

PLANNING BOARD MEETING of March 24, 2015

Town Hall Banquet Room

A. ADMINISTRATIVE BUSINESS:

Chairman, Wayne Hayward opened the meeting at 6:30 p.m. Mr. Hayward indicated to the Board and Public that the meeting was being recorded.

Quorum/Attendance:

Members Present: Chairperson, Wayne Hayward, Jeffrey Lucas, Rene Fleurent, Jr., Peter Nopper, John Farrell, Jr. Ann Richard and Gary Staffon

Absent: Kaisa Holloway-Cripps.

Planning Director, William Roth was also in attendance.

Acceptance of Minutes

Gary Staffon made a motion and was seconded by Jeffrey Lucas.

Jeffrey Lucas said on page 3, third paragraph last sentence to add: aware of the transfer of the permit, as to what the DPH was aware of. Also on page 5 third sentence in the middle should say, Coastal Compassion can locate in one location to cultivate, process and dispense and could identify a second location to cultivate and process. Page 6, third paragraph up, should say wheelchair accessible sidewalk from the entrance to the exit, referring to wheelchair.

John Farrell Jr., Page 3, 9 paragraphs down, would like it to say the marijuana byproduct instead of waste.

Wayne Hayward said there are amendments to the motion. The motion was voted on and passed unanimously.

Planning Board Bills:

1. Office supplies – Staples - \$67.02

Gary Staffon made a motion to pay Staples \$67.02 and was seconded by Jeffrey Lucas. The motion passed unanimously.

B. CURRENT PLANNING

Receipt of Plans

None.

Approval of Plans

None.

Street Acceptance: Welcome Street,

William Roth noted that the unnamed street off Turner Avenue, it has been withdrawn. Welcome Street. There funds in the 89 Account for the remaining street trees that have to go in once the houses are built. Also the as-built is being finalized, the developers deposited money with the Board of Public Works and Mr. Roth recommends they move forward with the plan.

Wayne Hayward made a motion to recommend Town meeting to accept Welcome Street and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

C. PUBLIC HEARINGS

1. Special Permit - Brahmin Leather #4 – 77 Alden Road (Cont'd from 3/10/15)

William Roth said he did not receive phone call from the Applicant's Engineer and was also continued at the Conservation Commission meeting. Mr. Roth is recommending continuing a minimum of a month to the April 28, 2015 meeting.

Jeffrey Lucas made a motion to continue to April 28, 2015, at the Applicant's request and was seconded by John Farrell. The motion passed unanimous.

2. Special Permit - Mill Bridge Holdings, LLC – 200 Mill Road (Cont'd from 3/10/15)

Bob Field and John Connell were present.

Mr. Field said they have been working to address comments of Mr. Roth and the Town's Engineer for the parking expansion project. They are looking at a 90-space expansion. Mr. Field explained steps that were being taken, updating a large, outdated switch gear, drainage of an area and also property transfer will have to be in place before work begins. There are a few waivers they are requesting.

William Roth referred to memo #4 dated March 18, 2015, where the Applicant addressed all of the comments from himself and the review engineer, with two waiver requests and there were no issues. Mr. Roth indicated everything has been addressed, landscaping has been revised, added lighting and lighting detail and the plantings will not be in the same holes as the lighting. Mr. Roth recommended approval subject to the 16 conditions identified in the report.

Jeffrey Lucas asked if there was a setback waiver from Mill Road.

Bob Field said they went to the ZBA and the setback requirement is 50 ft. and they are shy by a few feet. They have received a Special Permit from the Board of Appeals to extend and the non-conformity.

Jeffrey Lucas says he found the layout was lacking information of the adjacent parking area and how the proposed parking will match.

Mr. Fields explained the parking setup. (Reviewing plan) (Discussion ensued)

Mr. Lucas asked if on the south side, was there any buffer to the existing parking and Mr. Field said they were creating new islands and a planter strip.

Mr. Lucas asked about the terms with the hospital, the abutter and Mr. Fields said Southcoast is the tenant who these spaces are for. This is to accommodate their expansion. The owner's working with tenant. William Roth said there will be a Form A.

Mr. Staffon asked if the proposed landscape would match with the old section. Mr. Fields said they were extending it. Mr. Roth indicated he was adamant about the plantings and to continue the berm. (Discussion ensued regarding planting caliper size.)

Mr. Fleurent, Jr. said he was content with what they have and didn't feel they needed to spend further money.

Gary Staffon said he was thinking of the people who live there so they would not have to look at a parking lot and recommended that the planting size be increased.

William Roth said he would revise the Condition #17 from 1-1/2" to 2-1/2" caliper Norway spruce.

Gary Staffon asked regarding drainage and Mr. Fields said everything was going into the stormceptor and detention pond.

Ann Richards asked what the lot on the other side of the building, adjacent to Route 240, was used for and Mr. Fields said it was overflow parking for the existing building. It is a separate lot. (Discussion ensued.)

William Roth said he would recommend adding Condition #18 for the storm water quality for maintenance and annual reporting.

Mr. Fields said they have to appear before Conservation Commission as they are into the buffer zone. Mr. Hayward asked if they were anticipating any issues and Mr. Fields said he did not believe so as they were draining to a previously approved basin, but has not completed the application. (Discussion ensued.)

Wane Hayward made a motion to continue the hearing to April 28, 2015 and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

3. *Petitioned Bylaw Text Amendment* – Wireless Communications Facilities - Tom Melanson.

Wayne Hayward noted Article 16 is Wireless Communications Facility amendment to the Use Regulation Table and Article 26, Solar Photovoltaic Bylaw Use Regulation Amendment being proposed by Tom Melanson.

Tom Melanson was present.

Wayne Hayward introduced the Planning Board members and indicated it was being recorded live.

William Roth read the advertisement into the record.

Mr. Melanson said he has a 65-acre track and it is cornered by Alden Road and Tootle Lane and the back track is very hard to develop. Mr. Melanson explained he saw advertisements in Standard Times doing a solar farm on Mill Road, has done some investigation and is taking the next step. Mr. Melanson said it did not look good because the line was saturated, but he would like to have everything in place regarding Wireless Communication. Mr. Melanson explained it would be a cell tower way in the rear of Tootle Lane, an 8 x 8 foot concrete foundation, and set way back from the residence. He was also told by one of the solar farm developers that the area was saturated. Gary Staffon said meaning electrically.

Wayne Hayward said they were not talking about a Special Permit Application. Mr. Melanson is trying to amend the Use Regulation apply to all Park Districts.

John Farrell asked what the current restriction on height was and Mr. Roth explained cell towers and large-scale solar were not allowed in park district. Mr. Roth explained there were two options, amend the Use Table to allow them as Special Permit or rezone the property. Mr. Melanson decided to look at the Use Table, which would be Special Permit subject to the wireless regulations. The Solar would also be subject to Special Permit.

Wayne Hayward asked Mr. Melanson why he doesn't rezone property and Mr. Melanson said it is recreation and park so he is expecting an abatement because of the zone and doesn't want to lose it.

William Roth clarified that it was Park Districts and there were only three properties in town zoned as Park District, Mr. Melanson's property, the State Reservation at Fort Phoenix and the ball fields on Shaw Road.

Jeffrey Lucas asked how it got that zoning designation and Mr. Roth said it was previously proposed to be used as a campground. (Discussion ensued.)

Wayne Hayward asked if there were a lot of wetlands on the property and Mr. Melanson said there were about 17-18 acres in the back and about 7 in the front. It is limited-use. (Discussion ensued regarding Use Regulation Table changes and the Bylaws.

William Roth said he does not see any adverse impacts if the Board recommended approval on Wireless Communications.

Wayne Hayward asked if there was anyone from the Public to speak.

Nathan Titan resident in Town and owed the former Delta Electric building and also abutter to Mr. Melanson. The property surrounds three sides. Mr. Titan said he was just trying to understand what was requested and listening to what had to be said. (Discussion ensued.)

Wayne Hayward said the only motion would be to recommend or not recommend to Town Meeting. Mr. Hayward expressed he did not have an issue with it and does not believe it affects the bylaw adversely. Mr. Hayward believes there is a lot of room for it but he would have to make his case at Town Meeting.

Gary Staffon said he does not have a problem after an explanation and also does not believe it affects the bylaw. (Discussion ensued.)

Ann Richard asked about the signatures, if they had to be in that precinct and Mr. Roth said State law requires 10 registered voters for Annual Town Meeting warrant articles.

Jeffrey Lucas said he was a little reluctant about voting today.

Rene Fleurent, Jr. stated he was unsure if he would approve it. There are only 3 Park Districts and he felt there was a reason why bylaws don't allow cell towers. (Discussion ensued.)

Gary Staffon made a motion to recommend Wireless Communications to Town Meeting and was seconded by John Farrell, Jr. The motion passed by a vote of 5-2.

William Roth said he would explain to Mr. Melanson what he needs to do for Town Meeting.

4. *Petitioned Bylaw Text Amendment - Solar Photovoltaic Energy Facilities – Tom Melanson.*

Mr. Melanson said if it is used, it would be a 20-year lease. Blue Wave requires 12 acres, but they actually use 5-6 of the 12.

Jeffrey Lucas said the bylaw is 10.

Wayne Hayward said the problem he has with the Bylaw is it states there is no clear cutting of trees for five years prior to the Special Permit and your site is almost all wooded. Mr. Hayward said even if Town Meeting voted to adopt changes, you would have to clear-cut and wait 5 years.

Mr. Melanson said there are like 2-3 houses. (Discussion ensued.)

Wayne Hayward asked if there was any public to speak on this and there was none.

Gary Staffon said he was not in favor of a solar farm in this area.

Rene Fleurent, Jr. said he was not comfortable with this.

John Farrell, Jr. believes it is in direct opposition of the Bylaw.

Gary Staffon made a motion to recommend Solar Photovoltaic to Town Meeting and was seconded by was seconded by Jeffrey Lucas. The motion failed 0-7.

D. LONG RANGE PLANNING

Master Plan Discussion

None.

Auto Dealer Use – Potential Zoning Amendment

William Roth said he separated boat sales from auto sales and they are now two distinctive issues. Auto sales, rental, service would be business industrial and mixed use would be Special Permit, subject to 198-25 and this is the location of automobile services. Mr. Roth said also creating a separate use of boat sales, rental and service, which would be Special Permits in the Business Industrial and Mixed Use District and that, would follow normal Special Permit guidelines and that is what he is recommending.

Jeff Lucas indicated that section 198-25B where it says, every filling station, and felt they were actually talking about the pump and suggested that be defined in the definition.

John Farrell, Jr. asked if it was in-line with the building code.

Rene Fleurent, Jr. also said to define or change the words filling station. (Discussion ensued.)

John Farrell, Jr. said his concern is taking boats out of 198-25 and feels the same rules should apply.

Rene Fleurent, Jr. said there should be another bylaw.

Jeffrey Lucas suggested creating a section 198-25.1 and address concerns about boating similar to how automobiles were done in 198-25. (Discussion ensued)

Rene Fleurent, Jr. felt there are different type of boats, applications, maintenance and repairs and believes boats should be separate from auto.

Wayne Hayward said it will stay on the agenda.

Gary Staffon raised the questions of external storage and number of vehicles requiring repairs and how do they police that and Mr. Hayward said that gets into the intensity of use. (Discussion ensued.)

E. CORRESPONDENCE:

None.

F. OTHER BUSINESS:

William Roth indicated the Finance Committee and Selectmen voted on Planning Board budget and they did not vote the 1% increase (\$19) in the salary line item. They did approve the increase in training.

Rene Fleurent, Jr. asked if there was any update on Emma Jeans

William Roth noted he has sent an email with a copy of the letter to the Zoning Enforcement Officer asking for a status and update with a cc to the Chairman of the Board of Selectmen, the Chairman of the Planning Board and Executive Secretary.

Wayne Hayward spoke to the Building Commissioner who said he was going to meet with Applicant's attorney.

Gary Staffon made a motion to adjourn and was seconded by John Farrell, Jr. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Tracy White,
Recording Secretary