

## PLANNING BOARD

### Meeting Minutes

Thursday, June 24, 2021

6:00 P.M.

**PB Members Present:** Brandon Quesnell, Jeffrey Mulliken, Paul Kelly, Marianne Clements (remotely) and Mia Cliggott-Perlt.

**Members Absent:** Paul Graves (excused), Monica Stubner (excused) and Steven Azar (excused).

**Staff:** Thaddeus Soulé (Town Planner).

Vice Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:00 P.M. and asked that those participating remotely or on the phone to mute their devices and explained how that was done. He turned the meeting back over to Mr. Soulé, who 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 present, the meeting will not be suspended or terminated even if there are technological problems interrupt the broadcast unless required by law. He gave the information that would be needed to call in by phone.

Mr. Quesnell explained how public comments, of 3-minute duration, could be made by those in the room or those participating remotely or on the phone and stated that only matters not on the agenda could be commented upon.

**1. Public Comment:** Ian Edwards voiced his opposition to the project located at 207 Route 6, to which he is an abutter. He explained why he objected to the project, including the location of the proposed building and what he characterized as ‘bad site planning’. He said that the plan that was approved was the only plan that the neighbors saw during the period of time that the project was being developed. In 2019, he said, neighbors had asked that the location of the building be reconsidered. He said that the proposal was for market, not affordable, housing and that Mr. Patrick’s business in developing this property was market driven.

Attorney Lester J. Murphy, who represented Mr. Patrick, interrupted Mr. Edwards with a point of order saying that the comments made were inappropriate, as the subject he is addressing was on the agenda of this hearing and public comments were for items not listed on the agenda. In addition, he said that the project had been the subject of two full hearings in front of the Board. He said that this was not the appropriate time for the Board to be hearing public comments about the project. Mr. Quesnell deferred to Mr. Soulé who said that the public comment portion of the hearing on the matter in question was closed and Mr. Edward’s comments would not be part of the record for the application. Mr. Quesnell said that he thought the comments were appropriate and let Mr. Edwards continue.

Mr. Edwards continued by saying that the Board had expressed substantive concerns about the proposed site that were similar to those expressed by the neighbors. However, he said the only change made by the applicant during the process of seeking approval from the Board was in the height of a retaining wall. He alleged that the Board had exerted no influence on the

project, in terms of changes, over the plan. He said that the Board capitulated to Mr. Patrick's threats to not build the project if it was not approved as presented.

## 2. Public Hearings:

### **PLN 21-14** *(re-noticed from the hearing of June 10<sup>th</sup>)*

Application by **Lester J. Murphy, Jr., Esq.**, on behalf of **Dol-Fin Development**, seeks Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to construct 7 new residential units on the property located at **50 Nelson Avenue**.

### **PLN 21-15** *(re-noticed from the hearing of June 10<sup>th</sup>)*

Application by **Lester J. Murphy, Jr., Esq.**, on behalf of **Dol-Fin Development**, seeks Site Plan Review by Special Permit pursuant to Article 4, Sections 4015, Site Plan Review by Special Permit, a. (1) for an increase in residential units resulting in three or more, and (5, for the excavation, land removal, or earth-moving of more than 750 cu. yds. that will alter the topography from natural grade, and 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws for the construction of 7 new residential units; 1 of which will be located on the site and deed-restricted as affordable, and 1 for which the Town will receive a payment in lieu on the property located at **50 Nelson Avenue**.

**Presentation:** Attorney Lester J. Murphy, representing the applicant, Lyn Plummer, Kevin Bazarian, the project's contractor, Gordon Peabody, of Safe Harbor Environmental, and Jack Landers-Cauley, a civil engineer, appeared to present the application. Attorney Murphy said that the team was ready to move forward with the presentation however he thought it would make sense to review a proposed cul-de-sac on the property. He had Mr. Soulé show the site plan on the screen to indicate its location on the property and indicated that it was a central feature of the site design. He said the cul-de-sac was located where it was based upon a request from the Fire Chief. He said that there may be Board concerns about whether the cul-de-sac was necessary or appropriate, however without it, there would be more flexibility in the design of the project and may allow more affordable units to be provided. He asked if the Board wanted to see the cul-de-sac as a major feature of the property design. If the Board decided that it would not like to see the cul-de-sac, it would not make sense to present the project as design this evening and the applicant would return with an amended design.

Mr. Quesnell agreed with Attorney Murphy and said he was not in favor of the cul-de-sac and that the Board had relied on the implementation of the National Fire Code in previous projects, including the installation of interior sprinkler systems in new buildings for potential fire situations. He mentioned the project at 286.5 Bradford Street as an example of a situation where a cul-de-sac was not approved. He suggested that the applicant's team confer with staff about better alternatives for use of the site. He asked other Board members to weigh in. The sense of the Board was that the cul-de-sac was not desirable. Mr. Mulliken suggested that the applicant re-think the paving material as well. Asphalt for a cul-de-sac measuring 130' by 100,' was a substantial amount of impervious, blacktop material for the site. Mr. Kelly commented on the number of trees, many large and old, that would have to be removed if the cul-de-sac were installed. He would like to see more green space created for the planting of more vegetation. Mr. Quesnell said the Board would be looking for a 'hefty' landscaping plan. Mr. Landers-Cauley said that a lot of trees are going to be lost, however new trees would be

planted to replace them. Changing the shape of the driveway would allow more trees to be planted, however with this plan, that option is precluded because of the size of the cul-de-sac.

Mr. Quesnell requested that the site be staked and the trees that would have to be removed identified. Mr. Mulliken requested that the proposed landscaping mimic that existing, lush vegetation on the property. He also asked if the applicant could come back in a work session before any final plans are created. Mr. Soulé said that was possible if a Board member would like to meet with staff and the applicant's representatives. Ms. Plummer said that the applicant would agree to meet. Mr. Quesnell asked if 2 affordable units could be created instead of 1 unit in addition to a payment in lieu and if 1 of those 2 units could be made ADA accessible. Ms. Plummer said that adding units would require the removal of more trees and researching whether the septic system could be expanded to accommodate the additional units. She said that Mr. Peabody had created a planting plan to re-plant native species to, as much as possible, look like it had not been disturbed and she was open to the Board recommending further plantings. Attorney Murphy asked if the Board would grant some zoning requirement leeway, which is allowed by the inclusionary by-law, if more units were to be proposed. He mentioned such bonuses as three-story structures in order to accommodate more units and a larger septic system. Mr. Quesnell recommended that the team come back with what the applicant wants. Mr. Kelly recommended that the team come with several alternatives for site plan changes to the informal meeting with staff. Ms. Cliggott-Pearlt supported a third-story option if more affordable units could be created. Mr. Quesnell said that Board would be willing to work with the applicant on such features as waiving the required number of parking spaces.

**Public Comment:** William Mullin, the president of the Open Space Committee, spoke of his and his Committee's concern about the loss of trees and the removal of soil which could impact a neighboring wetland. He said the area is heavily favored by birds because of the wetland. He urged the applicant to try to save more trees. The applicant requested a postponement to the July 22<sup>nd</sup> Public Hearing. *There was a motion by Jeffrey Mulliken to postpone PLN 21-14 and PLN 21-15 to the Public Hearing of July 22, 2021, at 6:00 P.M. Paul Kelly seconded. VOTE: 5-0-0 by roll call.*

### **3. Work Session:**

#### a) Pending Decisions:

##### **PLN 21-12**

Application by **Lester J. Murphy, Esq.**, on behalf of **Shank Painter Associates, Inc.**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (2), for developments consisting of more than 2,000 sq. ft. of commercial area, and a. (5), for new construction or any excavation, land removal, or earth moving of more than 750 cu. ft. that will alter the topography from natural grade, of the Zoning By-Laws for the construction of a three-story structure containing twenty-eight, 4-person dormitory units, 5 studio apartments, ten 1-bedroom apartments, and one 2-bedroom apartment on the property located at **207 Route 6** with requested waivers from Article 4, Section 4035 b. and referring to Sections 4163, and 4053 (1) (b).

##### **PLN 21-13**

Application by **Lester J. Murphy, Esq.**, on behalf of **Shank Painter Associates**, seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for the construction of a three-story structure containing twenty-eight, 4-person dormitory units, 5 studio apartments, ten 1-bedroom apartments, and one 2-bedroom apartment on the property located at **207 Route 6**. Mr. Soulé amended the decision. There were no other comments about the decision..

b) Minutes of June 10, 2021:

June 10, 2021: *There was a motion by Jeffrey Mulliken to approve the minutes of June 10, 2021, as written. Paul Kelly seconded. VOTE: Unanimous by roll call.*

c) Any other business that may properly come before the Board: None.

*There was a motion by Paul Kelly to adjourn the meeting at 7:45 P.M. Marianne Clements seconded. VOTE: Unanimous by roll call.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2021  
Paul Graves Chair