

Palmer Planning Board

Planning Board Meeting Minutes

Monday, December 7, 2015

I Call to order

Vice Chairman Norman Czech called the meeting to order at 7:00PM on Monday, December 7, 2015 in the Town Administration Building Meeting Room. Present were Kathleen Burns and Andrew Golas. Chairman Michael Marciniac and Thomas Skowrya were absent. Also present was Town Planner, Linda Leduc, and Nicole Parker, recording minutes.

II New Business

M.Marciniac recused himself.

Public Hearing for Nellum Realty. To be opened concurrent with continuance of Site Plan Approval from September 14, 2015 and October 19, 2015

The applicant, Nellum Realty, is seeking a Special Permit as required by sections 171.28, and 171.62, to store self- service storage containers at the property located at the 1181 Park Street, Palmer MA. This parcel is also known as Assessors Map 56, Lot 10.

N.Parker read Public Hearing notice.

Present was applicant, Michael Glabicky. Mr. Glabicky submitted two copies of an updated site plan at the meeting. He stated that he had significant improvement on his site regarding the removal of debris and unregistered vehicles on site. The Board stated due to no quorum for the Special Permit, there could not be a vote taken on the Special Permit and must be continued to the next regular scheduled meeting without discussion.

Motion was made to continue hearing to December 28, 2015 at 7:00PM by A.Golas. Seconded by K.Burns. Motion passed (3:0)

M.Marciniac joined meeting

It was stated by the Board that the Campbell public hearing notice was inadvertently advertised for December 7th. The hearing will take place on December 28 at 7:15PM.

Public Hearing; Mark Baldyga, 1366-1368 Park Street Site Plan Approval and Special Permit

N.Parker read public hearing notice

The applicant, Mark Baldyga, is seeking Special Permit and Site Plan Approval as required by sections 171.28, 171.29, & 171.62 and a Special Permit as required by section 171.69, Water Supply Protection District, for the construction of an auto body repair facility and all other Site Plan improvements at the property located at the 1366-1368 Park Street, Palmer MA. This parcel is also known as Assessors Map 56, Lot 85.

Present was applicant, Mark Baldyga. Present representing applicant was Donald Frydryk, of Sherman and Frydryk Engineering.

Present representing the town was John Furman, of Vanasse, Hangin and Brustlin (VHB)

M.Marciniac noted that the agenda had an error. The address number was wrong on the agenda and should have read 1366-1368 Park Street.

The Board stated that there were several issues when it came to the zoning review by VHB.

J.Furman went over his review dated December 2, 2015

He stated he had an error in the address. The number on the review says 1266 and should read 1366-1368.

His first comment referenced the small generator quantities for auto body in the aquifer protection district, and the fact that there is a maximum of 6 gallons per month allowed to be stored on site. The applicant proposed approximately 12 cars in the trip generation report as a basis for generating the count. Twelve cars a day for a 5 day workweek equates to a potential of 240 cars per month. It was stated that if there is a 6 gallon maximum, each car would only be allowed .002 gallons, or 3.21 ounces of waste per vehicle. VHB's opinion was that this is a particular measurement, and may not be completely accurate, but they are the numbers he had to go off of for the review, and that this development would be prohibited in the Water Supply Protection District. It was recommended by VHB that this discrepancy be addressed. There was a comment to note that oil is not considered hazardous material, however, it is noted in MGL 21E, that waste oil is indeed a hazardous material. It was stated in the application that 4- 55 gallon drums will be used; one for new oil, one for waste oil, one for new antifreeze and one for waste antifreeze. Antifreeze is considered hazardous material. It will be the Board's responsibility to determine whether or not this proposed use is appropriate in the Water Supply Protection District, which is intended to protect to aquifer recharge area, which this parcel is a part of.

D.Frydryk stated that Mr. Baldyga currently has a small generator license from DEP, and will apply for one for the propose site. Mr. Baldyga also stated that not one barrel that was previously mentioned is ever full at any time. Mr. Baldyga also stated that there is no waste from his paint machines. All waste is put into a machine, and when a maximum of two gallons is reached, it is turned on and the waste paint is converted back into new, usable paint.

Plan provided showed groundwater was at approximately 84 inches. If test pits were done as the plans show, groundwater will be hit before final grading is done, according to the proposed plan. The issue can

be resolved by performing additional test pits, however, the Board should determine if groundwater is this high, especially in the Aquifer Protection District, that this proposed project is appropriate.

It was stated by D.Frydryk that the test pit Mr. Furman is referring to is located at the very lowest point of the parcel. The other test pit showed no groundwater. It was stated by D.Frydryk that the three foot separation can be confirmed through more test pits.

The next issue was determining whether or not it is possible to have two principal uses on the same site. Typically, there is one principal use with all other uses on site being ancillary to the principal use. VHB was researching as to whether residential uses in a separate structure could have any assimilation to the proposed use.

It was determined that with language in the Finding procedure, the applicant can apply for an extension of a use. The way for the residential structure to remain and be appropriate, the Board would have to allow applicant to withdraw the application without prejudice and refile under a Finding.

Mr. Carl Tela, of 45 East Palmer Park Drive, stated that his concern is the width of the road. It is not code for a street and people park along the roadway and cause site distance problems. He also stated that the road is too steep and a dead end, hence no second egress. Mr. Baldyga stated that if he is allowed the use on the parcel, he will offer the families to park on his parcel while waiting to get children on or off the buses.

Motion was made to continue hearing to January 11, 2016 at 7:15PM by N.Czech. Seconded by A.Golas. Motion passed (4:0)

Anonymous letter regarding CKS Auto

A letter came in with a complaint that there was not sufficient parking and there was some questionable business going on at the site. It was stated that a police officer, Officer Whalers, was just appointed as the new class II inspector and they will be looking into it.

Motion was made to acknowledge receipt of letter by N.Czech. Seconded by K.Burns. Motion passed (4:0)

JT Browne, Letter and peer review

Letter was sent from the engineer dated November 20, 2015 informing the Board that Robert LeMaitre has been assigned as engineer for the anticipated upcoming application.

Peer review engineer Donald Frydryk, of Sherman and Frydryk Engineering, submitted the annual review and site inspection dated November 19, 2015.

Motion was made to acknowledge receipt of letter and accept annual report by N.Czech. Seconded by K.Burns. Motion passed (4:0)

Breton Estates Letter, Re: Quaker Lane

A letter was submitted to the Board dated November 25, 2015 stating a request for an extension of a Special Permit for screening material incidental to earth removal. It was stated that Mr. Breton does not have a Special Permit for Earth Removal, but a subdivision.

Motion was made to write letter back to Mr. Breton clarifying what his Special Permit entails by A.Golas. Seconded by N.Czech. Motion passed (4:0)

Minutes:

October 5, 2015

Motion was made to accept minutes as amended by A.Golas. Seconded by K.Burns. Motion passed (4:0)

October 19, 2015

Motion was made to accept minutes as written by N.Czech. Seconded by A.Golas. Motion passed (4:0)

Interest Allocation Report, November 2015 was distributed to the Board

Knox Pond Construction Report # 97

Motion was made to acknowledge receipt of report by N.Czech. Seconded by K.Burns. Motion passed (4:0)

The Board was notified that a zone change application has been received for 1524 Park Street, from Rural Residential to Highway Business.

Motion was made to acknowledge receipt by N.Czech. Seconded by K.Burns. Motion passed (4:0)

Kelder Cat Kennel

Applicant Debra Kelder submitted a revise plan dated December 7, 2015 showing the kennel being constructed further back than the original plan, with the 2 car garage removed for the time being.

Motion was made to approve amended plan by N.Czech. Seconded by A.Golas. Motion passed (4:0)

PMP Minor Amendment

A revised plan was submitted to the Board for the location of a private garage inside of the paddock. There were approximately four abutters present.

Motion was made to approve amendment by A.Golas. Seconded by K.Burns. Motion passed (4:0)
New Business

III Old Business

Continuance: K3 Technology LLC, hearing continued from October 19, 2015.

Present representing applicant was Donald Frydryk, of Sherman and Frydryk Engineering. Also present was Jay Ray, President and CEO of K3 Technology, LLC.

Updated site plans were submitted. It was stated that 28 paved parking spaces and 2 handicapped spaces are proposed. Three are also 2 concrete pads proposed for outdoor equipment storage. There are 5 proposed screened dumpsters on the northeasterly portion of the site. Landscaping is proposed on the north east side of the parcel.

No new lighting is proposed. Utility services will remain. A formal waiver of landscaping was requested. Landscaping was actually proposed on the plans, as well as a waiver of exterior elevation plan.

There was discussion over front setback and parking being within the 50' required setback. It was discussed that in the ordinance within the parking section there is language as to keeping parking up to a 20' setback. The applicant stated that it was addressed and that a 20' setback was more feasible as moving the parking would have also changed the handicapped parking further away from the entrance and parking currently exists there. It was the Board's opinion that reducing parking due solely to setbacks was not conducive to the overall project.

Applicant is not proposing any stormwater structures at this time. A sheet flow system is on place now. A grassy swale is proposed for the west, south and east side of the property. The drainage will run off into 2 sediment fore bays into an infiltration basin with overflow into a reinforced swale before entering the municipal drain. Calculations show no increase in peak flows off of the property.

J.Furman went over his stormwater review dated December 7, 2015

It was stated that test pits show ledge 7 feet down. It is proposed that the current catch basins will work as an oil and water separator. It was stated by the applicant that it meets all state requirements, specifically with all site improvements. It was stated by J.Furman that flow has been reduced by 50% for all storms.

The Board gave the project until June 30, 2015 for a completion date.

There were three waivers requested:

1. TV of SW
2. 145.5 soil evaluator
3. 171.29 D 4 h 1. Landscaping
4. Exterior Elevations

Motion was made to grant waivers by N.Czech. Seconded by K.Burns. Motion passed (4;0)

Motion was made to grant Site Plan Approval by N.Czech. Seconded by A.Golas. Motion passed (4:0)

Motion was made to grant Stormwater Permit by A.Golas. Seconded by N.Czech. Motion passed (4:0)

Continuance- Joseph Kelly & Angelica Properties, 1294 Ware Street

A letter was sent from the applicant's representing engineer, R.Levesque and Associates, stating that they request a continuance.

Motion was made to acknowledge receipt of letter and continue the hearing to December 28, 2015 at 7:30PM by N.Czech. Seconded by A.Golas. Motion passed (4:0)

IV Adjournment 9:20 PM

Motion was made to adjourn at 9:20PM by N.Czech. Seconded by A.Golas. Motion passed (4:0)

Andrew M. Golas, Clerk