

DATE: August 22, 2013 PLANNING BOARD
TIME: 7:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Ethan Culleton; Jack Musgrove (via phone);
Malcolm Fick, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:02 P.M. Mr. Hankin elevated Mr. Fick to a voting member and announced that Mr. Musgrove was participating remotely, via cell phone.

FORM A's:

There were no Form A's presented.

MINUTES: JULY 25, 2013 & AUGUST 8, 2013

Mr. Culleton made a motion to approve the minutes of July 25, 2013 as amended, Mr. Fick seconded, all in favor.

Mr. Culleton made a motion to approve the minutes of August 8, 2013 as amended, Mr. Fick seconded, all in favor.

SPECIAL PERMIT & SITE PLAN REVIEW: KETCHEN

Attorney Edward McCormick was present on behalf of James Ketchen to discuss a special permit application and a site plan review application for a two-family dwelling on a single lot at 70 Castle Hill Avenue. Mr. McCormick said the property had been granted a special permit for a two-family dwelling many years ago but it was not recorded and no records can be found. It has been a two-family home for many years.

The Board had conducted a site visit prior to the meeting.

Mr. Hankin read through the Site Plan Review criteria.

Mr. Musgrove made a motion to approve Site Plan Review, Mr. Culleton seconded, all in favor.

Mr. Culleton made a motion to send a favorable recommendation to the Board of Selectmen for a two-family dwelling on a single lot, Mr. Fick seconded, all in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Zoning Board of Appeals for the addition of a spiral staircase, walkway and deck at 70 Castle Hill Avenue, Mr. Culleton seconded, all in favor.

SPECIAL PERMIT & SITE PLAN REVIEW: DELMOLINO

Diego Gutierrez and John Delmolino were present to continue discussion of Mr. Delmolino's applications for a special permit for demolition of a structure and a restaurant and site plan review of exterior alterations in the Village Center Overlay District. Mr. Delmolino had

previously received Site Plan Review approval but he asked for another review due to changes in the original submission.

Mr. Gutierrez said there were no changes in the special permit application for a demolition permit. The Board had voted to send a favorable recommendation to the Board of Selectmen. Mr. Gutierrez said a revised plan shows a floor plan for a restaurant. The structures on the south end of the property will be taken down and a new foundation constructed. The corner structure will be remodeled. It will be a one-story building that will have the bathrooms and dining room for the restaurant. The middle section will have a bar in the front portion of the building and the kitchen in the back section. The southern most section will have more seating. The back wall will be glass to allow for a good view of the river. The siding for the building will be cedar shingle in the front with vinyl shingles on the sides and back. We are trying to maintain the look and character of the original structure.

Mr. Gutierrez said the room at the south end will have a lot of glass. The goal is to allow people to make a connection with the river. This restaurant will be a great attraction for people to come to the east side of Main Street. This plan is to encourage a restaurant activity and economic revitalization of the north end of Main Street.

Mr. Gutierrez addressed the Board's request for a mixed use at the site saying it is not part of Mr. Delmolino's economic plan at this time.

Mr. Hankin asked if Mr. Delmolino is proposing sidewalk dining.

Mr. Gutierrez said yes. There is an area available for outdoor seating. The restaurant is proposed to be 2500 square feet with 95 seats. The number of seats includes some outdoor seating.

Mr. Hankin asked what the hours of operation would be.

Mr. Gutierrez said it would be up to the tenant to decide the hours of operation.

Mr. Rembold said sometimes the Board of Selectmen sets hours, but not always.

Mr. Hankin suggested the applicant think about it in the event the Selectmen ask.

Mr. Gutierrez said he would think the restaurant would be open for lunch and dinner.

Mr. Hankin suggested going for more rather than less.

Mr. Gutierrez said he would expect to ask for the hours of 7 AM-12AM.

Mr. Musgrove asked whether the original entrance would be the main entrance or a secondary entrance.

Mr. Gutierrez said it would be a secondary exit.

Mr. Musgrove asked how much space between the back wall and property line.

Mr. Gutierrez said there is only 6 or 7 feet, not very much.

Mr. Fick asked if this project would be encroaching into the rear setback any more than the existing.

Mr. Gutierrez said no.

Mr. Hankin asked if they had considered cantilevering the deck space.

Mr. Delmolino said not at this point.

Mr. Rembold asked if the windows in the back would be fully operable windows.

Mr. Gutierrez said yes.

Mr. Hankin asked if there had been any discussion of a two-story building.

Mr. Delmolino said no.

Mr. Fick asked if the entire building would be used for a restaurant.

Mr. Gutierrez said yes.

Mr. Rembold asked if the new foundation would be built, even if there is no tenant.

Mr. Delmolino said yes. There will be a building even if it is a minimum shell.

Mr. Hankin said there are three items to vote on, the Site Plan Review, special permit for the demo and special permit for the restaurant.

Mr. Rembold read the Board's previously approved Site Plan Review.

Mr. Fick made a motion to approve Site Plan Review with the condition that the approval is based on substantial conformance with the revised plan dated August 22, 2013, Mr. Musgrove seconded, all in favor.

Mr. Fick made a motion to send a favorable recommendation to the Board of Selectmen for an exterior change in the Village Center Overlay District, Mr. Culleton seconded.

Mr. Hankin said the Planning Board's recommendation should make note that we have encouraged the applicant to build a mixed use structure in accordance with the Village Center Overlay District. The owner does not believe a mixed use would be viable at this time. We still recommend approval of this application as it would be better than what exists. Mr. Hankin made this an amendment to the original motion, Mr. Culleton seconded, all in favor.

Mr. Musgrove made a motion to send a favorable recommendation on the special permit for a restaurant at this location in accordance with the plans dated August 22, 2013, Mr. Fick seconded, all in favor.

SPECIAL PERMIT & SITE PLAN REVIEW: LORI WELLER

Mr. Rembold said the Board does not have the SPR application but SPR approval is necessary for this project.

Mr. Hankin noted that he is an independent contractor with Wheeler and Taylor an abutter to this property. He said he does not have any financial interest, therefore no conflict of interest.

Mr. Hankin asked if there would be a parking easement for this project.

Mr. Culleton said he thought the parking for this building had always been used.

Ms. Weller did not think there would be a parking easement.

Mr. Hankin asked where the dumpster would be located.

Ms. Weller said the dumpster would be in the back. George Ryan from Wheeler and Taylor suggested the location and it will be accessed through Wheeler and Taylor's parking lot.

Mr. Hankin said the only concern as far as the SPR would be an increase in paving, exterior changes and the dumpster location.

Ms. Weller said there would be no increase in pavement or exterior changes. The dumpster would be located between the two doors in the back.

Mr. Hankin asked if there would be a sign.

Ms. Weller said yes.

Mr. Musgrove said it looks like there are two doors one on Bridge Street and one in the back.

Mr. Hankin said there is a loading dock in the back.

Mr. Musgrove asked if the loading dock would become an entrance.

Mr. Hankin said no it will remain the loading dock. He asked if the garage door will be replaced.

Ms. Weller said she would like to put in a new garage door with a door in it but it does not meet fire code. We might put a regular door in along with new stairs and a landing. Deliveries would be through the rear of the building up the new stairs. The loading dock will not be used.

Mr. Musgrove asked if it would be an emergency entrance or a regular entrance.

Mr. Hankin said it would be a service/emergency entrance it would not be a main entrance.

Ms. Weller agreed.

Mr. Hankin read through the SPR criteria. He said there are no issues. The only modification would be new stairs with a landing and the dumpster location. Mr. Hankin said the dumpster must be located so it can be accessed without hitting the light pole and not impinging on the second stair for the other part of the building.

Mr. Culleton made a motion to approve SPR with appropriate stair rebuild and dumpster location, Mr. Fick seconded, all in favor.

Ms. Weller discussed the special permit for a restaurant and commercial amusement. She said there will be 19 arcade games, a juke box, pool table(s) and ping pong table(s). There will be a kitchen on the back wall serving eclectic food.

Mr. Culleton asked what the hours of operation would be.

Ms. Weller said it would be open Wednesday through Saturday 11 AM-1 AM. After 7 PM we intend to have the age range 21 and up. Sunday hours would be less 11 AM-9 PM. It would be closed Monday and Tuesday.

Mr. Hankin commented that the target audience is young adults.

Ms. Weller said yes but the Gypsy Joynt attracts all ages so they may do the same.

Mr. Rembold asked about the number of seats.

Ms. Weller said it is proposed to have 99 seats. We started with 51 but increased it.

Mr. Hankin said it seems like we are not seeing the most current plans. We are talking about the use but I have a concern over late hour noise, trash and impact on neighbors.

Ms. Weller said Mr. Ryan's concern was parking. She said she may lease parking spaces from Wheeler and Taylor.

Mr. Musgrove made a motion to send a favorable recommendation to the Board of Selectmen for the special permit for restaurant and commercial amusement at 34 Bridge Street, Mr. Culleton seconded, all in favor.

MASTER PLAN:

Mr. Rembold said the Master Plan Committee voted to approve the final draft of the Master Plan and to send it to the Planning Board for approval with the Selectmen in attendance to endorse. Mr. Rembold said he would get hard copies for those who want one and electronic copies will be available as soon as possible. He said there are two volumes. Volume one has 80 pages. Volume two has 180 pages and had details maps and tables. He said the meeting is scheduled for the Planning Board meeting on September 26 at 7 PM.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Attorney General has approved all of the zoning passed at the Annual Town meeting. He said the Mullen Rule and the Planning Board's alternate member to the Design Advisory Committee are the changes that affect the Board. Also, the Board must appoint a member to the Community Preservation Committee. He suggested someone could be designated at the next meeting.

Mr. Hankin agreed. Also we need to appoint an alternate member to the Design Advisory Committee. Both appointments should be made when we have a full Board in attendance.

Mr. Hankin suggested a point of discussion should be a possible medical marijuana clinic in Town. He said he had a discussion with the Building Inspector who said it isn't much different than a drug store. Mr. Hankin asked if it would fall under a current use like retail or do we need to modify zoning to designate it as a specific use.

Mr. Culleton said he thought it would fall under a retail use.

Mr. Fick said it would be a dispensing facility.

Mr. Hankin said dispensing and cultivating.

Mr. Rembold said we won't know until an application is made. Some towns have defined a specific use and areas it would be allowed. But, conceivably it could come in as a retail use if the Building Inspector is convinced it is a retail use, it could go wherever retail uses are allowed by right.

Mr. Culleton said some other towns have allowed the use in their industrial zones.

Mr. Rembold said some towns are allowing them in industrial zones as the impact is more than retail because it is a growing and dispensing facility. He said the buildings tend to be 20,000-40,000 square feet.

Mr. Hankin suggested there be further discussion and perhaps invite the Building Inspector to attend.

Mr. Musgrove said he would be happy talk about it again. Mr. Musgrove discontinued the call as the meeting was wrapping up. His call ended at 8:23 PM.

Mr. Rembold said for the next meeting the Board will discuss an accessory dwelling unit at 205 North Plain Road. He said the use is by right, but it requires Site Plan Review. He asked the Board if they wanted to schedule a site visit.

Mr. Hankin said to let everyone know when the application has been submitted.

Without objection Mr. Hankin adjourned the meeting at 8:24 PM.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

