

PLANNING BOARD
Meeting Minutes
Thursday, August 14, 2014
Judge Welsh Room
6:30 P.M.

Members Present: Mark Weinress, Marianne Clements, Dorothy Palanza, John Golden, Grace Ryder-O'Malley and Brandon Quesnell.

Members Absent: None.

Staff: Gloria McPherson, Town Planner.

Chair Mark Weinress called the meeting to order at 6:31 P.M.

Meeting Agenda:

1. **Public Comments:**
None.

2. **Public Hearings:**

a) **Case # FY14-16** (*Applicant has requested to withdraw without prejudice*)

Application by Stan Sikorski requesting Site Plan Approval pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District, and a Special Permit pursuant to Article 4, Site Plan Review by Special Permit, of the Zoning By-Laws for the construction of a two-family dwelling with driveway, landscaping and associated site work at the property located at **294 Bradford Street**.

Attorney Lester J. Murphy appeared to request that the applicant be allowed to withdraw without prejudice. He submitted a letter to that effect, which Chair Mark Weinress read aloud. He then stated that the Board had received a number of letters from the public about the request.

There were 13 letters in opposition to the request. Will Walker, Anthony Fisher and Jonathan Sinaiko spoke in opposition to the request.

Attorney Murphy argued that the applicant seeks to withdraw the application after having revised his plans several times and failing to obtain the Board's approval. He expressed concern potential property rights would be taken away from the property owner by not allowing the applicant's request, thus preventing a new proposal from coming before the Board for a period of two years.

The Board discussed the request. Attorney Murphy stated that if the Board voted to allow a withdrawal with prejudice, the only way an applicant could come back before the Board would be with a different proposal from that of the current applicant. The Board would then have to vote that the plans were substantially different enough to allow a filing within a two-year period after the current ruling of the Board. John Golden said that he

personally was against withdrawing with prejudice because the Board has done their job. The project has not gone forward and he anticipates that the Board would do the same thing again in the future. If something is not right, it is not going to get through.

A motion was made by Dorothy Palanza to withdraw Case #FY14-16 with prejudice. The motion was seconded by Grace Ryder-O'Malley. VOTE: 4-1-0 (John Golden opposed).

b) **Case #FY14-27** (continued from July 24, 2014)

Application by William N. Rogers II, P.E., P.L.S., on behalf of Brad Locke Development, LLC, requesting Site Plan Approval pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District (A), and a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to demolish an existing single-family dwelling and construct three new single-family dwellings, an access drive and septic system, along with associated site work, landscaping and drainage at the property located at **664R Commercial Street**. Chair Mark Weinress recused himself because of a conflict of interest. Dorothy Palanza chaired the matter. She announced that she and John Golden, both of whom were absent from the first hearing of the case, had watched the PTV video recording of that meeting and each has signed a form attesting to that fact. The Board made a site visit to the property.

Attorney Lester J. Murphy, William N. Rogers, Brad Locke and Chris Locke appeared to discuss the application. Mr. Rogers submitted revised plans showing the location of the underground utilities and the water services. Attorney Murphy stated that the applicant seeks to construct three single-family dwellings in the Residential 3 zoning district. The minimum lot size required for three dwelling has been met. The lot has 50 feet of footage on Commercial Street. The existing 16' road, a right of way over the property of Michael Santos, will be maintained as access from Commercial Street. This will reduce the amount of clearing and additional development required on the site. He reviewed the Special Permit review criteria in Section 4035. The applicant is seeking waivers from Section 4163, Residential Design Standards, subparagraphs 2 and 4, due to the peculiarities of the site as well as the size of the development pursuant to the first paragraph of Section 4163. Attorney Murphy reviewed how the plan conforms to the remaining subparagraphs of Section 4163. He added that constructing the driveway to meet the Residential Design Standards would require significant additional excavation of the property, retaining walls, development of a much larger portion of the site and a greater disturbance to existing vegetation.

The Board questioned Attorney Murphy, Mr. Rogers and Mr. Locke. Mr. Rogers said he has spoken to Brian Carlson about the drainage on the site and Mr. Carlson was satisfied with the plan to handle stormwater runoff. The applicant was willing to put a pipe in the ground in case it would be possible to connect to the Town sewer system in the future. Attorney Murphy then reviewed how the plan conformed to the criteria of Section 5331, Developmental Impact Statements.

There were no new public comments.

The Board requested that the applicant submit a lighting plan for the proposed development and discussed the possibility of expanding the parking area.

There was a motion by John Golden to approve the site plan pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District (A), and to grant a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit to demolish an existing single-family dwelling and construct three new single-family dwellings, an access drive and septic system, along with associated site work, landscaping and drainage at the property located at 664R Commercial Street with the conditions that a silt fence be installed on the northerly side of the property during construction and that it remain until the site is stabilized with landscaping, that two more spaces be added to the parking area, that a lighting plan be submitted, that the proposed lawn on the south side of Buildings 2 and 3 not be planted, but that shrubs be planted instead, that permeable pavers be used on the roundabout, if possible, and that the two waivers from Article 4, Section 4163, Residential Design Standards, subparagraphs 2 and 4 as requested by the applicant be granted. Marianne Clements seconded the motion. VOTE: 5-0-0. Grace Ryder-O'Malley will write the decision. The revised site plan will be signed at the next hearing.

c) **Case #FY15-2**

Application by 26 Alden LLC requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to develop an existing building into nine dwelling units, three of which will be affordable, to reconfigure an existing parking lot and install landscaping, lighting, walkways and drainage, with associated site work at the property located at **26 Alden Street**.

Robert O'Malley, Jason Ellis, Attorney Mark LaCasse and David Goldman appeared to present the application. The existing building will be converted into 9 condominium units. The two existing landings in the front of the building will be reconstructed per the review of the Zoning Board of Appeals. Landings and entryways will be added on the north and south sides of the building as dimensioned on the proposed floor plans. Decks and egress stairs will be added to the rear of the building. The shed will be relocated to the west as shown on the site plan.

Several hundred square feet of the existing paved parking area will be removed and private yard space and walkways will be created. Green space will be added to both the north and south sides of the building. The parking area will be reconfigured to include 13 spaces on the south end of the site and 8 spaces on the north end of the site. A walkway across the front of the property along Alden Street will be added. Walkways to private entries will also be constructed on either side of the building. Landscape improvements will be added throughout the property. Two lights will be added in the rear of the building to provide light for safety and security concerns. Proposed exterior light fixtures will be dark sky compliant. Existing utilities and drainage systems will be utilized.

The Board questioned Mr. O'Malley, Mr. Goldman, Attorney La Casse and Mr. Ellis. The Board asked about handicap accessibility to the building. Mr. Goldman stated that the applicant would be willing to provide that access to first floor units. The Board asked about drainage on the site. Mr. Goldman stated that the applicant would be willing to provide drywells for downspouts on the property. The Board questioned Mr. Goldman about the access path to Motta Field.

Donald Beal and Bruce Mason voiced concerns about the loss of parking and the pathway to Motta Field. Mitch Hollander, a direct abutter, spoke in support of the application and of his concerns in regard to saving several trees, a holly and two tamarisks, on the north side of the property and drainage issues along the right of way that his property shares with the property. There were 2 letters expressing concerns about the loss of the pathway to Motta Field and the loss of neighborhood parking.

The Board is expecting comments from the Director and the Deputy Director of the Department of Public Works on the project, specifically on the drainage structures and the operation and maintenance plan for cleaning them out and for protecting them during construction. The Board decided to wait for that report before ruling on the site plan.

Regarding the concerns of many of the neighbors and other Town residents, Ms. McPherson said that in talks with the applicant a possible reconfiguration of the parking spaces on the south side of the property was discussed with the intention of installing a path on the southeast side of the property to connect with the steps to Motta Field.

The Board questioned the applicants about the traffic pattern on the property and about the ability of fire equipment to maneuver behind the structure. Mr. Goldman said the engineer on the project would consult with the Fire Department concerning this issue. The Board requested that the utility wires running to the structure from Alden Street be buried underground. Mr. Goldman said that the applicant would consider the request.

There was a motion by Marianne Clements to continue Case #FY15-2 until the August 28, 2014 Public Hearing at 6:30 P.M. The motion was seconded by Dorothy Palanza. VOTE: 5-0-0.

3. **Other Business**

- a) Discussion of proposed Zoning By-Law Amendments: (*postponed to August 28, 2014 Public Hearing*)
 - i. Proposed amendment to Article 4, Special Regulations, Section 4035, Commercial Design Standards, of the Zoning By-Laws, regarding pedestrian and bicycle circulation and infrastructure requirement for Commercial Developments and Redevelopments. The Board discussed the draft changes to the design standards regarding bicycle circulation and infrastructure requirements. Ms. McPherson will track changes and the Board can e-mail further suggestions.

- ii. Proposed amendment to Article 3, General Requirements, Section 3430, Illumination, regarding outdoor lighting design standards. The Board reviewed previously proposed changes to the outdoor lighting by-law. Ms. McPherson will track changes and the Board can e-mail further suggestions.
- b) Review and approve the minutes of the July 24, 2014 Public Hearing: Postponed until the August 28, 2014 Public Hearing. (*postponed to August 28, 2014 Public Hearing*).
- c) Any Other Business

There was a motion by John Golden to adjourn the Planning Board meeting at 9:30 P.M.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2014
Mark Weinress, Chair