

# PLANNING BOARD

## Meeting Minutes

Thursday, April 9, 2020

Judge Welsh Room

6:30 P.M.

**Members Present:** Brandon Quesnell, Paul Graves, Ross Zachs, Jeff Mulliken, and Monica Stubner.

**Members Absent:** John Peters-Campbell.

**Staff:** Thaddeus Soulé (Town Planner), and Ellen C. Battaglini (Permit Coordinator).

Mr. Soulé introduced the virtual hearing, explaining the reason the Public Hearing was being held virtually, how the Board, the applicants and the public could participate remotely, and the meeting protocol. He then called the roll.

Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:35 P.M.

2. **Public Comments:** None.

3. **Public Hearings:**

**PLN 20-30** (*request to postpone to the meeting of April 23<sup>rd</sup>*)

Application by **Robin B. Reid, Esq.**, on behalf of **BWell Holdings, Inc.**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15, Marijuana Establishment, Industrial, of the Zoning By-Laws to operate a cannabis-infusion production facility at the property located at **45 Court Street**. There was a request by the applicant to postpone to the Public Hearing of April 23<sup>rd</sup> at 6:30 P.M. *There was a motion by Jeffrey Mulliken to grant the request to postpone PLN 20-30 to the Public Hearing of April 23, 2020 at 6:30 P.M. Ross Zachs seconded. VOTE: 5-0-0 by roll call.*

**PLN 20-34** (*postponed to the meeting of June 11<sup>th</sup>*)

Application by **Keith LeBlanc**, of **LeBlanc Jones Landscape Architects**, seeking a Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for changes to parking, stairs, and walkways, and adding a wood deck, and installing a pre-fabricated swim spa, an outdoor shower, retaining walls, and native plantings on the property located at **14 Thistlemore Road**.

**PLN 20-35** (*continued from the meeting of March 26<sup>th</sup>*)

Application by **Dave Krohn** seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (1) and (5), Site Plan Review by Special Permit, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct five dwelling units, two septic systems, gravel driveways, and retaining walls, re-align fencing, complete associated utility upgrades, add hardscape patios and other landscape improvements, resulting in the moving of more than 750 cu. yds. of earth, which will alter the topography from the natural grade on the properties located at **66 & 72 West Vine Street**. Brandon Quesnell, Paul Graves, Ross Zachs, Jeff Mulliken, and Monica Stubner sat on the case. Mr. Quesnell

commented on a concern regarding a deed restriction/easement attached to the property, prohibiting the Board from considering this application, however he said that such a concern was outside the scope of work and the Planning Board's purview. Since the issue could impact the applicant, the Board could condition its approval on a resolution of the concern by the parties contractually or through litigation. If the Board decides to do this, language will be provided by Mr. Soulé.

**Presentation:** Dave Krohn, Chris King, and Brad Walker were in the meeting. Mr. Krohn reviewed the new material submitted to the Board. He reviewed the 7 items that were requested at the last hearing to be provided to the Board, including clarification as to the location of 2 parking spaces at 72 W. Vine for a single-family home and 4 parking spaces for the farm at 66 W. Vine Street; clarification as to roof runoff, which will be handled by 24" gravel stone drip edges located at the perimeter of each building to drain down into catch basins and a profile of the drip edge detail is available in the submitted supplemental materials; submission of detail for landscaping, which is now showing native plantings; clarification of fencing details and the submission of a fencing plan, which shows all new and existing fencing; the proposed location and screening for the propane tanks, 2/100 gallon tanks on northern edge of building 2, with plantings and the screening of the trash receptacles along Creek Road that are located in an area easily accessible by local trash pick-up service; confirmation that utilities will be placed underground and a review of the location of the proposed underground electrical service; and the replacement of the proposed new bike rack with a bike rack approved by the Board. Mr. Krohn reviewed several abutters' concerns, including the scale of the proposed structures, which do not need to be approved by the Zoning Board of Appeals, as they are within the neighborhood average scale and whose sizes are in keeping with historical farm structures, and the issue of the conservation restriction, which he explained as no longer being present on 72 W. Vine Street and which has been reviewed by the Conservation Commission. The deed restriction, he said, was lifted by the Mass. Division of Fisheries and Wildlife, which has jurisdiction over endangered species' habitat, and moved to a different location for the benefit of the spade-foot toad. Mr. Krohn also reviewed how he has improved the property since he has owned it and encouraged neighbors to volunteer their time to maintain the restoration of the farm. Mr. Quesnell reiterated the purview of the Board by saying that it did not deal with land disputes or land use, but only with the review of site plans.

**Public Comment:** George Salem and Katherine Lewis, abutters, spoke in opposition to the project and Jeffrey Newman, an abutter, had questions about the deed restriction. There were 2 new letters in opposition.

**Board Discussion:** The Board questioned Mr. Krohn. There was a concern by the Board about the change in grade and the alleged addition of fill on the property, the height of the buildings, and the question of whether the deed restriction has been moved. Mr. King reviewed the issue of the grade and fill, which had been done historically, but not recently, and explained the definition of building height. He explained that Mr. Krohn had a right to develop his properties and he has adhered to the relevant criteria in order to do so. After some discussion, the Board decided to continue the matter to give abutters more time to comment on the project, review the new material submitted by the applicant and to solve any technical difficulties in accessing the virtual hearing in order to make comments. Mr. Krohn argued that he has met all of the requirements of site plan review and suggested that the Board could approve with the condition that the property is proven to be free of the deed restriction. The Board asked for an opinion by, and assurance from, Town Counsel regarding the issue.

*There was a motion by Jeffrey Mulliken to continue PLN 20-35 to the Public Hearing of April 23, 2020 at 6:30 P.M. Ross Zachs seconded. VOTE: 4-1-0 by roll call. (Paul Graves opposed).*

**PLN 20-40**

Application by **Ted Smith, Architect, LLC**, on behalf of **Steven Lagana**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Two Family Dwelling, 1., One per lot, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct a new structure containing two dwelling units on a vacant lot located at **46.5 Harry Kemp Way**. Brandon Quesnell, Paul Graves, Ross Zachs, Jeff Mulliken, and Monica Stubner sat on the case.

**Presentation:** Ted Smith was in the hearing. He reviewed the proposed project, which involves the construction of two dwellings units. He reviewed the requirements for the build, including septic and zoning, all of which have been met. The applicant intends to make a payment in lieu to satisfy the requirement of the Inclusionary By-Law.

**Public Comment:** None.

**Board Discussion:** Mr. Soulé reminded the Board that it could ask the applicant how the project conformed to the requirements of Article 5, Section 5330, however there were no comments or questions regarding the issue. The potential conditions outlined in the staff report were read into the record, including the requirement that all exterior lighting be dark sky compliant, that all stormwater runoff be fully contained and treated within the property, that the payment in lieu of \$43,692 shall be paid at and upon the sale or prior to the issuance of a Certificate of Occupancy, whichever occurs sooner, and that a binding written agreement between the developer and the Town be entered into before the issuance of the first building permit and with appropriate surety arrangements to provide the required payment to the Housing Fund and with the notice of the required payment to be recorded against the property before a Certificate of Occupancy is issued and if full payment has not been made at the time that a Certificate of Occupancy is ready to be issued.

*There was a motion by Jeffrey Mulliken pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Two Family Dwelling, 1., One per lot, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct a new structure containing two dwelling units on a vacant lot located at 46.5 Harry Kemp Way with the conditions as mentioned. Paul Graves seconded. VOTE: 5-0-0 by roll call.*

**3. Work Session:**

- a) Pending Decisions:

**PLN 20-14**

Application by **Edward Roach**, on behalf of **Meili West, LLC**, requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (1), Site Plan Review by Special Permit, of the Zoning By-Laws to construct a three-story, multi-family development that will result in three or more residential units on the property located at **30 Shank Painter Road** with waivers from Article 4, Sections 4035, Review Criteria, e, 4053, Commercial Design Standards, 4120, Density Schedule, 4140, Lot Coverage, 4150, Green Area, and 4600, Street Trees.

**PLN 20-15**

Application by **Edward Roach**, on behalf of **Meili West, LLC**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, to develop 13 condominium units, 4 of which will be affordable, on the property located at **30 Shank Painter Road**. *There was a motion by Jeffrey Mulliken to approve the language as written. Paul Graves seconded. VOTE: 4-0-0 by roll call.*

**PLN 20-19**

Application by **Ted Smith**, on behalf of **Mitchell Klein**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws to move one bedroom from the main structure to another structure on the site and to create a new dwelling unit in the main structure, resulting in three or more dwelling units, on the property located at **26 Bradford Street**. The decision was not ready for approval.

**PLN 20-20**

Application by **Ted Smith**, on behalf of **Mitchell Klein**, seeking Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to move one bedroom from the main structure to another structure on the site and create a new dwelling unit in the main structure on the property located at **26 Bradford Street**. The decision was not ready for approval.

**PLN 20-26**

Application by **Eliot Parkhurst, Esq.**, on behalf of **Five Star Pet Services, LLC**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) & (2), and a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Laws to add a dwelling unit and 3 dormers and a new egress on an existing structure and remove a shed, animal runs, and fenced pens in the rear of the site to construct a duplex on the property located at **79 Shank Painter Road**, with waivers from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, and 4150, Green Area, of the Zoning By-Laws. The decision was not ready for approval.

**PLN 20-31** (*postponed from the meeting of March 12<sup>th</sup>*)

Application by **Don DiRocco**, of **Hammer Architects**, seeking a Site Plan Review pursuant to Article 2, Section 2320 (B), High Elevation Protection District (B), of the Zoning By-Laws to construct a screen porch on an existing second floor deck and reconstruct an existing set of stairs on the structure located at **5 Telegraph Road**. The decision was not ready for approval.

**PLN 20-36** (*postponed from the meeting of March 12<sup>th</sup>*)

Application by **Deborah Rossi, Patricia Ackad, & Jonathan Stevens** seeking a Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to add a wrap-around deck and to remove a concrete ramp on the structure located at **19 Brewster Street**. The decision was not ready for approval.

**PLN 20-37**

Application by **Melissa S. Schwartz & Linda M. Freundlich** seeking a Site Plan Review pursuant to Article 2, Section 2320 (B), High Elevation Protection District (B), of the Zoning

By-Laws to construct a three-season addition and two decks on the structure located at **24 Berry Lane**. The decision was not ready for approval.

b) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, and June 9, 2016, and March 26, 2020.** The minutes were not ready for approval.

f) **Any other business that may properly come before the Board:** None.

*There was a motion by Jeff Mulliken to adjourn the Planning Board meeting at 8:00 P.M. Monica Stubner seconded. VOTE: Unanimous.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2020  
Brandon Quesnell, Chair