents at that home that they own, they are blocking off parking spaces for themselves and their friends, which limits parking. They are not meeting our parking requirements of the Special Permit. They are literally put cones and other items there to block it when they are not there, which does not meet parking satisfaction.

Discussion ensued on the outstanding issues

William Roth explained he understood how everyone felt about it and he would contact the applicant and get an update on when the remaining issues would be addressed.

Wayne Hayward explained it needed to be placed on the next agenda.

William Roth explained that once it was on the agenda, he would give the owners notice that they will be discussing this if they wished to attend.

Jeffrey Lucas made a motion to adjourn and was seconded by Rene Fleurent. The motion passed unanimously. The meeting adjourned at 8:05.

Respectfully Submitted,

Tracy White