

# Minutes

**March 3, 2004**

**Members Present:** Ellen Battaglini, Howard Burchman, Annie Howard

**Members Absent:** Barnett Adler

**Advisory Staff:** Mark LaTour

The meeting was called to order at 7:00 p.m.

## **SITE VISIT**

Ellen Battaglini and Annie Howard conducted a Site Visit of 119R Bradford Street Extension at 5:15pm that evening.

## **PUBLIC HEARING**

### **Case#2204-002**

Application by **William N. Rogers II PE, PLS on behalf of Gordon Realty Trust, William A. Gordon, Trustee** under Article 2, Section 2320 of the Zoning Bylaw, High Elevation Protection District B. The applicant seeks a Site Plan to install an upgraded Title V septic system with no variances and construct the proposed addition at **119R Bradford Street Extension (Res1 Zone)**.

Mr. Rogers, Mr. Gordon and Mr. David Milliken were present to present the plans and intent of the project. They informed the board that their plans for septic without variance and contour and setbacks were all in compliance with zoning and building standards. The project is a one room addition with a living and dining area and a loft above, primarily for use by Mr. Gordon's son and fiancé.

Details of the plans were discussed and reviewed by the board. The clarified the following: the loft is not a bedroom because it has an open railing to the lower level, the height of the garage is within B District regulation, the height of the exposed foundation will be stick-built to allow shingling to cover it up. Ellen Battaglini was reassured that during and after construction there would be a retaining wall in place to prevent erosion.

**Howard Burchman made a motion to approve the plans as presented for case #2004-002 with the condition on verification by the Building Commissioner that the addition is not in excess of the one and a half stories.**

**Ellen Battaglini seconded the motion and it passed 3/0/0.**

### **Chet Lay of Slade Associates – Bradford St. Lot behind 438 Commercial St**

#### **Approval not required, pre-application.**

Mr. Lay explained to the Board that the property owner wants a cut of land in the back of the property to be used for the addition of a retaining wall and fill to form a parking space, to which he will constrict a connecting walkway from the house. The project complies with zoning regulations. Annie Howard expressed concern that the parking space is near the crest of the hill on Bradford and provides low visibility for pulling out.

## **PROPOSED ZONING BYLAW AMENDMENTS**

Peter Bez, member of the Zoning Board, presented to the Board the following questions/statements on their proposed amendments.

Referencing **Article T**: by making this a bylaw, the change takes away recourse of the public to change sign size in the future.

Referencing **5310 Special Permit**: As it reads the public can choose which board to go to, the current

language is vague and poor.

Referencing **4700 D Rental Storage**: Why must they renew on an annual basis? Why do they need to come back for a special permit? Should you strike the yearly basis requirement? (Howard Burchman noted this was in place to check for hazardous and toxic waste, however that may already be covered in the annual license inspection.)

Referencing **Footnote D Fast Food Establishments**: He did not believe the Zoning Board was experienced enough to define examples of “cape cod style” construction, and per chance the Historic Committee, who assesses the aesthetics and exterior of buildings, may be more qualified to make this determination. (Annie Howard noted they may add to require the Historic Committee to sign off on a permit before it goes to the Zoning Board, but she would converse with the LPCIC on the matter)

Referencing **Adult Entertainment Issues**: the current language was unclear and vague (Mark LaTour noted this issue is dealt with by a separate bylaw warrant.)

Referencing **Permitted Principle Uses Chart D**: Where are Planning and Zoning Board’s criteria different? “The change seems to shuffle things Zoning routinely does with examples of cases that Planning doesn’t usually do anyway.” Annie Howard explained the intent of the change was to help decrease the redundancy for applicants to go to multiple boards for the same issue, they were trying to help the Zoning board by doing more Site Plan Review and define what matters send applicants on to the Zoning board.

The following are the motions made by the Board, which reference the Bylaw amendments that can be seen in full within the Meeting Agenda.

**Howard Burchman made a motion to support and co-sponsor Article P.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made a motion to support and co-sponsor Article Q and recommend to LCPIIC to define dormitory for future use.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made a motion to support and co-sponsor Article I adding dormitory to 2472, with as easy of restrictions of parking requirements.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made a motion to support and co-sponsor Article S.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made motion to continue the Public Hearing on Article T in order to confer with LPCIC.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made a motion to support and co-sponsor Article W after the addition of “whichever board is appropriate” to clarify.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made motion to continue the Public Hearing on Article X in order to confer with LPCIC.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made motion to continue the Public Hearing on Article Y in order to confer with LPCIC.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**Howard Burchman made a motion to support and co-sponsor Article Z.  
Ellen Battaglini seconded the motion and it passed 3/0/0.**

**DISCUSSION ON PROPOSED ARTICLES FOR TOWN MEETING WARRANT**

Item was not discussed at this time.

**MINUTES**

**Howard Burchman made a motion to table the minutes until the next meeting, due to a lack of quorum.**

**Ellen Battaglini seconded the motion and it passed 3/0/0.**

**ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE BOARD**

David Nickalau was present to confer with the board on the possible addition of two additional parking spaces to the **Moors** lot. The board reviewed the presented plans and discussed. The only concern was triggering Conservation Committee approval by using space within the set dune buffer zone, and how the area removed for parking would be replenished with vegetation elsewhere on the lot.

**Motion moved by Howard Burchman: Adjourn Planning Board Meeting of March 3, 2004.**

**Ellen Battaglini seconded the motion and it passed 3/0/0.**

The meeting was adjourned at 8:32 p.m.

Respectfully Submitted,

Alison Boutin

**Approved by \_\_\_\_\_ on \_\_\_\_\_, 2004.**

**Annie Howard, Chair**