

**PLANNING BOARD**  
**MEETING MINUTES**  
**June 23, 2020**

**7:00PM****Virtual Meeting**

**Member Present:** Otto Lies, John Michalack, Michael Krikonis, Scott Carlson, James Parker, Nancy Kielinen, Robert Ricker

**Others Present:** Pam Harding, Director of Planning

Scott Carlson, Chair called the meeting to order at 7:05 p.m.

**PUBLIC HEARING – SITE PLAN/SPECIAL PERMIT 1062 Main St Pholicious Restaurant – Thien Phan Addition – Commercial Zoning District**

P Harding read the public hearing notice and shared the plans via screen share. Reviewed areas of the addition for kitchen in the back of the building and a front lobby and restroom and sprinklers. The comments included accessibility to 4 parking spaces and placement of the dumpster. DPW requested additional information for the sprinkler addition and the proposed entrances abutting parking spaces. Applicant has not yet responded.

J Parker asked if they will need to redesign the seating plan due to COVID? P Harding said that they are doing a full renovation so guidelines may be different at time of opening.

Thien Phan, owner of Pholicious, said that the sidewalk will be remaining and all the work will be done behind that. Dumpster will be 7 yards (similar to used at Kyoto) and fenced in.

The board requested an updated plan to clarify how the front addition will affect the accessibility.

S Carlson said there are 3 items needed to complete and vote – Dumpster location, parking layout and pedestrian access to egresses.

**MOTION BY R RICKER, SECONDED BY O LIES – UNANIMOUS DECISION (7-0) TO CONTINUE THE SITE PLAN REVIEW FOR PHOLICIOUS RESTAURANT AT 1062 MAIN ST TO JULY 21, 2020 MEETING.**

**PUBLIC HEARING SPECIAL PERMIT EXTENSION OF TIME AND AMENDMENT – VILLAGE AT WESTMINSTER**

Jeff Roelofs explained that the modification request from his client to convert the 2 six-plex buildings on the cul de sac to 6 duplex buildings, 4 buildings fronting on the cul de sac and two fronting on Tea Party Circle.

Jeff provided updates on the project and submitted today (6/23) for updated plans in respect to engineering questions. Units 605-610, closest to the multi-unit buildings, would not have proposed exclusive use areas.

They would keep those as shared use areas to protect the residents of the multi-units right to use the common open space.

Jeff addressed questions from the residents forwarded by P Harding. Phase 1 roadway work is planned to be completed by November 15<sup>th</sup>. A resident raised a question on the distance of light poles being every 200'. Jeff will look into this and provide an answer.

Jeff mentioned in regards to the engineering questions, they were not able to connect with the engineering team prior to the meeting. He did explain to the board that the water and sewer lines proposed in areas that are not under the paved roadways. Their proposal is to grant an easement to the town's benefit so they can do whatever maintenance necessary. They hope to discuss with the engineering department.

R Ricker expressed concern for the residents of some units that would potentially be affected by the proposed water and sewer line placement.

P Harding said that it is unlikely the town would need to access the water and sewer lines in this area because they are privately owned and maintained. Only in extreme circumstances would the town need to access these utilities.

Linda Donahue, 614 Explorer's Way, questioned the basin behind them. With the additional overflow going into that basin how will it be engineered?

Jeff said the basins of King Philip Trail would be minor and the calculations have been checked by the engineering team to confirm they would accommodate any additional stormwater.

S Carlson asked that unit 528 is included in the Phase I parcel for the roadwork to be completed.

Jeff said that the plans show Phase I to include past unit 528 and the plan is to be completed by November 15<sup>th</sup>. The roadway will be completed by that date and if access is needed for construction after that they will create a temporary access route.

Arthur Marin, 76 Tea Party Circle, stated concerns regarding the proposed modification to the King Philip Trail section. Arthur stated that there was a design change which faced duplexes and driveway on Tea Party Circle which was not shown on the original site plans and as an owner on Tea Party Circle he is concerned that this has not been discussed.

Jeff responded that the design change is due to the belief that the market will respond to the duplexes more favorably.

Margaret Daly, 78 Tea Party Circle, echoed the same concerns with the design changes as Arthur.

N Kielinen made a recommendation to reposition the 2 duplexes that are street facing on Tea Party Circle to be facing front towards the cul de sac on King Philip Trail.

Jeff responded that he would visit that with his client and see if that would be a viable option.

MOTION BY R RICKER, SECONDED BY J MICHALACK - IT WAS VOTED TO CONTINUE TO AUGUST 11TH MEETING BY A VOTE OF 6-0-1 (J Parker abstained)

**PUBLIC HEARING – DEFINITIVE SUBDIVISION – 45 lots - 101 units- PINE TREE ESTATES – SALISBURY STREET/BAILEY ROAD**

S Carlson explained that applicant would like clarification from the board if they are in support of waiving one side of the sidewalk in exchange for a contribution of equal amount to the sidewalk construction fund. Isabella McCauley calculated the bond to be equivalent to \$50,000 which is not equal to a significant length of sidewalk on an existing roadway and DPW does not support this 1-1 exchange.

William Murray, Places Associates and Attorney for the applicant, Paul Haverty, spoke to the board regarding their request for guidance from the board.

William stated that Green International has signed off with two considerations. The first condition is to monitor traffic after building and the second condition is to review revised site plans. William requested the board to review the new layout without the intersection, replaced by a single radius, 24' roadway and a single 5 foot sidewalk on one side of the project and a waiver for the sidewalk on the other side in exchange for a contribution to the sidewalk fund.

P Harding said that DPW's stance on not supporting the exchange is that the cost of construction is greater than the compensation.

O Lies opposed the elimination of the second sidewalk.

William stated that these changes were all the result of requests from the Town and if it's now being opposed then they will go back 28' with 2 4' sidewalks as the original plan showed.

P Harding clarified that Green International would be in favor of the exchange if it was beneficial to connect the subdivision by sidewalk down Bailey Road to the school, but that the amount is not sufficient to do anything significant on Bailey Rd. Green International suggested a fee of \$200,000 to the applicant but have not received a response.

William replied that they have not responded because they just received that memo just this afternoon. DPW is looking for 5' sidewalk because that will be the new regulation however this plan was submitted prior to that going into effect.

R Ricker said that due to the type of multi-family housing for this project the board may want to consider requiring sidewalks on each side.

Paul Haverty, attorney for the applicants, clarified that the proposal is exactly what the DPW requested and the only disagreement is to the amount of contribution that would be requested.

Isabel McCauley, DPW, wanted to clarify that their comment is supportive of the 24' roadway and asked the developer to have sidewalk connectivity from Bailey Rd behind Dawson School. DPW believes that it is in the best interest of the town to have sidewalks on both side unless they want to have further conversation on what the contribution amount would be.

William replied that this is not how it was conveyed by Green International. They would be inclined to move forward with the original design of 28' roadways and 2 sidewalks as a waiverless subdivision. William requested a continuance to the next meeting.

S Carlson would like to know how many cubic yards will be removed from the side of the hill on the development at the next meeting.

J Michalak asked why the board is leaning towards 2 sidewalks.

R Ricker stated he was in favor of 1 sidewalk but after considering the project being Multifamily and the people that would be living there would benefit from 2 sidewalks.

O Lies agreed with R Ricker due to the potential safety of the residents.

J Parker stated that because of the proximity to Dawson school he is in favor of 2 sidewalks.

J Michalak asked if the 5' width would be sufficient to handle the foot traffic of that area and because of other precedents in the town that have 1 sidewalk.

S Carlson supports 2 sidewalks.

J Michalak and N Kielenen support having 1 sidewalk in the development in exchange for funding of an additional sidewalk on Bailey Rd.

Isabel stated that DPW would have a conversation with the developer to try and come to an agreement on an amount that is closer to the actual cost of including the sidewalk on Bailey Rd.

Michael Elmes, 138 Bailey Rd, stated that the residents are not in favor of adding a sidewalk on Bailey Rd because it would take away more of their privacy.

S Carlson called for any additional public comments to which there was no response and then to the board for discussion.

R Ricker stated he is in favor of a 24' roadway and would defer to the other members of the board for a decision on the sidewalks.

O Lies stated he is in favor of a 24' roadway and would still want 2 sidewalks.

N Kielenen does not have a strong preference for 1 or 2 sidewalks.

M Krikonis and J Michalack are both in favor of 24' roadway and 1 sidewalk as long as it is raised off the road and after discussion with the applicant regarding the contribution amount.

J Parker is in favor of 24' roadway with 1 sidewalk and a contribution to the sidewalk fund.

S Carlson is in favor of 2 sidewalks but is open to the discussion that DPW and the applicant have.

MOTION BY R RICKER, SECONDED BY O LIES - IT WAS UNANIMOUSLY VOTED (7-0) TO CONTINUE THE PUBLIC HEARING FOR PINE TREE ESTATES DEFINITIVE SUBDIVISION TO THE AUGUST 25TH MEETING

**RECOMMENDATION FOR STREET ACCEPTANCE - WACHUSETT VALLEY ESTATES - Freedom Lane – Liberty Circle – Patriot Way-**

P Harding said the sewer easement at the back of Lot 17 and 18 was covered by fill by one of the homeowners while installing an in ground pool, but the developer has removed the fill and graded the sewer easement to allow access for maintenance. The developer has addressed all items from the DPW punchlist.

S Carlson asked what is to prevent this in the future?

P Harding explained that the homeowner is aware of this now and the DPW will check the easement annually.

MOTION BY R RICKER, SECONDED BY O LIES – IT WAS UNANIMOUSLY VOTED (7-0) TO ACCEPT WACHUSETT VALLEY ESTATES RECOMMENDATION FOR STREET ACCEPTANCE

**OTHER BUSINESS:**

**160 Bailey Road – R-2 Zoning District Creation of one building lot**

P Harding shared the Locus with the Board. 14.5 acre parcel there is a proposal to carve off Lot 1 with the existing house and maintain another lot with 13.23 acres and 100' of frontage.

O Lies asked if it will abut Pine Tree Estates and P Harding confirmed that.

MOTION BY O LIES, SECONDED BY M KRIKONIS, IT WAS UNANIMOUSLY VOTED (7-0) TO ENDORSE THE APPROVAL NO REQUIRE PLAN FOR 160 BAILEY ROAD.

**45 Brewer Way – R-2 Zoning District Siddons - Kazmareck= Lot line adjustment**

P Harding stated that the applicant is annexing Parcel A to Lot 5 to create more area for the setback requirements for a new house.

MOTION BY R RICKER, SECONDED BY O LIES IT WAS UNANIMOUSLY VOTED (7-0) TO ENDORSE THE APPROVAL NOT REQUIRED FOR 45 BREWER WAY LOT LINE ADJUSTMENT.

MOTION BY R RICKER, SECONDED BY J MICHALACK – IT WAS UNANIMOUSLY VOTED TO ADJOURN THE PLANNING BOARD MEETING AT 10:00 PM.

The June 23, 2020 minutes were approved on September 8, 2020