

**Approved Planning Board Minutes
Wednesday, December 3, 2014
Community Development Department**

Board Members:

Kristi St. Laurent, Chairman - Present
Alan Carpenter, Vice Chair – Present
Paul Gosselin, Member - Present
Pam Skinner, Member - Excused
Margaret Crisler, Member – Present
Vanessa Nysten, Member – Present

Bruce Breton, Selectman – Excused
Joel Desilets, Selectman Alternate – Present
Steve Bookless, Alternate – Excused
Jim Fricchione, Alternate – Excused
David Oliver, Alternate – Excused
Kathleen DiFruscia, Alternate – Present

Staff:

Laura Scott, Community Planner
Kerry Lee Noel, Planning Board Minute Taker

Chair St. Laurent called the meeting to order at 7:15 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

The Chair sat Mr. Desilets for Mr. Breton, Ms. DiFruscia for Ms. Skinner.

2015 Town Meeting Workshops

Religious Uses (Sections 200, 618.2.5, 604.1.7, 605.1.9, 612.11, 617.1.4, 608, 618.2.5)

Ms. St. Laurent refers to the document that contains the revised draft language.

Ms. Scott states that there are some changes to the workshop draft document;

Under A. Churches to delete “defined under federal and state law”, and adding in “as established interpretations of state and federal constitution protections of religion.”

Under section H., at the end of the definition to add in, “unless otherwise specifically prohibited,” K., correcting two typo’s, “and replacing” not the abd, and “606.1.13” not 601.1.13.

Ms. St. Laurent opens the discussion to the public at 7:20.

Mr. McLeod states there are several grammatical errors in the document. Religious should be small case and indicate the word “use” instead of worship. Under education, churches are being linked with assembly halls.

Discussion occurs regarding the definition of education with regard to religion.

Mr. Carpenter states that the assembly hall and church description questions the potential of a single family residence being designated as a house of worship, and it being tax exempt under the ordinance.

Ms. Scott states it would then be subject to site plan.

Ms. St. Laurent closes the subject to the public.

Motion by Ms. Crisler to move the Religious uses to public hearing as amended, under A, delete the 2nd line, “as defined under Federal and State law”, insert “as established interpretations of State and Federal

constitutional protections of religion. B, fix the grammatical errors of the 3rd line remove the parenthesis and on the 4th line the “ie” and on the last line of B should read religious use, remove the word worship. Religious should be lower case. H, add “unless otherwise specifically prohibited” to the end of the definition. K, should be 606.1.3 not 601.1.13, fix typo abd which should be and.

2nd Ms. DiFruscia

Vote: 7-0-0

Motion carries

Open Spaces & Landscaping (Section 705)

Ms. Scott reviews the language and the changes to the language. Under 705.1 A) A lot in Rural and Residential Districts which is developed and/or used for a one (1) or a two (2) family dwelling. B)

Ms. St. Laurent is inquiring of the Board as to whether the retention of the historic buildings would be an addition to the Open Space requirements.

Discussion occurs regarding the addition.

Ms. Nysten states for 705.1, should it be a two family dwelling, not dwelling unit.

Consensus of the Board to remove the word unit.

Ms. Dunn suggests that in 705.1 B, the addition of the word “in” prior to site plan regulation then comma. The word, Hardscape, in quotes in the last sentence, do we have a definition.

Discussion occurs regarding the definition of hardscape and the application in the language.

Ms. Crisler suggests removing the quotes from the language.

Consensus of the Board is to remove quotes.

Ms. Dunn comments that the open space areas, as a means of preservation, to specific identified structures considered to be of value could be taken out of the equation. Incentives rather than restrictions are being sought to preserve these structures.

Ms. St. Laurent closes the discussion from the public.

Ms. Crisler motions to forward the Zoning amendment regarding handscaping requirements to Public hearing as amended.

2nd Ms. DiFruscia

Vote: 7-0-0

Motion carries

Market Square Zoning District (Section 620)

Ms. St. Laurent opens the discussion for comments.

Mr. Letizio states that he has 11 questions that were asked at the last meeting that he will review. He presents a Boston Globe Article dated last August 15th 2013, written in anticipation of the grand opening of the Lynnfield development. He discusses the correlation between the two towns and the development benefit to the town. The center of their development has also been called Market Square and it also includes Senior housing.

- The comparison chart that depicts the Market Square along with the Village District.
- Make the chart less confusing for the Planning Board and public.
- Fix the chart, add assisted living and adult daycare, amend the language regarding Theater, malls etc.
- Provide the Mashpee and Lynnfield zoning ordinance.

Mr. Desilets states the restrictions here are stronger than in Mashpee Commons

Ms. DiFruscia inquires if the ordinances included design review or regulations. Mr. Letizio states they would be subject to the existing Design Review Regulations.

- NH DOT Route 111 access. Confirmed that there is an additional point of access. The point of access has not been specified by the DOT, but is confirmed.
- Discussion occurs regarding the potential location of the access point, the impact on the property owners and the ability to review the location before the discussion of the development progresses. The vision of the development and bringing it from concept to creation is a concern.

Mr. Carpenter states he would like to poll the board to be in favor of the development.

Discussion occurs regarding the tax and job opportunities for the residents and the town.

- Meets the requirement of open space.
- Limitation of retail in the development, we did not think that was desirable.

Mr. Gosselin reviews the restriction of any buildings tenants over 25,000 sq. ft. max. Discussion occurs regarding building size and configuration. Ms. Scott states that the restrictions on design are already in place.

Mr. Carpenter states the addition of the sentence in the language 620.3.10, Individual owner occupied/rental units within the property shall not exceed 25,000 sq. ft. per owner/tenant, is very important language.

Mr. Gosselin states that the Market Square District and the regulations will be created by the appropriate sub-committee following the Warrant if it is voted upon.

Mr. Carpenter states that he believes the regulations should be in place prior to the Warrant.

Property owners have been made aware of the fact that the property value will increase based on the information received by the assessor.

Mr. Carpenter inquires if looking at other parcels being rezoned instead of the entire proposed area.

Mr. Gosselin states that when the sub-committee reviewed the parcels individually the parcels had many attributes and faults; also having to have 30% maximum build out under open space would be difficult to achieve. This creates an opportunity for the market forces to designate the future of the area.

Discussion occurs regarding the suggestion of having the Town expend money to fund an engineering survey with regard to developing the parcels and the potential future success of the proposed new zone and incentives.

Mr. Desilets states this project was supported by the residents. A mixed use commercial area with a walkable downtown area.

Ms. St. Laurent reviews the changes to the ordinances as written.

Mr. Desilets suggests the minimum of 5000 sq. ft. of open space has been doubled to 10,000 sq. ft.

Discussion occurs regarding the open space requirement and the language used to describe them.

Traffic study questions and the statistics of current and projected use are given.

Ms. St. Laurent opens the discussion to the public.

Mr. Nysten of Edgewood Road, states that schools and colleges were removed from allowed uses. He is concerned that some PBT uses are being removed and this may become an entirely retail project.

Ms. Scott states that schools are non-profit and are tax exempt.

Mr. Nysten continues stating that section 620.3.6 states that mixed use is encouraged but is not required to a minimum percentage.

Mr. Desilets responds stating that this project is being driven by the recommendations of the Master Plan.

Ms. Dunn states that she supports the concept but has questions. Are there any like projects with one owner providing plan details in writing? One of the parcels belongs to the state and would be subject to the process of purchasing it from the State, a parcel belongs to the town which would have to be voted at Town Meeting. A private parcel is currently used as industrial. What prohibits the strip mall concept from taking place? Why aren't the property owners approaching the board for the changes themselves?

Mr. Carpenter states that the existing business would become non-conforming to the zoning.

Mr. Dubay states that he supports the initiative brought before the Board tonight for Market Square. He states that the PBT balance left over in the town can be utilized well.

Mr. Garden states that he would like to share his experience and has been following the work the Town of Windham has done. The developer will be the major investor in this development. Why change the zoning before the developer comes to us. The developer will invest substantial amounts of money if they are interested in the property. He continues sharing his experience as a developer in Boston and Manhattan.

Ms. Scott states that zoning changes a developer may request are not typically changed in a year.

Mr. Gosselin states that creating the zone welcomes the prospective developer and saves time later on.

Ms. St. Laurent closes the discussion from the public.

Mr. Letizio states, in closing, he disagrees with the opinion of Mr. Garden, a developer. We are following the wishes of the residents and the vision of the Economic Development Committee.

Discussion occurs regarding the proposed ordinance.

Mr. Carpenter states the development of a sub-committee could work on these details following the Warrant in approximately 4 or 5 meetings. Mr. Desilets states that a sub-committee was created for that purpose already.

Ms. DiFruscia states that she shares the concerns of several Board members and feels more work should be done, including a site walk, and meetings with the land owners. Additionally she would like to review the site design regulations and the percentage of retail that would be allowed in the development.

Mr. Desilets responds that the developer would determine the type of mixed use that would be most successful. We can put the details together, we can determine them, we should vote on the move to warrant.

Mr. Gosselin states that the land use subcommittee has already worked on many of the issues being discussed tonight. This matches the Master Plan and the resident's desire.

Ms. Nysten believes there should be an incentive for PBT development inserted into the Ordinance

Ms. St. Laurent reviews the current discussion and the questions surrounding it. I am not confident we can get the language within the time allowed to deter unwanted projects and future regret.

Ms. Crisler states that changing the zoning won't make the project happen. Mr. Letizio and the Economic Development Committee should find the developer.

Mr. Desilet asks Town Staff for the path forward questioning if there is time to get this done.

Mr. Carpenter states that the subcommittee would be charged with collecting more information.

Mr. Desilets states that a sub-committee should be set up, volunteers from the Planning Board/WEDC to join the sub-committee.

Mr. Gosselin suggests that he and Mr. Desilets are already on the committee, Mr. Letizio, and another Planning Board member and another could be added.

Ms. Scott states that letters have been sent to the property owners.

***Motion by Mr. Desilets to take the proposed Market Square District to the public hearing.
2nd Mr. Gosselin***

Discussion occurs regarding the motion.

Motion is withdrawn and amended.

***Motion by Mr. Desilets to bring the Market Square ordinance to the back as a workshop on the
December 17, 2014.***

2nd Mr. Gosselin

Vote: 7-0-0

Motion carries

Motion by Mr. Carpenter to instruct staff to send certified letters of permission to the land owners for the Board and members of the public to walk the parcels in question for the purposes of determining the viability of the district under consideration.

2nd Mr. Desilets

Vote: 7-0-0

Motion carries

Motion by Mr. Carpenter to execute the public hearings, and to defer on new business and review of the minutes.

2nd Ms. DiFruscia

Vote: 7-0-0

Motion carries

2015 Town Meeting Public Hearings:

Personal Wireless Service Facilities (Section 606.1.9 & 614.2.8)

Delete “and towers” from Section 614.2.8, add “PWSF towers, PWSF mounts, Broadcast Antenna Structures and other Utility Structures” to Section 606.1.9 and 614.2.8; and add “subject to the provisions of Section 701.3” to Section 606.1.9.

Ms. Scott states this is due to changes in the ordinance.

Motion by Mr. Gosselin to move to warrant as written.

2nd by Mr. Desilets

Vote: 6-0-1 (Mr. Carpenter recused)

Motion carries

Impervious Surface Definition, Section 200

Ms. St. Laurent reads: Remove the definition of “impervious surface” from Section 616.4 and add the state definition for “impervious surface” to Section 200 Definitions. This move provides a universal definition of “impervious surface” for the entire Zoning Ordinance and Land Use Regulation.

Ms. Scott states there is a typo that should be crushed not crusted.

Motion by Ms. Crisler to approve the Impervious Surface Definition as amended and to move to warrant.

2nd by Ms. DiFruscia

Vote: 6-0-1 (Mr. Carpenter recused)

Motion carries

Agriculture Temporary Signs (Section 706.6)

Ms. St. Laurent reads, to add a provision for off-site, directional, agricultural signs on town, state and federal roads.

Ms. Scott reviews the information in the packets given to the Board. Clarification on the intent on the temporary signs vs. permanent. Was the intent was for Agricultural signs to be temporary or permanent? Was the intent for a permit to be required on Town roads? Would a temporary sign need a permit? Under the zoning ordinance we are using the state definition.

Discussion occurs regarding the signs and permit requirements.

Consensus of the Board is temporary. Consensus of the Board is no permit required. Consensus of the Board is temporary no permit.

Ms. Scott states that the ordinance will be reposted 706.7.10.

Mr. Gosselin requests that the Agricultural Signs be first on the Agenda next week.

Motion by Mr. Carpenter to move to the next public hearing.

2nd Mr. Desilets

Vote: 7-0-0

Motion carries.

Financial Releases

Mr. Carpenter reads: The Town is holding a letter of credit in the amount of \$238,266.25 for the homes of the Winslow Subdivision, which includes the new subdivision road and all associated infrastructure improvements. The developer is requesting a partial release of \$134,045.87, which leaves a balance of \$104,220.38. However, I provided this request to Jack McCartney and Jeff Quirk, they do not support this request. They support the partial release of \$122,324.65, which leaves a balance of \$115,941.60.

Therefore I am suggesting that the Planning Board recommend to the Board of Selectmen to reduce the Letter of Credit from \$238,266.25 to \$115,941.60 which is a reduction of \$122,324.65.

Motion by Mr. Carpenter to send this to the Selectmen with our recommendation to release as written.

2nd by Ms. Crisler

Vote: 6-0-1 (Mr. Desilets)

Mr. Carpenter reads: The Town is holding a Letter of Credit in the amount of \$104,574.50 for the Cricket Ridge Subdivision, which includes the new subdivision road and all associated infrastructure improvements. The developer is requesting a release of all applicable funds. I provided this request to Jack McCarthy, Bill Martineau and Jeff Quirk and they do not support this request. They support the partial release of \$60,904.80, which leaves a balance of \$43,669.70. Therefore I am suggesting the Planning Board recommend to the Board of Selectmen to reduce the Letter of Credit from \$104,574.50 to \$43,669.70, which is a reduction of \$60,904.80.

Motion by Mr. Carpenter to send this to the Selectmen with our recommendation to release as written.

2nd Ms. DiFruscia

Vote: 6-0-1 (Mr. Desilets)

Motion carries

Motion by Mr. Carpenter to adjourn the meeting.

2nd by Ms. DiFruscia

Vote: 7-0-0

Motion carries

Adjournment 11:04 pm.

Respectfully submitted
Kerry Lee Noel, Minute Taker