

PLANNING BOARD

Meeting Minutes

Thursday, July 14, 2022

6:00 P.M.

PB Members Present: Jeffrey Mulliken, Paul Kelly, Donna Walker, Mia Cliggott-Perlt (online), and Stephen Roope (arrived at 6:36 P.M.).

Members Absent: Brandon Quesnell (excused), Dana Masterpolo (excused), and Marianne Clements (excused).

Staff: Thaddeus Soulé (Town Planner).

Mr. Soulé convened the meeting at 6:00 P.M. He called the roll and explained that the meeting was being held in person, however both the public and the Board members can participate either by dialing into the meeting or joining the Microsoft Teams application. Since a quorum was not present in the room, he said that the meeting would be suspended or terminated if there were technological problems interrupt the broadcast unless required by law. He gave the information that would be needed to call in by phone and said that the Microsoft Teams app could be used as an option. The meeting is being broadcast live on PTV, Ch. 18, and will be posted online as soon as possible. He called the roll.

Acting Chair Jeffrey Mulliken called the meeting to order.

1. **Public Comment:** None.

2. **Public Hearings:**

PLN 21-32 (*continued to the meeting of July 28th*)

Application by **Christopher J. Snow, Esq.**, on behalf of **Tri-T, LLC**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, for a development that will result in a net increase of two or more dwelling units on the property located at **22 Nelson Avenue**.

PLN 21-33 (*continued to the meeting of July 28th*)

Application by **Christopher J. Snow, Esq.**, on behalf of **Tri-T, LLC**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1 & (5), of the Zoning By-Laws for a development that will result in an increase of residential units of three or more and will result in new construction or excavation, land removal, or earth-moving of more than 750 cu. yds. that will alter the topography from natural grade on the property located at **22 Nelson Avenue**.

There was an inquiry from Attorney Christopher J. Snow, attorney for the applicant, concerning scheduling a site visit at 22 Nelson Avenue. The Board discussed the requests. It was decided that a site visit would be scheduled for 4:30 P.M. on July 28th at the site. Attorney Snow said that revised plans will be uploaded to the online permitting system on July 18th. The property will be staked on July 26th. Mr. Soule will make sure that a quorum of the Board is available at that time and on that day.

Michael Gaucher, an abutter to the project, encouraged the Board to schedule a site visit after the revised plans have been presented by the applicant and considered by the Board at its July 28th meeting. He argued that this should be done in case there are aspects of the project that would be precluded by the Board. He said that there were many abutters that have been attending previous meetings and when they showed up for the July 28th meeting, they would be informed of the site visit. Otherwise, there is no obligation by the Town to contact those abutters about the site visit.

Attorney Snow said that the site visit would serve to inform the Board about the new perimeter of the project and no testimony is to be taken. Mr. Mulliken said that the hearing was still open and that it would behoove abutters to pay attention to the Board's agendas.

There was a motion by Jeffrey Mulliken to schedule a site visit at 4:30 P.M. on July 28, 2022 at 22 Nelson Avenue for PLN 22-32 and PLN 22-33. Paul Kelly seconded. VOTE: 4-0-0 by roll call.

PLN 22-8 (request to postpone to the meeting of August 11th)

Application by **Dave Krohn**, on behalf of **DTODD, LLC**, seeking Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to relocate 3 parking spaces on the property located at **66 West Vine Street**. There was a request by the applicant to postpone PLN 22-8 to the Public Hearing of August 11, 2022 at 6:00 P.M.

PLN 22-9 (request to postpone to the meeting of August 11th)

Application by **Dave Krohn**, on behalf of **DTODD, LLC**, seeking Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to modify parking on the property located at **72 West Vine Street**. There was a request by the applicant to postpone PLN 22-9 to the Public Hearing of August 11, 2022 at 6:00 P.M. ***There was a motion by Paul Kelly to postpone PLN 22-8 and PLN 22-9 to the Public Hearing of August 11, 2022 at 6:00 P.M., Donna Walker seconded. VOTE: 4-0-0 by roll call.***

PLN 22-15 (postponed from the meeting of June 23rd)

Application by **Ted Smith**, on behalf of **Michael Gaucher**, seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), for developments consisting of an increase of residential units that will result in 3 or more on any parcel, to add one-bedroom residential unit addition above an existing one-story commercial/retail structure on the property located at **397 Commercial Street**.

Presentation: Ted Smith and Michael Gaucher appeared to present the application. The project proposes to add a second story to an existing single-story commercial structure. There is another structure on the property that has two residential units. This project will add a third residential unit to the structure, triggering Site Plan Review for three or more units. The structure is in the Town Center Commercial Zoning District, which allows for multi-use properties, and a portion of it is in the Harborfront Overlay District. No excavation is proposed, and the property is not located in a flood zone. There will be a second-story addition constructed over the first floor in the same footprint, so no additional run-off will be generated. The building is surrounded on three sides by a parking lot, which is comprised of crushed shells and is permeable. No additional planting is being proposed and no further erosion will occur.

Public Comment: No public comments were made from the room or online.

Board Discussion: The Board briefly questioned Mr. Smith and Mr. Gaucher. Mr. Kelly asked if the building would be taken down and a new foundation installed. Mr. Smith said that would not be done. The roof will be taken off and raised. Mr. Mulliken asked about trash bins and bicycle racks would be located on the property. Mr. Smith said those decisions had not yet been made and he would submit a revised plan delineating their location for staff to review. The use of the first floor will remain as is.

There was a motion by Donna Walker to approve the site plan by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), for developments consisting of an increase of residential units that will result in 3 or more on any parcel, to add one-bedroom residential unit addition above an existing one-story commercial/retail structure on the property located at 397 Commercial Street, contingent upon the submission for staff review of a revised site plan showing the location of trash receptacles and bicycle racks. Paul Kelly seconded. VOTE: 4-0-0 by roll call.

3. Work Session:

a) **Discussion of Shank Painter Road Overlay District/Form-Based Zoning:** Mr. Kelly said that he and Mr. Mulliken have discussed other issues, such as amending the Zoning By-Law regarding the High Elevation Protection District. Mr. Soulé said that he had a revised PowerPoint presentation regarding the Shank Painter Road Overlay District, and he is refining that in order to offer the Board options to choose from. He has taken some photographs of three-story structures along a 50' street in Plymouth, MA to show the Board what that looks like. He also has a series of setback options to show the Board for two-, three-, and four-story structures. He also shows how these would look if adhering to setbacks or build-to lines. The Board can get an idea of various setbacks at different heights now along Shank Painter Road and he will have examples of what other communities with similar characteristics look like. He said that other components of form-based code to consider include architectural features, separation, parking, and use. He asked the Board for feedback on the issue. He will send out information before the next meeting for discussion purposes.

Mr. Mulliken said that he and Mr. Kelly have been working on revising the High Elevation Protection District By-Law to include a category for low impact projects. They should have a draft by the next meeting. Mr. Kelly indicated that a project would be reviewed by staff to determine if the project fit that 'low impact' category, such as adding a dormer to a structure. Mr. Mulliken suggested that a draft be sent to the Board for consideration and comments before the next meeting.

b) **Pending Decision:**

PLN 21-26

Application by **Wayne Tavares**, on behalf of **Michael J. Shuster**, seeking Site Plan Review pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), of the Zoning By-Laws to construct retaining walls, stepped terraces (plateaus), a shed, and a swimming pool on the property located at **99 Bayberry Avenue**. The decision was not ready.

c) **Minutes of June 9, 2022:** The minutes were tabled until the next meeting.

d) **Any other business that may properly come before the Board:** Mr. Soulé said that Paul Graves is retiring from the Board and his service is much appreciated. He asked that Board members be on the lookout for new members. Mr. Mulliken asked if there was a need to elect a new Chair. Mr. Soulé said that once there are five Board members present, an election would be held.

The power in the room went off. Mr. Kelly asked about the Eversource back-up facility at the Transfer Station. The battery system has been approved and the Town is looking for Eversource's administrative components to be completed.

There was a motion by Paul Kelly to adjourn the meeting at 6:48 P.M. Donna Walker seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2022
Brandon Quesnell, Vice Chair