

PLANNING BOARD
Meeting Minutes
Thursday, January 13, 2022
6:00 P.M.

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

Members Absent: Jeffrey Mulliken (excused) and Marianne Clements (excused).

Others: 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 20-2013 (*request to continue to the meeting of January 28th*)

Application by **Richard Figueroa**, on behalf of **Curaleaf**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws to expand a retail marijuana establishment at the property located at **170 Commercial Street (Town Center Commercial Zone)**. There was a request by the applicant to continue PLN 20-2013 to the Public Hearing of January 28, 2021 at 6:00 P.M. *There was a motion by Paul Graves to grant the request to continue PLN 20-2013 to the Public Hearing of January 28, 2021 at 6:00 P.M. Ross Zachs seconded. VOTE: 6-0.*

PLN 20-2030

Application by **Jay Abbiuso** seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015 a., 1), Site Plan Review by Special Permit, and Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, to develop vacant land by constructing a total of 12 dwellings, 2 of which will be community housing units, in 4 duplex units and 4 cottages on the property located at **286.5 Bradford Street**.

Presentation: Attorney Christopher Fiset and Jay Abbiuso were in the meeting to present the application. Attorney Fiset reviewed the proposed development of the vacant land that includes 12/2-bedroom condominiums of which, 2 will be community housing units priced at approximately \$240,000. The Community Housing Council voted to support the development at its December 12, 2019 meeting. The plan for 286.5 Bradford is one of extremely low density, covering 16% of the lot where 40% is allowed and preserving 60% of the green space

where a minimum of 30% is required. A total of 18 parking spaces will be provided. Sidewalks are proposed throughout the site to allow for easy pedestrian access to all dwellings. The entire parking area will be constructed of pervious materials. A handicap parking space, contiguous with the walkways, will also be provided. Extensive plantings on both our side yards and road frontage will shield the majority of the proposed development from view by both abutters and from Bradford Street. The closest dwelling to Bradford will be 92 feet off the street, with the majority of the buildings being over 170 feet from the street. Attorney Fiset said that the engineer on the project will ensure that the stormwater management system will control all runoff on the site. He said that the applicant was looking for feedback from the Board.

Public Comment: There were 12 letters; 10 in opposition and 2 in support. Ted DeColo spoke in opposition to the project.

Board Discussion: Board members expressed their concerns about the project and specific aspects of it, including the number of buildings, the uninspired geometric layout, the number and arrangement of parking spaces, the lack of outdoor spaces for each unit, the use of lawns and lack of sufficient native landscaping, the lack of screening to the neighboring properties, the insufficient garbage/recycling containers and the containers location, the location of bicycle racks, and the potential for increased traffic in the neighborhood. Mr. Abbiuso responded to the concerns. He said he is waiting for feedback from the Fire Chief. He said that the layout was based upon the Historic District Commission feedback, including the repetition of a single design for the proposed cottages. There was a request for the submission of a new site plan with a scale of 1"=10'. Mr. Abbiuso said that there were outside exclusive use spaces on the lower level of the duplexes and the top floors have decks. The cottages would have 200-400' of outside exclusive use space. The trash receptacle size can be expanded to accommodate all trash and recycling needs. He said that plantings could be added and that the engineer would have to be consulted about the implications of moving any buildings, but he would look into that option. It was requested that the window wells be more clearly illustrated on the revised site plan with detailed profile views to show the relationship between the walkways between the buildings and the window wells, the current scale shows the walkways very close to the window wells creating a potential safety hazard. Mr. Abbiuso said that the egress wells would be located on the front of the buildings and the side window wells are small and could be more clearly delineated as well. He also agreed that a new site plan with the requested scale would be submitted as well. It was suggested that more consideration of screening, both in the form of fencing and plantings, from neighbors be considered. Mr. Abbiuso said he would be amendable to that suggestion.

Board members expressed support for the project providing two affordable units as part of the Inclusionary and Incentive Bylaw. The Board expressed concern about the distancing between each unit and the alignment of the buildings, such that windows from each unit look directly into the adjacent units, the long row alignment of the parking lacks vegetative islands to break up the parking spaces, the lack of sufficient distances between the proposed buildings and cottages located on adjacent lots, there should be a 6-foot fence between the site and neighboring, each unit should be provided with its own exclusive yard area, patio space, private outside garden areas for each of the residences, and bicycle storage spaces for each unit, buildings 1 and 4 could be shifted north and still not impact the wetland resource areas,

buildings 5 and 6 could be moved toward the tennis courts to create a real buffer to the neighboring property, and the buildings should be spaced to avoid dwarfing the cottage located on the adjacent lot. The Board asked if there would be an irrigation well onsite and whether there would be an irrigation system and if so, this needs to be depicted on the landscaping plan. The elevations of the buildings only show the tops of the windows on the lower levels and the entire window within the window well should be shown clearly. The Board inquired about the curvature of the proposed entry driveway leading from Bradford Street and whether there is a minimum required distance of driveway that is required to be perpendicular to Bradford Street. The Board noted that the site plan layout is very rigid and that a revised site plan should be more flexible and loosen up the layout of proposed features. The Board questioned the quality of life of an individual living in this proposed cottage community and how the site should be improved from the perspective of a resident.

Another recommendation was to delineate the utilities on the site plan. Mr. Abbiuso said that a buried propane tank would be installed. Another request was for more detailed elevation drawings showing what the property would look like when entering the site. Mr. Abbiuso said he would commit to making ground-level units easy to convert to handicapped accessibility based on a suggestion by the Board. He requested a continuance to the February 11, 2021 Public Hearing. *There was a motion by Ross Zachs to continue PLN 20-2030 to the Public Hearing of February 11, 2021 at 6:00 P.M. Monica Stubner seconded. VOTE: 6-0-0.*

PLN 20-2031

Application by **Lester J. Murphy** requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District A, of the Zoning By-Laws to renovate an existing single family residence, including constructing an addition and a detached garage/artist's studio on the property located at **32 Point Street**. Brandon Quesnell, Paul Graves, Ross Zachs, Monica Stubner, and Steven Azar sat on the case.

Presentation: Attorney Lester J. Murphy, Ed Macri and Trevor Mikula, the property owners, Ryan Campbell, the project's architect, Stacy Kanaga, the project's engineer, Cole Bateman, the geotechnical engineer, and Thomas Fraley, the landscape designer, were in the meeting to present the application. Mr. Macri and Mr. Mikula reviewed their intentions for the property and reviewed the plans. Mr. Macri said that their intention was to repair and improve retaining walls, preserve the historic nature of the structure, build an artist studio, and construct an addition on the existing structure. They also would like to improve the landscaping on the property.

Ms. Kanaga reviewed the features of the existing site plan. There is currently a dwelling on the crest of hill, near the east end of the property closest to Commercial Street, adjacent to which there is a wood stoop with stairs and a detached rinse area and a wood deck with a trellis and a bulkhead facing Point Street. One additional structure is a small shed located near the center of the lot with a deck and a wood stoop. There is a series of stone steps that lead from the dwelling west towards Point Street to a parking area, under which is located a Title 5 septic system designed for 5 bedrooms. There is a paved driveway on the south side of the property that serves as vehicle access via an easement to Point Street. She said that there were various timber and rock retaining walls throughout the site around its perimeter that are aging and need

to be repaired. There are two pedestrian accesses to the site from Commercial Street. The existing landscaping consists of lawn areas and a garden. Vegetation has naturalized around the perimeter, with trees dotting the area. As to the proposed conditions, the existing dwelling will be renovated in place, with an addition, and detached garage/artist's studio located west of the addition towards Point Street. The Title 5 system will be reduced in size to a 3-bedroom system. The goal of the addition's placement and the detached studio was to step them down following the topography towards Point Street and settled into the hill to reduce the mass of the building. As the design aspect was to lower the elevation of the addition, to situate it into the hill, a helical foundation was chosen to facilitate this goal. This will allow the foundation excavation to be kept shallow while still supporting the foundation. She reviewed the proposed design features of the site, including replacing the decking and stairs on the front of the structure in a different layout and a new wood deck overhanging the existing retaining walls. The rinse area will be placed closer to the structure, more attached, and better screened with landscaping. Various at-grade stone pavers for stairs will create pathways and add aesthetics to the site. On the Point Street side, there will be an outside living space between the existing dwelling and the addition, with an attached deck and outdoor grill area. A deck extension will be added with floating stairs leading down to a parking and vehicle maneuvering area on Point Street. The retaining timber and rock walls around the perimeter of the site will be pulled back off the lot lines on the Commercial Street side. The existing aging timber retaining walls will be stabilized by driving in sheet pile walls in front of them order to extend their longevity. This will also minimize the disturbance on the slope. The terraced rock walls on the south side of the property will remain intact from the existing dwelling. Various concrete walls will be installed along the south property line on the site near the parking area. The upper rock wall on the west elevation will be reconstructed as a concrete wall. The proposed recycled and refuse area, between the two buildings, is delineated on the site plan. The stormwater management will include dry wells to catch roof runoff and other surface runoff will be captured in the vehicle parking area where there is a mix of pervious and impervious material. All stormwater will be infiltrated on the site. An irrigation well for landscaping will be installed on the site. The old septic system will be removed and a new one constructed in a slightly different location. New utilities will be connected to existing ones. Erosion control will be installed during the construction phase.

Mr. Fraley briefly reviewed the landscaping plan for the site, which will mimic the natural slopes on the property. Plant selection is appropriate for the climate and site. Native plantings will be used. Reconstructed walls will be screened heavily. Landscape lighting is dark sky compliant. He noted the irrigation well location on the northeast corner of the property. It will be used to establish the new plantings on the site.

Mr. Campbell reviewed his architecture of the building and how it was designed. He said that the design was intended to restore the structure and maintain its presence from the Commercial Street side, which is the more historic neighborhood. The structure is part of two different neighborhoods, not only the older, historic Commercial Street one, but the larger-scaled, transitional, contemporary neighborhood of Point Street. There is a very significant drop in the grade on the latter side. He said that the design also seeks to stabilize and react in a more minimally invasive way to the site. Fixing existing walls along Commercial Street serves to stabilize the site and these will be kept in place. The project seeks to maintain the view of the

site from Commercial Street and there was an intent to screen the new addition from both neighborhoods and take its added mass and break it up visually, through height and volume and architectural feel, and step it down the site, while still relating to Point Street in an architectural way. Both the HDC and the Zoning Board of Appeals have approved the project as presented. He reviewed the exterior lighting, which will include pathway lighting at a height of 18", and at entrances on the structure, strobe gas lanterns at eye-level.

Attorney Murphy reviewed the requested waivers and argued that the project would have no adverse effects on the Town or neighborhood. He said that the intent of the High Elevation Protection By-Law was to maintain some stability and views of higher elevations in Town. He argued that this project complies with the By-Law's standards, as the placement of the new addition was away from the crest of the hill. In addition, there are variable setbacks and multiple orientations, a reduction in the foundation use with helical piles, native plantings and screening of the retaining walls, and there was an effort to keep the grading and earth-moving to a minimum and to retain all stormwater on the site. He argued that the project has met the requirements of the HEP By-Law.

Public Comment: There was 1 letter in support of the application. There was no other public comment.

Board Discussion: The Board commented on the project. Ms. Kanaga responded to a question about retaining walls on the west elevation and the concrete walls on the south elevation, which will stabilize the site. Mr. Bateman commented on the proposed foundation. Ms. Kanaga answered a question about what would be seen from Commercial Street after the project was complete. Mr. Fraley commented on the proposed weathered look of the retaining walls that will need shoring up and how they would be reconstructed. There was a question about the storage of materials and heavy equipment and the potential for disruption of Point Street and the Land's End parking lot. Ms. Kanaga said that the project would not disrupt either area and all sediment would be kept on site during the construction process. Anne Howard, the Building Commissioner, commented on the project in regard to the tight turn on Point Street to access the site. She said that conditions before construction begins should be taken into consideration and any damage to that corner should be repaired by the property owners. Attorney Murphy suggested documenting the conditions on Point Street and make a condition that the property owners would be responsible for correcting any damage done and bringing Point Street back to its existing condition.

There was a motion by Ross Zachs to approve the site plan pursuant to Article 2, Section 2320(A), High Elevation Protection District A, of the Zoning By-Laws to renovate an existing single family residence, including constructing an addition and a detached garage/artist's studio on the property located at 32 Point Street with the requested waivers and with the condition that the property owner and the contractors photographically document the condition of Point Street and the Point Street/Commercial Street intersection prior to commencing any construction and that those same conditions be documented upon completion and further that the property owner will be responsible for repairing any damage caused to Point Street or to any properties adjacent to the Point Street/Commercial Street intersection. Monica Stubner seconded. VOTE: 5-0-0.

PLN 20-2032

Application by **William N. Rogers, II** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit a. (4), of the Zoning By-Laws to renovate a structure whose curb cut is 25% larger than the existing or proposed street frontage, including adding dormers on the south elevation, extending a deck and adding stairs on the east elevation, and constructing a one-story addition over an existing kitchen and storage area, replacing stairs and an entryway and enclosing an elevator on the north elevation of the property located at **429 Commercial Street** with requested waivers from Article 4, Sections 4035 (b), 4035 (c), 4053 (1)(b) and 2(d), and 4600. Brandon Quesnell, Paul Graves, Monica Stubner, Ross Zachs, and Paul Kelly sat on the case.

Presentation: Attorney Lester J. Murphy and Gary Locke were in the meeting to present the application. Attorney Murphy reviewed the project, which seeks to make the building more usable. No new seating will be added because no gallons are available. However, there will be a new seating area created, allowing for more socially distanced dining during the pandemic. He said that both the HDC and the ZBA have approved the project. The changes are to the building itself and the site changes are very minimal. There will be interior layout changes and some changes to the front façade. There will be a dormer added and an expansion to include another seating area. In addition, there will be an enlargement of the residential unit on the second floor.

Mr. Locke reviewed the proposed site work. The addition will enclose the equipment and storage area on the front of the building behind the fence. This will provide a floor over the area. Office space will be put above this area and an enclosed entrance space will be created. He said that a nice interior environment will be created by constructing a vestibule with stairs running up to a hostess area and will make the handicap access area more accommodating. The project will provide a proper access to an upstairs bar area in an inset deck space and the construction of a new restroom. The stair location that will provide access to the office and residential area and will be moved outside to the east elevation. Attorney Murphy argued that the social, economic or other benefits of the project outweigh any adverse effects. Having another seating area will allow for additional service for patrons, and in the future, it will provide for additional seating capacity. The residential improvement, making a unit more livable, will allow the property owners to live above their business. The project will be done with a significant upgrade in the look of the structure and very little increase in the lot coverage. The larger seating area will provide more employment opportunities. He reviewed the requested waivers and explained why these requirements cannot be fulfilled.

Public Comment: There were no letters in the file. There was no other public comment.

Board Discussion: The Board questioned Attorney Murphy and Mr. Locke. Mr. Locke said that the site plan will be revised to show the existing conditions of the south deck. Anne Howard commented that there was a COVID scenario filed for a deck that is not connected to the main structure. This is a temporary situation to accommodate outside seating for the restaurant. Mr. Quesnell asked whether any screening of AC components will occur on the southeast side of the property and whether the flood lights on that elevation will remain.

Attorney Murphy said that the former will be screened with lattice and Mr. Locke said that the latter are existing and will remain.

There was a motion by Paul Graves to grant a Special Permit pursuant to Article 4, Section 4015, a. (4) of the Zoning By-Laws to renovate a structure whose curb cut is 25% larger than the existing or proposed street frontage, including adding dormers on the south elevation, extending a deck and adding stairs on the east elevation, and constructing a one-story addition over an existing kitchen and storage area, replacing stairs and an entryway and enclosing an elevator on the north elevation of the property located at 429 Commercial Street with the conditions that the existing landscaping and trees depicted on the site plan will be maintained and no vegetation will be removed and that the latticework on the east elevation to screen the AC units located in the southeast corner of the building and to grant the requested waivers from Article 4, Sections 4035 (b), 4035 (c), 4053 (1)(b) and 2(d), and 4600. Paul Kelly seconded. VOTE: 5-0-0.

4. Work Session:

a) Pending Decisions:

PLN 20-34

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, an outdoor shower, retaining walls, and appurtenant landscaping on the property located at **14 Thistlemore Road**. *There was a motion by Ross Zachs to approve the language as written. Monica Stubner seconded. VOTE: 4-0-0.*

PLN 20-2009

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 motion by Ross Zachs to approve the language as written. Monica Stubner seconded. VOTE: 4-0-0.*

PLN 20-2014

Application by **Eric Larsen**, on behalf of **Corinne LeGoff & Sharon Pollack**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation protection District (A), of the Zoning By-Laws to construct a garage and an entryway on the property located at **16 Creek Round Hill Road**. *There was a motion by Monica Stubner to approve the language as written. Paul Graves seconded. VOTE: 4-0-0.*

b) Minutes of November 12, 2020 and December 10, 2020:

November 12, 2020: *There was a motion by Monica Stubner to approve the minutes of November 12, 2020 as written. Ross Zachs seconded. VOTE: 6-0-0 by roll call.*

December 10, 2020: *There was a motion by Paul Graves to approve the minutes of December 10, 2020 as written. Ross Zachs seconded. VOTE: 6-0-0 by roll call.*

c) Any other business that may properly come before the Board:

There was a motion by Ross Zachs to adjourn the meeting at 8:33 P.M. Monica Stubner seconded. VOTE: unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2021
Thaddeus J. Soulé, Town Planner,
on behalf of the Planning Board