

PLANNING BOARD
Meeting Minutes
Thursday, October 22, 2020
6:00 P.M.

PB Members Present: Brandon Quesnell, Paul Graves, Jeffrey Mulliken, Ross Zachs, Monica Stubner, Paul Kelly, and Steven Azar.

Members Absent: Marianne Clements (excused).

Staff: Thaddeus Soulé (Town Planner).

Mr. Soulé introduced the virtual hearing, explaining the reason the Public Hearing was being held virtually. He then called the roll.

Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:00 P.M. and turned the meeting back over to Mr. Soulé, who then explained how the Board, the applicants and the public could participate remotely, and reviewed the meeting protocol.

1. **Public Comment:** None.
2. **Consent Agenda:** Approval without objection required for the following item: None.
3. **Public Hearings:**

PLN 20-34 (*postponed to the meeting of December 10th*)

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 20-2009 (*request to postpone to the meeting of November 12th*)

Application by **Lester J. Murphy Esq.**, on behalf of **Jay Anderson**, seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a.1) and a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Two Family Dwelling, of the Zoning By-Laws for the redevelopment of a site to authorize the construction of two single-family structures, resulting in three or more residential units, on the property located at **53 Commercial Street** with requested waivers from Article 4, Sections 4163, Residential Design Standards, (2) and (3), and 4035, Review Criteria, (2). There was a request by the applicant to postpone to the Public Hearing of November 12, 2020. **Jeffrey Mulliken moved to postpone PLN 20-2009 to the Public Hearing of November 12, 2020 at 6:00 P.M., Monica Stubner seconded and it was so voted, 7-0.**

PLN 20-2011

Application by **Tom Thompson**, on behalf of **Steven Descoteaux**, seeking Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to extend an existing first and second floor with an 8' by 20' two-story addition on a south elevation and to enclose an existing entry porch and to relocate entry stairs to a west elevation on the structure located at **45 Bayberry Avenue**. Brandon Quesnell, Paul Graves, Ross Zachs, Jeffrey Mulliken, and Monica Stubner sat on the case.

Presentation: Tom Thompson and Steven Descoteaux were in the meeting to present the application. Mr. Descoteaux reviewed the project, which involves constructing an addition on the south elevation of the structure by enclosing an existing deck and screened-in sitting area on the first floor, adding living space on the second floor, reconfiguring an entrance on the west elevation and adding a roof deck and a cupola. No vegetation or fencing will be added or removed and no heavy machinery will be used in the construction process. The foundation of the structure will be extended to accommodate the addition and will be dug by hand. No runoff or drainage issues are anticipated as a result of the project and no other utilities will be affected. He said that no lighting will be changed or added. Materials will be brought in and removed via an existing driveway and parking area. The southeast elevation of the structure abuts isolated conservation land and cannot easily be seen from anywhere in Town. The addition will be constructed in the same footprint of the existing deck and porch area and will match the architectural style as the rest of the structure. The southern elevation provides ample screening so as not to detract from the site's scenic qualities. The existing structure is located away from the crest of a dune on the northeast elevation, which preserves the physical and visual integrity of the dune. The project will use minimal earth-moving, grading, or excavating activities. Only enough sand to install the footings of the foundation for the addition will be disturbed. The existing terrain contours will be maintained on or adjacent to the site. No utilities are proposed outside the structure and no storage of petroleum products is proposed.

Public Comment: None.

Board Discussion: The Board questioned Mr. Descoteaux and Mr. Thompson. Mr. Soulé said that he had submitted a report to the Board and had no further comments. The Board was concerned about the height and location of the cupola. A suggestion was made to move it inward, as it looks, as proposed, like an extension of the side of the structure. It was noted that no part of a structure should extend above existing vegetation in the high elevation protection district and the proposed cupola will extend higher. Mr. Quesnell suggested that the applicant submit a third-floor plan to staff to confirm that the cupola is 35 sq. ft. or less, which is the allowable size. The Board discussed the issue. After discussion, the applicant said he would be willing to install an open stairway notched into the side of the building, so no cupola would be needed. Mr. Descoteaux confirmed that there will be a dark sky compliant light on the cupola. Mr. Quesnell questioned Mr. Descoteaux about runoff being contained on the site. Mr. Descoteaux said he would work with staff regarding that issue. The Board discussed the suggested cupola options with Mr. Descoteaux.

There was a motion by Paul Graves to approve the site plan pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to extend an existing first and second floor with an 8' by 20' two-story addition on a south elevation and to enclose an existing entry porch and to relocate entry stairs to a west elevation on

the structure located at 45 Bayberry Avenue with the conditions that proposed exterior lighting shall be dark sky compliant and mounted in compliance with the Massachusetts Building Code, that all stormwater runoff from proposed impervious surfaces will be fully contained on the property, and that third floor plans showing that the cupola area is 35 sq. ft. or less are submitted to staff for verification purposes. Steven Azar seconded. VOTE: 4-1-0 (Jeffrey Mulliken opposed).

Work Session:

a) Pending Decision:

PLN 20-2007

Application by **Robin B. Reid, Esq.**, on behalf of **BWell Holdings, Inc.**, requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15, Marijuana Establishments, Industrial, of the Zoning By-Laws to create a marijuana production facility on the property located at **45 Court Street (General Commercial Zone)**. *There was a motion by Jeffrey Mulliken to approve the language as written. Ross Zachs seconded. VOTE: 5-0-0.*

b) **Minutes of September 24, 2020:**

September 24, 2020: *There was a motion by Monica Stubner to approve the minutes of September 24, 2020 as written. Jeffrey Mulliken seconded. VOTE: 7-0-0 by roll call.*

c) **Any other business that may properly come before the Board:** Mr. Kelly raised an issue about the vegetation on the CVS site as it related to a condition of its approved decision. Margaret Murphy had reported to Mr. Kelly that the trees on the CVS site had suffered during the drought this past summer and were probably dead. Mr. Kelly asked who was responsible for contacting CVS about the vegetation. Mr. Soulé said that CVS should be given one growing season to cure the problem. If the issue is not remedied, the Zoning Enforcement Officer is in charge of enforcement.

There was a motion by Paul Graves to adjourn the meeting at 6:55 P.M. Ross Zachs seconded. VOTE: unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2020
Thaddeus Soulé, Town Planner,
on behalf of the Planning Board