

PLANNING BOARD

DATE: October 22 2020

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;
Pedro Pachano

Garfield Reed, Associate Member

Chris Rembold, Assistant Town Manager/Director of Planning & Development

In the Audience: Michael Parsons; Abby Schroeder; Courtney Lane; Walter McTeigue; Peter Puciloski; Anna Stanton; Larissa Yapple; Michelle Loubert; Nan Wile; Eileen Mooney;
Robert Holcomb

Ms. Nelson read the opening statement from the agenda. She announced that the meeting was being recorded.

Ms. Nelson called the meeting to order at 6:00 P.M.

Roll call attendance Mr. Higa, present; Mr. Pachano, present; Mr. Fick, present; Mr. Hankin, present; Mr. Reed, present; Ms. Nelson, present

FORM A's:

Michael Parsons from Kelly, Granger, Parsons and Associates was present with a Form A application on behalf of Ethan and Sarah Flynn located at 295 North Plain Road on the west side of North Plain Road. Lot 1 contains 9.60 acres of land. Lot 2 contains 2.006 acres of land.

Mr. Hankin made a motion to endorse the plan, Mr. Pachano seconded.

Roll call vote: Mr. Higa, aye; Mr. Pachano, aye; Mr. Fick, aye; Mr. Hankin, aye; Ms. Nelson, aye

Mr. Parsons presented a Form A application on behalf of Abby Schroeder for two parcels of land located on the northwest side of Stony Brook Road. Lot 1 contains 5.747 acres of land. Lot 2 contains 7.626 acres of land.

Mr. Parsons said one of the existing houses is to be sold to Ms. Schroeder's nephew. He discussed what constitutes a subdivision and what does not. He said there is evidence that the buildings existed prior to subdivision control law. He said one house is shown on old USGS maps. The other was more difficult to find. It was built on the foundation of an old barn that was built into the hill.

Mr. Hankin asked if it counts if the house was built on the barn foundation after 1970.

Mr. Rembold said the law refers to a building not a house.

Mr. Parsons said the right of way is 40 feet wide. He said it could be improved. He said there is deeded access over the right of way.

Ms. Nelson asked if the lots conform to zoning.

Mr. Parsons said yes everything complies with R-4 zoning.

Mr. Hankin said zoning doesn't matter this is a subdivision issue.

Mr. Pachano asked if a future owner could make the right of way into a subdivision road.

Mr. Rembold said theoretically it could.

Ms. Schroeder said she wouldn't allow it.

Mr. Hankin made a motion to endorse the plan, Mr. Fick seconded.

Roll call vote: Mr. Higa, aye; Mr. Fick, aye; Mr. Pachano, aye; Mr. Hankin, aye; Ms. Nelson, aye

MINUTES: OCTOBER 22, 2020

Mr. Hankin made a motion to approve the minutes of October 22, 2020 as amended, Mr. Fick seconded.

Roll call vote: Mr. Higa, aye; Mr. Hankin, aye; Mr. Fick, aye; Mr. Pachano, aye; Ms. Nelson, aye

CHAPTER 61A: RIGHT OF FIRST REFUSAL

Mr. Rembold said the applicant's attorney could not be present. He said a First Refusal was already waived for the larger parcel. He said the request is for the Town to waive its Right of First Refusal for this tract of land. The parcel has a provision for a house lot. He said the old conservation restriction will remain. He said there is no obvious reason for the Town to purchase the parcel for the asking price of \$540,000.

Mr. Hankin asked if the entire parcel is being taken out of Chapter 61.

Mr. Rembold said no just the 5 acres that were excluded from the Conservation Restriction. The Conservation Restriction remains in place.

Mr. Hankin made a motion to recommend to the Selectboard to waive the Town's Right of First Refusal, Mr. Fick seconded.

Roll call vote: Mr. Pachano, aye; Mr. Fick, aye; Mr. Higa, aye; Mr. Hankin, aye; Ms. Nelson, aye

SITE PLAN REVIEW: 623 MAIN STREET

Applicant Courtney Lane was present to discuss the SPR application for a change in use from residential to commercial at 623 Main Street. Ms. Lane said the use will be a law office and a small planning and design office on the second floor. She said she doesn't plan any significant changes to the building.

Ms. Nelson asked about parking spaces. She also asked if the garage will be torn down.

Ms. Lane said she is not intending to tear down the barn. She said she is planning to expand the area behind the barn for parking. She said currently there are three parking spaces. She said there is parking available on the abutting property to the south.

Mr. Rembold said parking is addressed as part of the SPR. He said it can be noted in the SPR that expansion of parking is contemplated.

Mr. Hankin said he would like the applicant to draw the parking spaces on the plan.

Ms. Nelson suggested running through the SPR criteria to see if there is anything else that needs to be addressed. She asked if there is any thought about a walkway.

Ms. Lane said it is a short walk from parking to the house.

Mr. Hankin said he doesn't think there are any building code issues.

Ms. Nelson asked if there would be any improvements to the exterior, such as a ramp. She said any changes should be shown on the plan.

Mr. Fick asked about signs.

Ms. Lane said it is a two part process. First the application for a change of use then submit a sign permit application.

Mr. Fick read through SPR.

Ms. Lane said one tree would be removed to expand the driveway.

Ms. Lane said there is an existing flood light on the garage that will be turned into a motion sensor light.

Mr. Hankin asked that a picture of the fixture be submitted to the Board.

There was a question about the Route 7 tree requirements. Does it apply to this application?

Mr. Rembold said yes.

Mr. Fick asked about the frontage.

Mr. Rembold said there is 55 feet of frontage.

Mr. Hankin said there is a telephone pole, walkway, driveway and a sign. He said he is not sure where a tree could be planted.

Mr. Rembold said it is a bylaw requirement that would need a special permit to deviate from.

Ms. Lane said there is an existing Japanese maple in the front.

Mr. Rembold said the existing trees need to be shown on the plan and how 6.2 of the bylaws can be incorporated.

Ms. Nelson asked that the plan be put together and return to our next meeting on November 12.

Mr. Fick asked if the applicant will be required to plant one or two trees.

Mr. Rembold said the bylaw requires 1 tree for every 25 feet.

Ms. Lane will return with a revised plan.

SPECIAL PERMIT & SITE PLAN REVIEW: 454 MAIN STREET

Applicants, Coastal Cultivators LLC, were present to discuss their special permit application to locate a retail marijuana establishment closer than 200 feet from the property of a private school and Site Plan Review for 454 Main Street.

Attorney Peter Puciloski was present along with property owner Walter McTeigue and applicants Pepe and Krishna.

Mr. Puciloski said the retail business will be located on the first floor of the building. He said the property of Dewey Academy is an enormous building that is located 900 feet away. He said no changes are proposed for the building.

Mr. Hankin asked if Dewey Academy is a for profit school or non-profit.

Mr. McTeigue responded for profit. (This was later clarified in an email from Mr. McTeigue that he had misspoken Dewey Academy which is, in fact, a non-profit school.)

Mr. Pachano asked if the building is located in the historic district.

Mr. Rembold said yes but if the use doesn't go in the building it could be torn down. There are no restrictions.

Mr. Reed asked what is being used to determine the distance.

Mr. Hankin said the bylaw says property line to property line.

Mr. Puciloski said if the property line were 200 feet away we wouldn't need a special permit.

Mr. Reed asked if the school building being 900 feet away plays into the consideration.

Ms. Nelson said it is the actual distance from property line to property line.

Mr. Puciloski said the distance is 70 feet, basically the width of the road.

Ms. Nelson said that if the Selectboard consider the distance to not be detrimental they can allow a deviation. They could consider the distance to the actual school building.

Mr. Puciloski said it would be unlikely that the use would have any impact on the children.

Mr. Rembold said to walk door to door the distance would be 1200 feet. He said to draw a straight line from building to building it is about 800 feet.

Ms. Nelson said this is a special instance where a special permit waiver is appropriate.

Mr. Hankin and Mr. Fick agreed.

Mr. Reed said he does not agree.

Mr. McTeigue said the building was in need of tremendous repairs to keep it from collapsing. He said the building is 15 years older than the St. James Church building that needed similar extensive repairs. He said the building was built as a home in 1850. He said he adapted the building for his business, but now the retail business can't be sustained so it has to be sold. He said the only other interest in property is from big box developers who would tear the building down. He said this proposal would conserve the building as it is. The use is perfect because there won't be any modifications inside or out. He said it is uncanny that the security requirements for the retail marijuana use are the same as what was installed for the jewelry business. Cameras and security are already in place. He said there is a good argument to help preserve the building as it is.

Mr. Reed said he wouldn't mind a box store. He asked do we need 5, 6 or 7 marijuana stores in Town? He said it is not a necessity.

Ms. Nelson said she understands. She said the issue before us is a recommendation to the Selectboard.

Mr. Fick said Mr. Reed raises a good point. If there is a feeling that there are too many marijuana stores that could be a basis for denying the special permit. He said he didn't agree with Mr. Reed.

Mr. Higa said part of the argument at the ATM about limiting the number of retail marijuana stores was that the market will limit itself. He said right now there is not a waiting list for storefronts on Main Street. He said the building won't need modifications. Granting a special permit will keep a building that has some significance.

Mr. Pachano asked if the building is part of the local historic district.

Mr. Rembold said no.

Ms. Nelson said the building is approximately 70-77 feet from the actual property line but the distance to the school building is much more. She said there is a wall and steep slope directly across from the building and there is significant distance to school itself.

Mr. Fick said if someone were looking at the BCC property it would be different. There is 800 feet from the student access.

Mr. Hankin made a motion to send a positive recommendation to the Selectboard, Mr. Fick seconded.

Roll call vote: Mr. Pachano, aye; Mr. Fick, aye; Mr. Hankin, aye; Mr. Higa, aye; Ms. Nelson, aye.

SITE PLAN REVIEW:

Mr. Puciloski said there are inconspicuous cameras in place. He said there might be a need for some additional lighting. He said the property has an existing SPR issued in 2014.

Mr. Hankin asked how many parking spaces are on the site.

Mr. Puciloski said there are 17 parking spaces.

Ms. Nelson said we can run through the SPR criteria but she suggested waiting until after the special permit has been granted to approve it.

Mr. Rembold said that is a good approach. He said the applicant will have to address trees. They may need some relief through a special permit but we will need to see.

Mr. Fick read through SPR.

Ms. Nelson asked if there is an anticipated traffic impact.

Mr. Puciloski there is no expectation that there will be a traffic problem.

Ms. Nelson asked for information about traffic and employee parking to be provided.

Mr. Hankin asked for information about the possibility of overflow parking on the grass if needed.

Mr. Fick said when SPR was previously granted there was handicap accessibility in the back of the building.

Mr. McTeigue said the entrance is at ground level in the back. That door is a secure door with obscured windows.

Mr. Hankin asked if there would be any processing on site.

Mr. Puciloski said no, only retail.

Ms. Nelson said landscaping and the addition of trees need to be addressed. She asked when they go to the Selectboard for the special permit hearing.

Mr. Hankin asked how many employees would be hired.

Pepe said will be 10-15 employees.

Mr. Hankin said that will be a significant impact on parking.

Ms. Nelson said if you get the special permit we will put you on our agenda for November 12 otherwise you will return to our first meeting in December.

ZONING:

Mr. Rembold said he spoke with Mr. Pachano about the MHX zone. He said he would hopefully have language for the next meeting.

Mr. Pachano said he went through his version of the proposed bylaw. He said there are two incentive packages. He said he would like to go over it one more time and get it back to Mr. Rembold.

Mr. Rembold said he is good with that plan.

Mr. Pachano said he would send it out to the Board. He said the proposal is intended to be an overlay district. Not a new district. The zoning of the underlying district will need to be met.

Mr. Rembold suggested considering the Route 7 landscaping requirements. There are some things the bylaw doesn't take into consideration.

Mr. Pachano suggested pulling the corner lot out of the B-2 zone so a big box store can't come in. (454 Main Street)

TOWN PLANNER'S REPORT:

Mr. Rembold said he didn't have anything.

Mr. Hankin said the housing study had a lot of bad information. The data was inaccurate. The condos on Bridge Street shouldn't have been considered because they probably won't be built.

Mr. Rembold agreed.

Ms. Nelson said the 2018 survey said there was no new construction but there has been some new construction.

Mr. Rembold said this will be on our agenda for the joint meeting next week. He asked the Board to send their comments to him. He said there were horrendous discrepancies. There were some educated guesses.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Higa said the CPC met. They decided to accept the late application submitted by Construct. It is being allowed to go to the next step

Ms. Nelson said next week is the joint meeting. She said she would send the list of agenda items to Steve Bannon. She said items will include the town wide lighting plan, parking and the housing needs survey.

Mr. Rembold said BRPC will present the housing needs survey.

Ms. Nelson said Mr. Rembold sent out training opportunities.

CITIZEN'S SPEAK:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 7:38 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary