

PLANNING BOARD
February 28, 2017
Memorial Hall

Members Present: John Michalak, Jeff Head, William Ritter, Tina Stratis, Robert Ricker

Members Missing: Otto Lies, Scott Carlson

Staff Present: Pam Harding, Director, Liz Fotos, Town Recorder

J. Michalak called the meeting to order at 7:04PM

PUBLIC HEARING- Citizen Petition – Zoning Bylaw Change to allow the sale of used cars within the Town of Holden

J. Michalak read the public hearing notice into record.

P. Harding stated that this was a Citizen Petition submitted to the Town Clerk and signed by 10 registered voters. She stated it would be placed as a Warrant Article for Town Meeting and the Planning Board was required to make a recommendation. She stated that in order to change the bylaw, 2/3 vote of the residents needed to vote for it.

J. Michalak asked if there were any members of the public wishing to step forward.

Michael Grasseschi, 330 Reservoir Street was present at the meeting. He stated that he was the person who organized the petition and he wanted to present some facts to the Board. He stated that that he held a Class 2 Dealers License in MA but he can not use it in Holden where he resides and pays taxes because the Town will not allow for it unless there is a new car franchise attached to it. He stated that this law was from the 50's and that at the time only Chaffins and Luddy were able to sell used cars. Mr. Grasseschi stated that Luddy lost the franchise and they can no longer use their property for auto sales unless they have another new car franchise come into play. He stated that new car dealerships are too expensive and only millionaires can afford them.

Mr. Grasseschi stated that it is his intention that the bylaw change would only apply to the properly zoned properties. He stated that he had spoken to Mr. Lipka in the past and the only thing that would need to change in order for the town to allow used car dealerships is the removal of one word, "new". He stated that there were several properties on Main Street that would be great for this type of business.

Mr. Grasseschi stated that right now, the only one that can sell used cars in town is Sunnyside Motors. He stated he feels there is a lot of people that can benefit from the bylaw change, the people to sell them, the properties up and down Main Street, and the residents in Town that will get a more affordable used car.

Mr. Grasseschi stated that he thinks the law is archaic and discriminatory and that to better serve the community it should be changed. He stated that he does not know where to go from here but this is his proposal.

P. Harding stated that the Board had some concerns with the petition and where the location of the dealerships would be.

Mr. Grasseschi replied that it would be up to the Town's approval on the location.

J. Michalak asked if there were any other public comments.

William Bank, 9 Oak Crest Road was present at the meeting. He stated that he had been in Town since 1971 and that while the Zotley's and the Harrington's have done great things in Town, he thinks its time to open this opportunity for others. He stated that this could satisfy the needs of the people in town and that many people could benefit from it.

M. Grasseschi stated that he had spoken with Ryan Luddy and that he (Luddy) thought it would be a good thing for his property.

J. Michalak asked if there were any additional public comments.

Roy Frazier, 943 Wachusett Street was present at the meeting. He stated that he had worked in Clinton and had spoken to their Building Inspector and they had in excess of 20 used car licenses and they were all over towns, in backyards, and everywhere. He stated that it happened because the Board of Selectmen were the licensing authority and the people were the voters, so the BOS did not want to say no to voters and they ended up with too many. Mr. Frazier stated he felt the way the bylaw was structured was fine and if a new car dealership wanted to come to town and invest in it he didn't have a problem with it but he did not want all these used car dealerships popping up all over town. He stated he hopes the Planning Board does not endorse this.

Mr. Bank stated he did not want to see 44 dealerships all over town either but he thinks it is imperative for the community and individuals that want to contribute to the community to have the freedom to do so. He asked why they couldn't limit the licenses to one or two.

Mr.Grasseschi stated that the Board has a right to cap it at a reasonable number but they should at least have the opportunity for people who want to sell cars in Town. He stated that he has sold over 1,200 cars in Worcester and only ever had two complaints. He stated he was looking for an opportunity for his children and his family at this point. He stated that he thinks the Board should decide a number and if someone else wants to petition the Board in the future, so be it.

J. Michalak opened it up for the Board to comment.

R. Ricker asked who would be responsible for rewriting the bylaw. He stated the petitioner did not state where the lots would be located, commercial zone or otherwise. He asked if P. Harding would be writing it.

P. Harding replied that either could happen but that the Board needed to act on this Citizen Petition as it was presented. She stated he could withdraw his petition and submit a revised one if he was inclined. She stated that she had invited Mr. Grasseschi in to speak with the Board about his intent. She stated that he could do that or the Planning Board could make an independent petition to the bylaw.

R. Ricker stated that he was familiar with something similar in Shrewsbury. He stated that something was denied and that the courts overruled it. He stated he does not know exactly what happened and perhaps the Town Planner could look into it.

P. Harding stated there were a few avenues they could go; they could leave it as is and go to Town Meeting, he could amend his petition and resubmit it with more details, or the Planning Board could make an independent petition.

R. Ricker stated he felt as what was presented was too general.

Mr.Grasseschi stated he was not looking for location, he just wanted a bylaw change that allowed used car sales in town.

R. Ricker asked what zoning it would fall under.

J. Michalak asked if his intention was to have it in business zoned areas.

Mr.Grasseschi stated they can put it how they liked, he stated he was not a professional at this and he did state today that he meant to have it in the commercial zoning district.

R. Ricker stated that it was not included in his petition and it would need to be if that was what he wanted to do.

J. Head asked if they removed the word "new" from the bylaw if that would accomplish what the petitioner wanted to do.

P. Harding replied it would but then it would be allowed by right.

J. Head asked if they could accomplish it through special permit. He stated he thinks the language would need to change but that maybe something by special permit would work.

Mr.Grasseschi stated this may not be something that comes to be for him but that he thinks the town would benefit from it. He asked if the Board could help him draft something so it would be proper for Town Meeting.

J. Michalak asked if P. Harding could assist.

P. Harding confirmed she could.

Mr.Grasseschi stated that he did not include the zoning on the initial petition because he did not know he needed to. He stated there was a lot of empty properties in town that would be ideal for this business. He stated the town could even limit the number of cars that were sold on locations.

W. Ritter asked if the new car sales were allowed by right only in commercial districts so on Main Street and South Main Street.

P. Harding agreed.

W. Ritter stated he was not inclined to support this petition because it would allow for the sale of used cars anywhere in town. He stated that it may get more support if commercial zoning was indicated.

T. Stratis asked if there is a maximum number of cars that could be sold.

P. Harding stated it is not allowed right now but they can add that.

T. Stratis asked if they did this, would it open up those licenses to repair shops as well.

P. Harding replied if they were in the commercial district it would and then they could restrict it and limit the numbers.

R. Ricker stated that in Shrewsbury it was found that you could not limit the number of licenses according to the Courts. He stated that Shrewsbury just went through it and they were not able to limit the amount of licenses given but they were able to limit the amount of cars.

T. Stratis stated if they opened this up, there could be 5 or 6 car lots along Main Street.

J. Michalak stated if they limit it to four, all the repair shops would call and take them all.

T. Stratis stated that signage could be an issue for this as well. She stated the Town has a signage bylaw that they would need to adhere to as well.

J. Michalak stated he thought of that as well.

R. Ricker stated it goes back to enforcement.

Mr.Grasseschi stated that Sunnyside had signs up on the cars. He stated the town needs affordable cars and there is no place in town to buy one.

R. Ricker asked P. Harding to look into the Shrewsbury case.

P. Harding confirmed she would.

R. Ricker stated that the Board of Selectmen could limit the number of cars that could be sold but not the number of people who could have licenses to sell.

J. Michalak asked how they would determine who would get the licenses.

P. Harding stated that they may not be able to set up a limit.

R. Ricker asked if there was time for the petitioner to redo this if he was inclined and get signatures and back in front of the Board.

P. Harding replied there was.

Mr.Grasseschi asked if he would need to get signatures again. P. Harding confirmed he would.

Motion by W. Ritter, seconded by R. Ricker, it was UNANIMOUSLY RECOMMENDED AGAINST APPROVAL OF THE CITIZEN PETITION REGARDING SALE OF USED CARS IN TOWN BEFORE THE BOARD AS IT DID NOT LIMIT THE LICENSE TO COMMERCIAL ZONING AND WOULD ALLOW FOR PERMITTED SALES OF USED CARS THROUGHOUT THE ENTIRE TOWN.

STATUS REPORT- Greenwood Estates

P. Harding stated that as they knew, the Planning Board voted to send Greenwood Estates out for peer review and they required Blair to submit a check to cover the initial cost of \$15,000. She stated the town did not receive the check until January 18, 2017 and then they needed to wait 10 days for the check to clear which took them to February 1, 2017 for the funds to be in place. She stated that the matter was still under review and that there were no comments as of yet.

R. Ricker asked if they needed to extend the Public Hearing.

P. Harding replied that they did extend the Public Hearing and they had asked for a status report and that was what she was providing.

R. Ricker asked if this would need to be extended again.

P. Harding replied she thought it would need to be as they did not have a full report and revised plans were submitted but they did not meet zoning requirements. She stated that there were still issues.

J. Michalak asked if they will run out of extensions.

P. Harding replied that was up to the Board's discretion. She stated that as they just commenced Peer Review, she thinks they should at least see that. She stated the applicant did not file his environmental permitting yet. She stated they did have a prelim meeting with the DEP regarding the roadways and the applicant wishes to construct retaining walls to support public ways but DPW does not want to accept that.

STATUS OF OPEN SUBDIVISION AND SPECIAL PERMITS

P. Harding provided a status of open subdivisions to the Board.

Stoney Brook

P. Harding stated that the developer could not get the easement from the property owner. She states she was in the loop with all the communications and that the developer recently did secure the easement and the bounds have all been marked in the field and erosion controls were put in. She stated they met with the contractor and it should be started within the next week or two.

J. Michalak asked the time frame for completions.

P. Harding replied they expected it to take 6 weeks.

W. Ritter asked if they thought the developer would be ready for street acceptance by Town Meeting.

P. Harding replied she did not think they were ready. She stated that she did not think the town would accept the subdivision until it was verified that it was stable and operating correctly. She stated that they could accept a portion of the subdivision but there was still a significant of punch list items outstanding and it looks like many of the items were not addressed yet.

Red Tail

P. Harding stated that Red Tail was in construction and they were working on drainage that was yet to be completely installed. She stated 6 building permits were issued.

W. Ritter asked if there were any known drainage issues. P. Harding replied there were not.

St. Mary's

P. Harding stated this was done and would likely go for street acceptance.

Parsons Rest.

P. Harding stated that it was under covenant and not yet commenced.

Oak Hill

P. Harding stated that there were 31 building permits and they were still to binder.

Wachusett Woods

P. Harding stated that DPW was working with a few of the abutters that have not moved fences and things and they wish to begin work in April.

R. Ricker asked if they can take the sign down from this subdivision.

P. Harding relied she could

Wachusett Valley Estates

P. Harding stated that they just opened up from phase growth so they requested 9 more and submitted application to zoning for relief for 12 buildings permits this year. She stated the hearing as in March and she would put it on the agenda for the Planning Board to review.

R. Ricker asked P. Harding's opinion.

P. Harding replied it made sense to get phase 1 complete and then move on. She stated that it will make it so there is less earth disruption. She stated she thought the abutters would be happy with that as well.

W. Ritter asked if there was any drainage issues.

P. Harding replied there was one erosion control breach on Liberty Circle but the developer responded very quickly.

Villa at Westminster

P. Harding stated they just did some significant repairs to the pump station. She stated that it was good they were able to respond to that and they were now doing weekly inspections. She stated 5 additional building permits were issued.

R. Ricker asked if construction started. P. Harding confirmed it did.

Mill Pond Place

P. Harding stated that she revived communication from DCR and there was a new engineer involved in the project. She stated that it looked as though they wanted to move forward with a variance application and she is hopeful that they can proceed soon and get it in front of the Conservation Commission.

P. Harding stated they did submit a request that the Town was copied on all communication so they knew the updated status. She stated that they have a new engineer on the project as well.

R. Ricker asked what the Board thought regarding the 12 permits for Wachusett Valley Estates.

P. Harding replied it is her opinion that the 12 makes sense and they can make a recommendation to ZBA.

2017 PLANNING BOARD GOALS – Agenda Items -Review of Open Space and Residential Design Bylaw

P. Harding stated that she incorporated some of the language and changed some of the frontage requirements (from 60—70 and eliminated the 4-6 units in the r10 and rm zoning district.

R. Ricker asked about the editing of the document.

J. Michalak stated that the changes were a result of the last few meetings and things the Board had discussed and agreed upon. He asked if the Board needed to do a place holder for Town Meeting.

P. Harding replied that once the Board was comfortable with the format, they can have a placeholder and refer it to the Board of Selectmen and they hold a Public Hearing.

R. Ricker asked if this was the draft everyone was comfortable with.

P. Harding replied she was.

R. Ricker stated it did not look like there were substantial changes being made.

P. Harding stated they increased some of the standards as well. She stated she did not increase the setback but she did increase frontage.

J. Michalak asked about the low impact development techniques and adding to that.

P. Harding replied she could get more specific on low impact design if the Board wished.

J. Michalak asked if it was a requirement to build in this manner or a recommendation.

P. Harding replied it was a recommendation.

T. Stratis asked if they had discussed setbacks.

P. Harding replied that she thought the outcome of that conversation was to increase the frontage.

W. Ritter stated the frontage was small with the sideyards so if they change the setbacks they would limit where the buildings could be placed.

W. Ritter asked for this agenda item to remain until the entire Board could review.

P. Harding stated she could but they needed to get moving with it so they didn't run out of time.

-Recreational Marijuana

P. Harding stated that she was going to schedule the hearing for March 28, 2017. She stated she distributed a draft for the Boards review and the only thing they could really change would be the expiration date. She stated she put it in as a year; June 2018.

W. Ritter asked if they could invite the Police Chief in for this meeting.

P. Harding confirmed she would.

MASTER PLAN IMPLEMENTATION ITEMS

P. Harding stated she did not have this item completed yet but she found some reports from 2012. She stated that the Planning Board looked like they were in pretty good shape and that she knows there were some the Board chose not to do, some were completed, and some were pending.

P. Harding stated that with the DTLA releasing the funds today, CMRPC made an announcement that the town has 8 additional hours to spend and she thinks they can apply for additional hours for the DTLA to conduct a more detailed study as well.

J. Michalak asked what could be done for 8 hours.

P. Harding stated the town was allotted so many hours per year and that the DTLA program was in addition to it so that if the town combined it together they should get a decent study of the Jefferson Village.

Motion by W. Ritter, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO AUTHROIZE THE TOWN PLANNER TO SUBMIT FOR ADDITIONAL TIME FOR THE DTLA.

P. Harding told the Board that the last day for Town Manager, Ms. Kelly was March 4, 2017 and that Peter Lukes who was the Assistant Town Manager was given a one year contract to become the Town Manager. She stated that there would be a lunch from 1:00PM – 3:00PM on Thursday if anyone was interested.

J. Michalak stated that they should let the new Town Manager settle in and then discuss starting a new committee town wide for the Master Plan.

P. Harding stated the previous Master Plan Committee had make up of a lot of Baords and some at large members too.

ZONING BOARD OF APPEALS- Joint Meeting Accessory Apartment Bylaw- March 16, 2017 7:00PM Holden Senior Center- 1130 Main Street

P. Harding asked the Board to determine who would be in attendance so she could post the meeting if necessary. She stated that what prompted the request for the meeting was the Planning Boards review of a variance associated with it and how accessory apartments were monitored in town.

APPROVAL OF MINUTES

Motion by R. Ricker, seconded by T. Stratis, it was VOTED TO APPROVE THE JANUARY 10, 2017 PLANNING BOARD MEETING MINUTES BY A VOTE OF 4-0-1 (J. Head: abstain).

MISC.

J. Michalak asked if there was any resolution of the meeting minutes being posted on the website.

P. Harding replied it was being worked on.

P. Harding reminded the Board of the upcoming conference. She asked any interested Board member to email her to register.

Motion by W. Ritter, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO ADJOURN THE FEBRUARY 28, 2017 PLANNING BOARD MEETING AT 8:06PM.

APPROVED: _____