

TOWN OF ABINGTON

PLANNING BOARD

TOWN HALL
500 GLINIEWICZ WAY
ABINGTON, MA 02351
781-982-0069

Abington Planning Board
Meeting Minutes
January 5, 2009

The Abington Planning Board held a meeting on Monday, January 5, 2009 at the Abington Town Hall at 6:00 P.M. The members present were Chairman, Wayne Smith (WS), Vice Chairman, Tim Barry, (TB), Bruce Hughes, (BH), Jeff Rangel, (JR) and Bob Soper, (BS). Dan Crane, (DC), the Town Planner and Michael Perrault, (MP), PMP Associates was also present.

CALL TO ORDER: The meeting was called to order at 6:00 P.M.

FORM A APPLICATIONS:

John Cotter from Russell Wheatley Co. provided the Board with corrective plans for Birchwood Knoll II. The Board had previously discussed the scrivener's error correction and signed corrected plans. The registry of deeds had an additional box they wanted added to the plans for the Board to sign. Motion to sign the plans by BH second BS voted.

APPROVAL OF MINUTES:

The minutes of December 1, 2009 were postponed to the February meeting.

TOWN PLANNER REPORT:

DC reviewed the completed draft of the 2009 updated Master Plan. He asks that the Board hold a hearing at the February meeting and pending comments from Town Departments adopt the plan. Motion to distribute the plan to the Town Departments and hold a hearing at the February meeting by BH second TB voted.

CORRESPONDENCE:

Russell Wheatley office provided the Board with a letter requesting a surety release for 481 Bedford St. WS advised them it would be on the February agenda.

WS read a letter from Jim Rourke asking that the Board release interest on the surety held for Eagle Est. & McCue Circle. Motion to release the interest on the surety held on Eagle Est. & McCue Circle through 12/31/08 by BS second JR voted.

JOHN L. SULLIVAN WAY UPDATE PLAN/ PLAN ENDORSEMENT:

The Board reviewed this issue at their last meeting. The lawsuit has been settled and the plans are ready for endorsement. Motion to endorse the plan by JR second TB voted.

LOT 334 BROCKTON AVE.:

Carl Garvey, engineer for the applicant has a response letter to PMP Associate's review. They do not have a photometric plan yet. They are looking for a continuation.

WS read Water Dept letter
WS gave Attorney Shawn Reilly the letter from the Treasurer Collector.
WS read Sewer Dept letter, 250 gpd.

Motion to continue to February 2, 2009 meeting by BH second JR voted.

PUBLIC HEARING SPECIAL PERMIT BEDFORD ST.:

WS read the hearing notice.

Attorney Reilly is representing LaPointe Family LLC which consists of Marcus, Josh, Glenn Sr. LaPointe.

Attorney Reilly advises the Board that they have been marketing this property as commercial for about a year and there is no interest in it probably due to the economy. They would like to convert the garage into 2 one bedroom units until they can sell the property as commercial space.

Attorney Reilly reviewed the PMP Associates review letter. He has an affidavit from a construction supervisor stating that the property is sound and the pipe under the garage wont leak.

MP is concerned that this pipe will leak gas into the converted living spaces.

WS read the letter from the Sewer Dept.(250 gpd)
WS read the letter from the Water Dept.

WS opened to the abutters.

Robert Sullivan, 25 Bedford St. is concerned about adding residential units to that area as there are a lot of noisy tenants there already. Attorney Reilly suggested he call Mr. LaPointe to resolve the noisy tenant problem.

Dale Olson, the construction supervisor who provided the affidavit reiterated that the garage floor is solid and he is not worried about gas leaks.

There was a lot of discussion between the Board members, Attorney Reilly and MP regarding the review letter and the pipe.

Motion to grant the special permit for an all residential use as requested contingent upon resolution of the landscaping, easement, and grading issues as outlined in the PMP Associates letter dated 12/29/08 by JR second BS voted.

PUBLIC HEARING DEFINITIVE SUBDIVISION ROSE PLACE:

MP reviewed the PMP Associates review letter dated 1/5/09. He advised the Board that the applicant has made several waiver requests. One of these is the street name. He advises that the majority of technical comments have been addressed but there is some fine tuning left to be done.

DC asked about the measurement of the cul de sac along the arc. MP stated it complies.

WS stated that the Board hopes to complete this hearing at the February meeting. PMP will have the final review, waivers will be listed separately and the Board can hopefully take action.

SITE PLAN REVIEW HJELM ST:

Attorney Reilly is representing Michael Noonan, property owner. CW Garvey is the engineer. He stated that the plan is to raze a single family home and construct an athletic dome on Hjelm St off Rt. 18. This use is allowed in the Technology Business district.

Attorney Reilly stated they have received an order of conditions from the Conservation Commission that has been appealed. They have also received relief from the Zoning Board of Appeals. Currently there is no stormwater management on the site, their plan addresses that. He believes that they will be reducing the amount of runoff onto abutter's property.

Attorney Reilly addressed the public vs. private way issue. He said that the road is currently owned by the abutters. In 1917 it was called Dartmouth St. (shown on a plan provided by Attorney Reilly to the Board). Hjelm St. is not currently plowed or maintained by the Town, it is used by the public to access the auto body shop.

Attorney Reilly stated that they wish to extend the road but do not wish it to become a public way, it will remain a private way and the swamp at the end of the proposed extension prohibits the roadway from joining the other section of Hjelm St. that is off Harris Ct. The current roadway is a paved 50' wide road, they propose to extend this 25'. The proposal does not have to meet public way parameters.

Attorney Reilly addressed the number of parking spaces. Currently the proposal is for 53 parking spaces. The parking regulations do not address this specific type of use. They are planning on a lobby, office, changing area and field. They will not have seating.

DC interjected that he was concerned about the type of activities that will take place there. How many people will participate etc., aside from the technical requirements would there be sufficient parking.

DC also advised the Board that he spoke with the Building Inspector who said that the building does not meet A4 requirements in the State Building Code. The building is too large for the site and you need 60' setbacks. DC told Attorney Reilly that he needed to speak with the Building Inspector.

MP advised that the building and parking on one of the lots is over the regulation impervious surface area. They cannot add the square footage of both lots together for the percentage of impervious surface.

MP is also concerned about the proposed parking spots against the building. Patrons using these spots would have to back out onto Hjelm St. DC echoed those thoughts and said it was setting up an unsafe condition.

There was more general conversation about the review letter and uses allowed in the Technology Business District.

WS took questions from the abutters:

Kathy Creighton, 53 Vineyard Rd. as why there is no official parking requirements. WS replied that the zoning by law does not speak to this use. She asked that the Board require the applicant to do a traffic study. She asked why this was not a public hearing with abutter notification. WS explained that it did not meet any of the criteria for that. She advised that the ConCom closed their hearing and issued the Order of Conditions without any Planning Board input. She would like to see a larger roadway and also asked what the regulations were for a turnaround as the proposed plan cuts off entry to the Romano parcel. She also had a number of questions about the Stormwater management but will submit those in writing. She would also like a copy of the PMP review letter. She will request this in writing as well.

Kathy Creighton, 53 Vineyard Rd. expressed her concerns about drainage, currently all the water flows onto Vin & Eddie's property.

WS stated that detention basins will help that.

JR stated that the project at 1238 Bedford St. has already addressed some of these drainage issues they will be collecting water and replacing pipe under Vineyard Rd.

William Creighton, 53 Vineyard Rd. would like the traffic reviewed, he thinks there will be a lot of traffic. He also asked if a commercial building could be built in a private way. MP responded that a building permit requires frontage on a street. This street can be in private and publicly used.

William Creighton, 53 Vineyard Rd. stated he thinks that the impervious surface is more than 60%. Carl Garvey said they could eliminate 4 parking spaces and meet the surface requirements.

William Creighton, 53 Vineyard Rd is concerned about the buffer between the project and residences. In addition he is concerned about the fire trucks ability to turn around, the leeching basin in the street. He also asked who owned the road. WS replied all the abutting landowners. MP added that Mr. Noonan has the right to use and make improvements to the road subject to the Planning Board approval. This would be true for any landowner who abutted the road.

Attorney Reilly stated that this is a private way. All abutters have the right to use or improve but cannot obstruct the way. Mr. Noonan is not required to provide access to Mr. Romano's property. The applicant is also not required to add buffers around commercial property. Attorney Reilly also does not believe that the traffic will overwhelm Hjelm St. This is a 25' right of way, wide enough for 2 way traffic. A leeching basin in the layout is allowed under the Mass General Law, there is already a National grid pole there.

DC is concerned about pedestrian access.

R. Graham, 43 Vineyard Rd., asked what the hours of operation would be. Attorney Reilly stated there are none yet and there are no real restrictions.

K. Creighton, 53 Vineyard Rd., reiterated her concerns about traffic.

WS replied that they cannot stop development due to traffic.

William Creighton, 53 Vineyard Rd. asked if a commercial building could be built on a private way. BS replied that would be the Building Inspectors call.

JR said the applicant needs to file a roadway improvement plan.

MP added that the Planning Board shall be the deciding board on roadway improvements. They have the right to determine the minimum standards. The applicant has the right to make improvements.

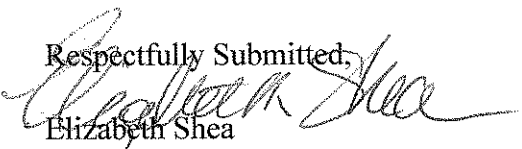
There was a lot of conversation about the road, access and impervious surface. The Board would like to see the parking moved to the east side of the building. Attorney Reilly said they would need a special permit for lot coverage if they do that.

WS read letter from the Sewer Dept.
WS read letter from the Water Dept.
WS read letter from Conservation Commission.

Motion to continue the hearing to the March 2009 meeting by BS second TB voted.

Motion to adjourn at 9:15 P.M. by BH second BS voted.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth Shea", written in black ink.

Elizabeth Shea
Recording Secretary