

The regular meeting of the Planning Board convened at 6:30 pm via zoom.

MEMBERS PRESENT: Mr. Driscoll, Mr. MacDonald, Mr. Geller, and Mrs. Rojas.

ASSOCIATES PRESENT:

STAFF PRESENT: Mrs. DeBoisbriand, Director of Community & Economic Development, Mr. Shane O'Brien, Town Planner, Mr. Steve Solari, Building Inspector and Mr. Greg Tansey, Town Engineer.

Chairman Driscoll opened the meeting and read the Governors Open Meeting Guidelines.

**86 Spring Street – 86 Spring Street Revocable Trust – Special Permit (continued)**

Town Planner, Mr. O'Brien, started the public hearing with an update on where the hearing was. He noted that a variance would be needed to keep the mixed-use requirement with a 1<sup>st</sup> floor residential unit.

Applicant Bud Morris, reviewed elevations of the exterior of the building. He noted the vision of the area. Mr. Morris moved on to talk about his take on the legal opinion submitted.

There was a large amount of discussion that occurred about the 1<sup>st</sup> floor apartment. The board was clear that they stand behind the zoning requirements and would not be in favor of approving without the proposal meeting those requirements. A few members did note that they saw the positives within this project and hoped changes could be made for receive an approval.

Mr. Morris stated his stance on the change of commercial in the first-floor unit and how he did not see that as a positive. He felt there was no chance of approval from the start due to first floor apartment issue.

Public Comment:

Lawrence Silva – Silva Engineering – stated he was very unhappy that plans shown by the applicant, taken from his office, were edited and he did not appreciate or approve of such changes being represented as those of SEA.

Chairman Driscoll noted they have un-stamped and unlicensed PE plans submitted still, which do not meet submittal criteria.

Recess for 5 minutes.

**Motion to go into recess for 5 minutes made by Member Geller Second Member Rojas.**

**Roll call: Member MacDonald**

**Member Rojas**

**Member Driscoll**

**Member Geller**

**Motion to come out of recess made by Member Geller, second Member Rojas.**

**Roll call: Member MacDonald**

**Member Rojas**

**Member Driscoll**

## **Member Geller**

Mr. Morris asked about the 4ft connection between the two additions, and if they removed the connection would that change this submittal.

Chairman Driscoll stated he felt it would not change the matter at the residential unit would still be in the front facing building. He also asked the applicant if he would like to wait for all 5 members to be present at the next meeting.

**Motion to close the public hearing made by Member Geller, Second by Member MacDonald.**

**Roll call: Member MacDonald**

**Member Rojas**

**Member Driscoll**

**Member Geller**

**Motion to DENY the special permit made by Member MacDonald, second by Member Rojas.**

**Discussion: Town Planner asks the board to provide their reasoning. Due to the first-floor residential unit and not being able to meet the zoning requirements.**

**Roll call: Member MacDonald**

**Member Rojas**

**Member Driscoll**

**Member Geller**

### **Laying out and Accepting of a Public Way – Crimson Way**

Chairman Driscoll recuses himself from the matter.

Referral from Town Council.

Town Engineer gave a brief summary of his comments and that they all had been addressed and completed.

**Motion to approve acceptance of the public way made by Member MacDonald, second by Member**

**Rojas. Roll call: Member MacDonald**

**Member Rojas**

**Member Geller**

**Abstain: Member Driscoll**

### **Bond Estimate update – South Farm Estates**

Town Planner O'Brien gave a review of the bond estimate which was originally set at \$62,122.50. It was re-estimated and set to \$25,530.

**Motion to accept the bond estimate amount in \$25,530 made by Member Geller second Member**

**Rojas. Roll call: Member MacDonald**

**Member Rojas**

**Member Driscoll**

**Member Geller**

### **Green Place Discussion – Silva Engineering Associates**

Town Planner O'Brien shared they received a request to discuss green place with the planning board by Lawrence Silva of SEA.

Mr. Silva spoke about this project off south street, which goes back to 2003 with its original decision letter. The project started and then halted due to certain circumstances. He went on to talk about Lot 1, was previously requested to be built upon, and not to be included in the covenant or bond requirement. He also stated there was a vote to release lot 1, by the board in 2010, on June 7<sup>th</sup>. Mr. Silva stated the minutes of that meeting reflected such.

Town staff did not have proof of recording for this lot release nor on the bond amount.

DPW Director Etoniru, spoke to the fact that even if it is reflected in the minutes, there were errors made in that as there are missing elements for the roadway. He also went on to the timeline, the preliminary plans and lack of as built. He also stated that without proof of regirding, there was no proof to rely on that this was recoded appropriately.

It was the boards position that the Permit was expired.

Mr. Silva pointed out that lot 1 had proper frontage.

No Covenant release was recorded at the registry and there was no bond posted for that release.

Town Planner O'Brien noted this item will require more discussion and perhaps comment from Town Council.

Member MacDonald asked Mr. Silva if he felt the lot release was mute due to the expire subdivision decision.

Mr. Silva had a different opinion, that the individual lot could be released as it was stated to be so in the past. He read a section of the minutes to the board that he felt supported the ideal that lot 1 was separate from the road bond.

Member Geller agreed attorney input would be necessary at this point. Member Rojas agreed with Member Geller.

#### **Board/Committee Liaison Reports**

There were no minutes on this agenda.

Town Planner O'Brien noted the board will remain in remote meetings through July. He also asked if there were any comments on the new plans submitted for the master plan.

Mr. O'Brien shared the maps on the screen and pointed out these were the only maps that needed to be reviewed.

#### **Adjournment**

**Motion to adjourn was made by Member MacDonald, seconded by Member Geller, it was unanimously voted.**