

# Palmer Planning Board

## Planning Board Meeting Minutes

Monday, November 16, 2015

### **I Call to order**

Chairman Michael Marciniec called the meeting to order at 7:00PM on Monday, November 16, 2015 in the Town Administration Hall Meeting Room. Present were members, Norman Czech, Kathleen Burns Thomas Skowyra and Andrew Golas. Also present was Town Planner, Linda Leduc, and Nicole Parker, recording minutes.

### **II New Business**

7:00PM In accordance with the provisions of Chapter 40A, Section 5 M.G.L., the Planning Board will hold a Public Hearing on Monday, November 16, 2015 at 7:00 p.m. in the Town Hall Administration Building to consider amending the Town of Palmer Zoning Map for a change of zoning districts from the General Business District to the Highway Business District for 9 contiguous parcels on Park Street, west of East Palmer Park Drive  
N.Parker read public hearing notice.

Present representing applicant, Mark Baldyga, was Attorney Jim Bregaines. He explained the application and that Mr. Baldyga is looking to purchase 1366-1368 Park Street to convert a residential home and yard into an auto-body shop. Mr. Bregaines stated that two petitions were filed for legal basis. The land owner and ten registered voters signed the petition.

It was stated that there are 9 parcels and 7 land owners who will be affected. He stated that all affected parcel owners were notified and reacted favorably to the project. It was also stated that all land owners had not signed the petition. He stated that Rt 20 resembles a highway business (HB) zone, and the area is not conducive to pedestrian traffic.

The Board stated that it is not in the position to consider individuals when creating zoning. The area was designated as General Business District (GB) because it was in an aquifer protection district, and other uses allowed in the Highway Business could adversely affect the groundwater.

The Town Planner, Linda Leduc, distributed a memo describing what the dimensions in a HB versus GB district and noted that they are the same. M.Marciniec reviewed with the Board what new uses would be allowed if the zone was changed.

M.Marciniec opened the comments up to the public:

Keith Walker of Park Street stated he supported the project. He possesses a Class I License and inquired as to how to change his parcel to HB.

Margaret Ferry, of Park Street stated that she was opposed to the project. She stated that the character of the neighborhood is primarily residential and would like to see it stay that way.

Ritchie St. Amann of 1313 Park Street, or Park Auto Trim, was in favor of the project and inquired as to how to change his parcel to (HB).

It was stated by the applicant that even though an auto repair or quick vehicle servicing is not allowed in the Aquifer Protection District, with him was Kevin O'Reilly, an environmental consultant, who stated that auto repair does not cause problems in the Aquifer Protection District.

Edwin Rodriguez, an employee of Mr. Baldyga, stated that Mr. Baldyga's business is currently in a primarily residential area and doesn't bother the abutters.

John Callahan, of 1310 and 1320 Park Street stated he is in favor of the zone change. He stated that in his opinion HB is more appropriate zone for the area.

With no more members of the public to speak, M.Marciniec closed the public comment session.

A.Golas state that his opinion by changing the parcels would bring the area into conformity and he approves of the change.

K.Burns agreed with A.Golas.

Motion to support zone change from General Business to Highway Business and refer back to Town Council made by T.Skowyra. Seconded by A.Golas. Motion passed (5:0)

#### Old Warren Road Earth Removal

The applicant, Palmer Paving Corporation, is seeking a Special Permit as required by section 171.73 of the Palmer Zoning Ordinance to remove earth materials from the property located at 569 Old Warren Road & 378 Boston Road, Depot Village, also known as Assessor's Map(s) 21-7-10 & 21-2.

N.Parker read public Hearing Notice

Present and representing applicant was operator Mike Shea, and the representing engineer, Donald Frydryk, of Sherman and Frydryk Engineering.

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

D.Frydryk presented project.

Using a current conservation commission map, he proposed to show a new limit of work. No new monitoring wells were proposed. The conservation map clearly showed the wetland delineation, and that there was no work proposed in the wetland area.

Twenty five trucks per day are proposed.

It was stated that an updated bond, liability insurance and holds harmless will be provided before the current permit expires.

J.Furman went over his review dated November 12, 2015. He stated that the current permit expires January 24, 2016. He reviewed the application by stating that the site is in good working condition and noted the recent addition of a 3.6 acre adjoining parcel, bringing the total operational area to 9.25 acres.

A letter from abutter Gerald D. Johnson, of 571 Old Warren Rd. and dated October 20, 2015, was submitted giving permission to Palmer Paving to work as shown on approved plans.

Stormwater inspection dates were provided. The construction exit was discussed and it was relayed that applicant must maintain tracking pad. Mike Shea, manager for Palmer Paving, stated that he maintains the tracking pad on a regular basis. The Board stated that some material frequently leaves the site and runs onto Warren Road. Mike Shea stated that he frequently sends employees up for sweeping.

The Board opened the discussion up to the public.

Mrs. Johnson, of 571 Warren Rd. asked when the work will start. The applicant stated they will begin in the Spring.

Raymond Labonte asked about a future road and if it was approved. The Board stated that any future road and design must be approved before anything is constructed.

Motion was made to approve following waivers by N.Czech. Seconded by K.Burns. Motion passed (5:0)

1. §171.29 D 4 (h) [1]: Separate Landscaping Plan
2. §145-4, 2. B ii: Separate Erosion and Control Plan
3. §145-5 3. Iii: Televised inspection of the Stormwater system

Motion was made to grant Site Plan Approval and Special Permit by A.Golas. Seconded by K.Burns. Motion passed (5:0)

8:33PM The applicant, Angelica Properties, LLC c/o Joseph Kelley, is seeking a Special Permit and Site Plan Approval as required by sections 171.28, 171.62 and 171.29, respectively, for re-use of the existing building as professional office space in the Neighborhood Business District. The property is located at 1294 Ware Street, Depot Village, also known as Assessor's Map 37, Lot 5.

Present was applicant Dr. Joseph Kelly, and representing him was Rob Levesque, of R.Levesque Associates.

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

Mr. Levesque introduced the project that is located at 1294 Ware Street. It has a 1490 sf structure on it previously used as a Knights of Columbus. The applicant is proposing a medical office. The parking is being reconfigured to be on site. The proposal has the parking area paved and a curb installed. There is a sub-surface infiltration basin proposed. He provided updated plans and provided a response letter.

Mr. Levesque stated that the high point on the lot is 431. Currently there is no current stormwater maintenance on the parcel. He is currently designing a system.

J.Furman went over his review dated November 12, 2015.

J.Furman made the statement that in general, the site is being improved. He stated that it is close but not within an aquifer protection district.

A loading area was not indicated on the plan. It was stated that there will be no deliveries, and no loading area will be necessary in that the small amount of deliveries they get can be brought in through the side door.

There was no trip count provided and it was recommended that a trip count be generated and provided. It was also stated that the entrance and exit are at a dangerous intersection It was also recommended that an Automatic Trip Recorder (ATR) be used to measure site distance to determine that driveway location is in fact safe. It was also recommended that advance warning signs or other means of warning can be installed to insure safety, and that a traffic engineering professional be utilized to make these determinations.

There is a ground sign proposed and it was relayed to the applicant that they will need to apply for a Special Permit for that sign.

It was also stated that the dumpster needs to be screened and there are 8 trees shown on the plan but there should be 9.

J.Furman went over his Stormwater review dated November 11, 2015

There was previously no stormwater being managed on the site so this will be a big improvement. There is a waiver request for a separate Erosion and Sediment Control plan and for televising the Stormwater system. It was stated that at the pre-construction meeting the stormwater system inspections will be provided.

Stella Koziol, of 1286 Ware Street stated that she has been using the current driveway onto River Street and would like to continue. It was explained that it will not be possible due to required landscaping from business to residential lots.

Motion was made to approve 2 waivers listed below by N.Czech. Seconded by A.Golas. Motion passed (5:0)

1. §145-4, 2. B ii: Separate Erosion and Control Plan
2. §145-5 3. Iii: Televised inspection of the Stormwater system

Motion was made to continue hearing to December 7, 2015 at 8PM by N.Czech. Seconded by T.Skowyra. Motion passed (5:0)

#### Blue Wave/Baptist Hill Rd Solar Project Utility Pole Location

Present was Steve Campbell, of Sun Edison, who purchased the project from Blue Wave. An abutter, Tim Irving was also present.

M.Marciniec went over the project and the location of the new utility poles. National Grid put the new poles in the wrong location, which put the new pole directly in front of an abutter. Steve Campbell, of Sun Edison proposed to move the pole, and repair the damaged buffer, and provide a \$200,000.00 surety to secure that it gets done. It was stated by SunEdson that the work for repairing the buffer will be completed by June 1, 2016 and the pole will be relocated as on the approved plan by July 1, 2016. SunEdison also stated that they will provide a \$200,000.00 surety for a performance guarantee. It was relayed to the applicant that the bond must be provided, the amended site plan will be provided as well as the buffer plan before the system goes live.

Debbie Kelder, Cat Kennel

Present was applicant Debbie Kelder. She stated that the plans have changed and she would like to just build the kennel now and the garage at a future date. It was stated that an amended plan will go in front of the Board at the next meeting.

SANR Robinson Rd/Mason St

Motion was made to approve plan by A.Golas. Seconded by T.Skowyra. Motion passed (5:0)

**III Adjournment**

Motion was made to adjourn at 9:52PM by N.Czech. Seconded by T.Skowyra. Motion passed (5:0)

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Andrew M. Golas, Clerk