

PLANNING BOARD MINUTES
FEBRUARY 26, 2019 at 7:00 p.m.

115 Pleasant Street, Gardner, MA
Room 203, Robert L. Hubbard Conference Room

Members present: Allen L. Gross/*Chairman*, Robert J. Bettez, Sr. /*Vice-Chairman*, Laura Casker, Mark Schafron, Robert Swartz/*Members*, and Trevor Beauregard/*Director-City Planner*.

Members absent: *None.*

Also present: Chris Coughlin-*Engineering*, Christine Fucile-*DCDP*, Joan Gould and Alan Rousseau-*Residents*, Hazem Dani and Kelly Killeen of *CHA*, William Hannigan/*Hannigan Engineering*, and Andrew Mansfield/*Gardner News*.

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the **meeting**. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Director of Community Development & Planning pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

Mr. Gross called the meeting to order at 7:00 p.m. and noted the regular meeting of February 12th, 2019 was postponed due to inclement weather.

1. MINUTES

✓ Vote to approve Regular Meeting Minutes of January 8, 2019.

Motion to accept and approve Planning Board Regular meeting minutes.

M. Schafron/L. Casker.

Vote - All in favor

2. PUBLIC MEETINGS CONTINUATION & OLD BUSINESS

2.1 MasRed Solar, LLC

2.2 Gardner Energy, LLC

2.3 Redzico, LLC

2.4 Imperial Blue Systems, LLC

2.5 Princeton Repower, LLC

Mr. Gross stated the Planning Board is awaiting completion of Peer Review. In addition, the Developer has asked for a continuation until the next Planning Board meeting scheduled for March 12th, 2019.

T. Beauregard noted the Peer Review has been started and should be done the end of this week or beginning of next, at which time will be available to the developer for their review.

L. Casker inquired about the PILOT AGREEMENT (*Payment in Lieu of Taxes*) which was mentioned at the last Planning Board meeting. T. Beauregard said he spoke with the City Assessor who confirmed the City does enter into a Pilot Agreement with all solar projects.

Motion to grant extension for continuation, as requested by developer, until the next Planning Board meeting of March 12, 2019.

R. Swartz/M. Schafron.

Vote – All in favor.

3. OLD BUSINESS

3.1 Timpany Crossroads:

Bill Hannigan of Hannigan Engineering explained a few modifications had to be made to the project relative to the driveway entrance because Williams Street was thought to be owned by Timpany Crossroads in its entirety, and still may be the case, but did not want to risk it. Therefore, the access drive was relocated further to the east, the buildings were rotated, and the parking was placed between the buildings to loop the traffic. Part of the utilities were shifted a bit with respect to some of the drainage, however, the drainage calculations all work out. Mr. Hannigan noted the 99 Restaurant would like to start construction in 30 days.

Mr. Hannigan explained the recent Development Review Committee expressed some recommendations with regard to these modifications. Mr. Hannigan said one of the recommendations was to install another fire hydrant north of the Timpany Boulevard entrance/exit.

The other recommendations were to add some stop lines and stop signs on the site, and to delete four (4) parking spaces at the modified entrance. Mr. Hannigan stressed the development needs to keep these spaces because the parking was shifted, and feels there is sufficient room to back out with no sight issue. Mr. Hannigan also asked if just two parking spaces be eliminated. Mr. Gross answered the Development Review Committee request four parking spaces be eliminated.

L. Casker asked what the distance is from the street to the first parking space. Mr. Hannigan replied 30 feet.

L. Casker noted historically many accidents happen in parking lots, mostly due to drivers being distracted while pulling in and pulling out of the parking space.

Mr. Gross emphasized the Development Review Committee is compiled of Department Heads and the Planning Board recognizes the value of their comments, therefore, he feels the four parking spaces should be eliminated. In addition, four parking spaces are not going to create a big detriment to the project.

Mr. Gross asked the Board if they have any issues with the minor modifications. All Planning Board members were in favor of the changes.

T. Beauregard summarized they are still waiting for the lighting plan, landscaping plan, signage, and surety which all are Site Plan conditions.

3.2 Wilder Brook Subdivision:

Kelly Killeen of CHA spoke for the owner regarding the culvert, the remaining lots, and the unaccepted portions of the roadway.

Cul-De-Sac:

Mr. Killeen stated at the last meeting, the Planning Board questioned the status of the stone piles on Brookside Drive. In addition, the best way to combine six lots off of Lot 51 into one lot, as well as an additional parcel for open space.

Mr. Killeen explained Mr. Cormier has decided not to move forward with construction of the 17 lots for the 2nd cul-de-sac, however, he would like to combine these lots into a single parcel and gift or donate as open space. Furthermore, Mr. Cormier is still moving forward with Lot 51 to become one big lot.

T. Beauregard commented he spoke with North County Land Trust and they expressed their concern with access to open space if the larger lot will be created into a building lot, in view of the fact they have a lot of land in back of the cul-de-sac. Mr. Killeen replied they could provide access to the North County Land Trust parcel provided it doesn't impede their frontage, possibly through an easement.

Mr. Gross stated two ANR's will need to be applied for. T. Beauregard responded he will confirm with legal counsel.

Culvert:

Mr. Killeen said he could not find the original calculations since they are 20 years old, however, did new calculations showing the watershed, and submitted them to Dane Arnold.

Mr. Killeen said Mr. Arnold commented the data they were using is insufficient and the culvert will need to be replaced. Mr. Killeen believes there should be a meeting with the City, himself, and the Developer since the GIS data they use is an accepted practice. In addition, Wilder Brook flows one way, and Bailey Brook flows another way, however, the area is comprised by a beaver dam. This has been an issue since 1999, and has been breached before to drain it and needs to be done again.

L. Casker mentioned at the last meeting, there was discussion about mitigation and the Homeowners Association if this was written in the deed. Mr. Killeen replied he did inquire, but did not receive an answer.

T. Beauregard said there was some research done, and a Homeowners Association was established. Each homebuyer is supposed to contribute \$200 to a fund to maintain 8 to 10 drainage easements within the subdivision, but it doesn't include that whole area. It does include the close proximity to each one of the crossings where the culverts are. T. Beauregard further said he is unsure if they are actively collecting the fees, which is important to know.

Mr. Gross recapped ANR's will take care of the changes, and there will need to be some discussion for the culvert.

T. Beauregard asked if the Beaver Management Plan is going to be submitted to the Planning Board. Mr. Killeen he will check, as they have been working on it.

3.3 Cedar Hills Solar Definitive Plans

a) Definitive Plans

b) Conditional Release of Covenant

T. Beauregard stated there is nothing new to report at this time, however, he is still waiting for their Attorney, and the City's Attorney to get back to him regarding the Conditional Release of Covenant.

4. NEW BUSINESS

4.1 Planning Board Rules Governing Special Permits

T. Beauregard noted as part of the Zoning Ordinances update, the Planning Board special permit rules and schedule of fees will have to be updated.

T. Beauregard commented since the new zoning was passed, the Industrial & Commercial Heritage Planned Unit Development is now eliminated, Marijuana Establishments have been added, Flood Plain (*sheds not necessary to Flood Plain uses*), and the Planning Board now has responsibility for these Special Permits.

T. Beauregard brought attention to the Special Permit chart with Advertising Fee, Filing and Processing Fees, and recommended the Advertising Fees process change from the proponent paying the bill to the City paying the bill by increasing the processing fees to accommodate the costs. T. Beauregard explained the usual process has been we place the Ad, the Gardner News sends us the bill, and we in turn send the bill to the proponent, therefore, by including the advertisement fee into the Permit Fee will provide a much simpler process. T. Beauregard added typically two Ads can run from \$300 to \$400.

L. Casker inquired what surrounding cities/towns do. T. Beauregard answered it is different with each city/town. Different communities charge for different things and use varying fee structures so it is hard to compare.

T. Beauregard added a Public Hearing will need to be held for “Rules Governing Special Permits” at which time the Planning Board can vote.

4.2 Planning Board Fee Schedule

T. Beauregard brought attention to “Appendix C” Fee Schedule and went over the ANR fees, the Preliminary Plan Form “A”, and the Definitive Plan Form “C”.

Mr. Gross added it has been at least 12 years since last reviewed.

T. Beauregard noted the Development Overlay District I was not included on the chart and will have a cost of \$750 plus \$50 per dwelling unit, and \$0.25 per square foot of gross floor area of non-residential buildings.

T. Beauregard also noted Marijuana Establishments should be consistent with the other filing and processing fees of \$750.00.

Motion to approve the Fee Schedules (Appendix C & Appendix H) changes as presented.

L. Casker/M. Schaftron.

Vote -All in favor.

5. ANNOUNCEMENT~~NEWS~~ARTICLES~~EVENTS:

5.1 Next Planning Board meeting:

March 12, 2019 at 7 p.m. It was also noted there will be a Public Hearing.

5.2 Gardner News Article:

On Jan. 25, 2019, Recreational pot sales OK’d at Gardner site.

Adjournment

Motion to adjourn.

R. Bettez/L. Casker.

Vote -All in favor.

The meeting adjourned at 7:57 p.m.

All documents referenced or used during the meeting are part of the official record and are available in the Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law.