

## PLANNING BOARD MINUTES

August 15, 2016

### **Call The Meeting to Order**

Chairman Stephen Johnson called the meeting to order at 7:05 P.M. in the Town Hall Meeting Room. Present at the meeting were Vice Chairman Robert Fowler Nancy Reed, Vincent Fratalia, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart. Keith Anderson was not present.

### **(A) Approval of Minutes – July 11, 2016**

**MOTION** - Mr. Fratalia made a motion to approve the Planning Board minutes of July 11, 2016 as presented. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

### **(B) Committee Reports/Administrative Actions**

#### **(B1) Committee Reports**

There were no committee reports.

#### **(B2) Settlers Way (379 Pleasant Street) As Built, Street Acceptance and Bond Release Discussion**

Mr. Sadwick stated that he spoke with the Town Engineer today. Everything has been submitted for the street acceptance and bond release but there are a few minor issues that need to be resolve such as the driveway changes at 357 Pleasant Street and the bounds certification. In talking with the applicant, the warrant for the Special Town Meeting closed on August 17, 2016. The next Planning Board meeting is September 12<sup>th</sup> and everything should be cleaned up by then. The Selectmen will be meeting on September 13<sup>th</sup> and they will have the street layout hearing then. He suggested continuing this until the next Planning Board meeting.

Keith Anderson joined the meeting at 7:07 PM.

#### **(B3) 1700 Shawsheen Street – As-Built and Bond Release**

Mr. Sadwick stated that this was continued from the last meeting. Ms. Cathcart stated that the building permit application has been submitted by Mr. Germano and Mobil. The appeal period for the Planning Board decision expired today. Once the decision is picked up and recorded, the Building Commissioner will verify the existing signs are what were approved by this Board and issue the permits.

**MOTION** - Mr. Fowler made a motion to accept the as-built and release the \$10,000 bond subject to the issuance of the building permits with payment for the approved Sign Special Permit for 1700 Main Street. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

#### **(B4) 20 Cabot Road – ANR**

Attorney Richard O'Neill appeared for the ANR for 20 Cabot Road. Attorney O'Neill presented the land court document that allows them to discontinue Oak Street from Cabot Road to Nevada Road. The paper street is split down the centerline and each parcel will be given to each abutting parcel. Parcel A will be joined with Map 81, Lots 9 & 26, Parcel B will be joined with Map 81, Lot 8 and Parcel C will be joined with Map 81, Lot 28. There are two mylars to be recorded, the street discontinuance and then the boundary consolidation. The Parcels A, B and C are marked as not buildable.

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There were no questions.

**MOTION** - Mrs. Reed made a motion to endorse the ANR plans as submitted. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**(B5) 298-312 Pine Street, Harvest Lane Non-Substantial Determination**

Marc Ginsburg and James Hanley appeared for the non-substantial determination for Harvest Lane. Mr. Hanley stated that a direct abutter approached Mr. Ginsburg and asked that a portion of the open space be deeded to him because he currently maintains it. The abutter has requested Parcel 2, which consists of 5,290 SF to be deeded to the abutters as a non-buildable lot. The project requires 5.48 acres of open space. If this is approved they will still have 5.51 acres of open space with open space uplands at 5.13 acres and wetlands open space at .39 acres.

Mr. Fratalia, Mr. Fowler and Mr. Anderson have no issues.

Mrs. Reed asked if this would affect the square footage required for density. Mr. Hanley replied that they still have enough.

Mr. Sadwick stated that under the OSRD Special Permit, the Board can issue a non-substantial determination but there should also be an ANR for recording of the subdivision. The ANR could be submitted to the office and as long as the dimensions of the ANR plan match this, the Board could just sign it without coming back to a meeting.

**MOTION** - Mr. Fowler made a motion to approve the change presented as a non-substantial determination and the applicant will submit an ANR plan, with the exact dimensions of this plan and the Board will approve and sign the plan. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**(B6) 100 Joan's Farm Way – Non-Substantial Determination**

Arnie Martel and Dick Cuoco appeared for the non-substantial determination for 100 Joan's Farm Way. Mr. Cuoco stated that it is highly desirable to have a meeting area or clubhouse for the residential units. They are proposing expanding the building footprint but keeping to the setbacks and changing the existing trail shop to a clubhouse and sales office with a space left for a future rail trails shop if needed. They would like to clean up the Special Permit to include a multi-purpose use.

Mr. Fowler stated that the proposed uses are in relation to the project and the building is comparable to the size of the other buildings.

Mr. Anderson and Mr. Fratalia agreed and had no issue with the change.

Mrs. Reed stated that the as-built should be updated to reflect the multi-uses that will be located in the building. Mr. Cuoco stated that the CVOD does not require a retail component so we will just have the designation of sales office and clubhouse but it will have the ability to have a trail shop if the trails are ever continued. Mrs. Reed stated that if the mixed use component is removed, then only a residential use will be onsite and the bylaw would require the applicant be responsible for the affordable units either building the units or fee in lieu of. Mr. Cuoco replied that they are requesting that the uses be sales office, clubhouse and future rail trails retail shop. The as-built and special permit should be updated with these uses.

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**MOTION** - Mr. Fowler made a motion to approve the change of retail trail shop to a retail trail shop, sales office and clubhouse on the as-built and special permit as non-substantial determination. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**(B7) 270 Main Street (Cumberland Farms) – Land Disturbance Discussion**

Philip Henry appeared for the discussion on a Land Disturbance waiver for 270 Main Street. Mr. Sadwick distributed a memo stating that this type of project typically requests a land disturbance waiver and the Planning Board typically grants this waiver because a SWPP will be in place. This was an oversight by the applicant and they are requesting the waiver now. Mr. Sadwick recommended that this exemption be allowed.

Mr. Anderson, Mr. Fowler and Mrs. Reed agreed.

Mr. Fratalia stated that there was blasting that is going on now and asked if there have been any issues. Mr. Henry replied yes blasting was very minor and there were no issues.

Mr. Johnson stated that this waiver is typically granted by this Board when it is requested; they just did not request it during the hearing.

**MOTION** - Mr. Fowler made a motion to grant the exemption under 19.043 of the Town's General Bylaw and waive the required Land Disturbance Permit. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

**(C) 969 Chandler Street, Rick Stanichuk Family Suite Special Permit**

**MOTION** - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Rick Stanichuk appeared for the family suite special permit at 969 Chandler Street. Mr. Stanichuk stated that the Planning Board approved this in 2011. He did not act on this during the required timeframe. This is in a trust and he plans to sell the house he lives in now and have his son move on the other side. He is a lifelong resident and would like the Board to approve this again.

Mr. Johnson stated that before we precede, he thought that a family suite not be issued to a trust. Mr. Sadwick stepped out so he will table this until Mr. Sadwick returns.

**MOTION** - Mr. Fowler made a motion to lay Agenda Item C on the table. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**(D) 1900 Main Street, Barlo Signs for One Stop/Oakdale Liquors for SM MB II, LLC – Sign Special Permit**

**MOTION** - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

Paul Barton of Barlo Signs and Joseph Silva, owner appeared for the Sign Special Permit for 1900 Main Street. Mr. Barton stated that they are requesting a Sign Special Permit because the logo is 6'6".

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Mrs. Reed asked why the logo is so big. Mr. Silva stated that this is one of five stores and that is the logo. Mrs. Reed stated that she would prefer just Oakdale Liquors.

Mr. Anderson stated that they have put a lot of money into moving to this bigger shop and he has no problem with the larger sign.

Mr. Fratalia asked how long they have been in business. Mr. Silva replied he bought the store about 14 years ago. Mr. Fratalia asked if there will be more products. Mr. Silva replied yes, they will be offering new products and a larger selection. He has had positive feedback from his customers. Mr. Fratalia stated that he is not crazy about the logo either. Mr. Silva stated that this is the logo for all five stores and the header of the new location is larger than where they are now. They will be re-using the letters from the current sign, just adding the logo.

Mr. Fowler stated that the stop sign logo does not bother him.

Mr. Johnson stated that he understands that this is a bigger storefront so he understands that a larger sign. If the stop sign is the branding logo, he has no problem with it.

Mrs. Reed asked if the white in the stop sign could be toned down or grey. Mr. Silva stated that the existing letters that they are reusing are white and red, so grey would not match.

There were no questions from the audience.

**MOTION** - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**MOTION** - Mr. Fowler made a motion to approve the Sign Special Permit for One Stop Oakdale Liquors as presented. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**MOTION** - Mr. Fowler made a motion to take Agenda Item C off the table. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

### **(C) 969 Chandler Street, Family Suite Special Permit Continued**

Mr. Stanichuk rejoined the meeting. Mr. Sadwick stated that a family suite cannot be issued to a trust, it has to be issued to an individual who lives there and the person or persons occupying the family suite must be related per the bylaw. Mr. Stanichuk asked that this be continued.

**MOTION** - Mr. Fowler made a motion to continue the family suite special permit for 969 Chandler Street until September 12, 2016 at 7:00 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

### **(E) 11 Rockland Street, HRM & D LLC Use Special Permit**

**MOTION** - Mr. Anderson made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Dick Cuoco, Maureen DiPalma and Dennis Sheehan appeared for the Use Special Permit for 11 Rockland Street. Mr. Cuoco stated that the building is currently being constructed. They would like a use special permit for light motor vehicle. There is a tenant in an existing building that will be moving to this new building and they do tire repair. The use is in the Definitions Table, #C13.

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Mr. Fowler asked if the Building Commissioner is all set with this. Mr. Sadwick replied yes, that is how this came up.

Mr. Fratalia and Mrs. Reed were all set.

Mr. Anderson stated that his only concern was with outside storage. Mr. Sheehan stated that all of their properties are kept in good condition and this will be no different.

There were no questions from the audience.

**MOTION** - Mr. Anderson made a motion to close the public hearing. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

**MOTION** - Mr. Anderson made a motion to approve the Use Special Permit for C#13, motor vehicle light service, motor vehicle general and auto repair in all bays at 11 Rockland Street. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

### **Old Business**

There was no old business.

### **New Business**

Mr. Anderson stated that he is very disappointed with the lawn in the town center and asked if CPC money could be used. Mr. Sadwick stated that this is on the Town Manager's agenda and they are getting estimates to repair some of the broken sprinkler heads. There is a meeting tomorrow with the sprinkler company. Mr. Anderson stated that it needs to be fertilized and perhaps it can be adopted by a business to pay for the maintenance. Mrs. Reed stated that there is a beautification committee.

Mr. Anderson asked if there has been any talk about putting an electronic message board sign in the center. Mr. Fratalia stated that there is a Town Center Master Plan Committee that should address this. Mr. Johnson stated that if this is something that is wanted, it shouldn't have to wait for the Town Center, the Town Manager could start the process, but if it is approved, it should look like an old sign.

### **Director's Report**

Mr. Sadwick stated that he is going to schedule a working session later this month to discuss rules and regulations and process issues.

### **Adjournment**

**MOTION** - Mr. Fowler made a motion to adjourn the meeting at 8:15 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**Approved on:** September 12, 2016

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*List of documents for 8/15/16 Agenda*

*Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes – July 11, 2016
- B. 7:00** Committee Reports/Administrative Actions
- 1- Committee Reports
  - 2- Settlers Way (379 Pleasant Street) As Built, Street Acceptance and Bond Release Discussion
    - As Built Plan of Settlers Way (Marshall Brook Farms) dated 4/11/16
  - 3- 1700 Shawsheen Street – As Built, Bond Release
    - As Built Site Plan dated 12/8/15
    - Letter dated 7/28/16 from Town Engineer
  - 4- 20 Cabot Road – ANR
    - Plan of Land—Cabot and Nevada Road. Dated: 8/10/2016
    - Roadway Discontinuance Plan—Oak Street. Dated: 6/16/16
    - Commonwealth of Massachusetts Land Court, Department of the Trial Court Miscellaneous Case No.16 MISC 000127 (RBF)
    - Application for Endorsement of Plan Believed Not to Require Approval. Dated: 8/15/2016
  - 5- 298-312 Pine Street, Harvest Lane--Non-Substantial Determination
    - Application packet dated 8/11/16
  - 6- 100 Joan’s Farm Way – Non-Substantial Determination
    - Application packet dated 8/9/16
    - Revised SK-2 (plan reflecting changes to Club House, Rental Office & Trail Shop)
  - 7- Cumberland Farms (270 Main Street)—Discussion regarding land disturbance
    - Letter from Steve Sadwick to Planning Board dated 8/15/16
- C. 7:00** 969 Chandler Street, Rick Stanichuk  
Family Suite Special Permit
  - Application packet dated 7/13/16
- D. 7:15** 1900 Main Street, Barlo Signs for One Stop/Oakdale Liquors  
for SM MB II, LLC – Sign Special Permit
  - Application packet dated 7/12/16
- E. 7:30** 11 Rockland Street, HRM & D, LLC  
Use Special Permit
  - Application packet dated 7/15/16