

Call to Order: The meeting was called to order at 6:33 P.M. by Chairman, Sandy Hislop.

Present: Bob Simms, Chris Cross, Jack Pare, John Frink, Denis Hebert, Cos Iocovozzi, Selectman, Charlie Smart, Building Inspector and Tom Morgan, Town Planner.

Minutes: Denis Hebert made a motion to accept the minutes of February, 9, 2004; John Frink seconded. The following corrections were made: Page 2, 2nd to last line, take out "not"; line 4, change "someone" to emergency vehicle on line four; page 3, change date March 8th, not March 9th, 14th line; under Public Hearings, 9th line change "on" to "of"; 13th line, change run off to control; Page 4, add to clean with elbow-type oil/water separator line 2; page 5, correct spelling of Kost; and Page 6, changed "heated" to lively. Motion carried with corrections. Minutes of March 1 were passed out at this evening's meeting. Hebert asked that minutes of March 1 will be addressed at the March 8th Board Meeting. The Board was in favor.

Correspondence: Town Planner stated he had three handouts for the Board. One from Fresh City, comments, questions and pictures from Patterson Lane residents regarding the Labrie proposal and fax from Police Chief Loomis re: proposal by the Crossings; he was okay with it. Chair asked for comments, there being none, we would go onto the Public Hearings.

Public Hearing:

(A) Proposal by Jones Lang Lasalle to expand the Crossings at Fox Run. Mike Sheffield of Labrie Associates, stated there was no proposal to change the building. Only plan would be to change parking and storage area that would be gravel and would be behind a fence. 6' - 8' in high located 50 ft. back from the road. Employees vehicles would park on the existing asphalt parking area, business vehicles would be parked behind the fence. Applicant plans to do some landscaping and would erect a wood board fence in an effort to make it as unobtrusive as possible. Residents of Patterson Lane had a list of questions for the prospective tenant which the applicant had not seen, so Iocovozzi suggested the Board go through the questions. The hearing was opened to the Public. Copy of questions can be obtained from the Town Planner's Office. Applicant's response to questions were as follows: They have not been asked to provide a business plan. They plan to use as a maintenance facility in which they will do maintenance of their vehicles within the building. They have pickup trucks, dump trucks and sweepers. Their hours of operation are primarily 7:00 am - 3:30 pm in the summer. If there is a lot of rain during the week, they may work on Saturday, however, their primary work week is Monday through Friday. They do have sweepers that go out at midnight and work until 6:00 am. All work is done off the premises, is seasonal, however, they do snowplowing in the winter and sweeping year round. Applicant was questioned regarding how materials came to the property. Applicant stated that bark and mulch is delivered by tractor trailer, however, some material is brought directly to the worksite. All maintenance is done inside the garage. Applicant stated owner is responsible for any hazardous waste materials and assuring there is no spill. They are not allowed to have pesticides on the property, they subcontract that operation. Applicant has had pesticide license in the past, but does not have now and does not plan to have pesticides on the premises. If he got his license they would be required to have training. There was concern

regarding grading out back near the river and being approximately 100 ft. from a working well. Also fact that the proposed fence would be next to wetlands. Residents felt asphalt rather than gravel, would make it easier to clean up any spills that may occur. Applicant said he could not afford to pave such a large area and felt the gravel area would be sufficient. Has not had a spill since he has been in business at his present location. Residents were concerned about noise compliance and air pollution. Applicant stated they were not a truck terminal, they were in the landscaping business. There was also concern that Patterson Lane was not rated to handle heavy equipment. Applicant stated they have pickup trucks, sweepers and one-ton dump trucks. Residents' concern was more for the vehicles delivering materials. Applicant did not feel there would be a problem. There was concern regarding set backs, the minimum requirement, fact that there are holding ponds. Morgan stated that it has been measured and the setback is approximately 90 ft., which Hebert stated seems to meet the requirement. Other questions by residents concerned use of pesticides and whether there was a plan in the future to have them onsite. Applicant stated they would have to get a license and pesticides would have to be under lock and key. Fertilizer is kept inside, they do not use cow manure. Hebert commented that using pesticides would be a change of use and would require applicant to come back to the Board. Other comments included safety of children waiting for school bus, concern regarding protection of gas valve at Patterson Lane and whether applicant would be willing to be a stop sign at the end of driveway before coming onto Patterson Lane. Applicant stated they were willing to do this. Responsibility for the gas valve belongs to Maritime. Fire Chief questioned wood chips and mulch being stored outside. Stated the applicant will have to be hooked up with a fire alarm to the Fire Dept. There was more discussion by residents regarding various concerns of the residents. Simms felt the proposal was as good as it can get. Cross suggested the applicant look at the site and take the opportunity to address the entrance. Building is 36 ft. From the pavement, suggested a change in parking arrangement. Advantage would be safe walking on Patterson Lane with no backing in or out. Further discussion regarding an island, drainage, parking. Applicant asked if there was a time constraint. Board felt 90 days was adequate. Iocovozzi asked if they planned to sublease part of the office? Applicant stated they would be using half of the office space and lease the other half. There was a question whether rental of part of building would be a new use and thus have to come before the Board again. Fire Chief reiterated that the applicant will need to have fire alarm system in place before they can occupy the building. Public Hearing closed at 7:33 pm. Hebert moved to approve request with the understanding that the applicant would have to come back with any change of use of pesticides or other hazardous materials, applicant have a stop sign at the end of parking, change to parallel parking with 3 ft. minimum within 90 days, need to meet with the Fire Chief regarding fire alarm system, and draw in grass strip on revised plan. Iocovozzi 2nd. Discussion: Fink questioned parking and 50 ft. set back from road. Board members felt the minutes reflected that we allow parking on gravel with a 50 ft. set back from the road. Motion carried.

(B) Proposal by Jones Lang Lacily to expand the Crossings at Fox Run. Hearing began at 7:41 with representatives John SCAP, Jones Lang Lacily; Mark Mastrianni, Carter Burgess; Dennis Kost, Fox Run Mall, Operations Mgr.; and David DePalma, Fox Run Mall, General Mgr.

John SCAP presented view of proposal, stating there were two tenants interested in occupying vacant space at the Crossings. The first tenant, Dick's Sporting Goods was ready to move. The second tenant does not wish to be disclosed at this time. Mark Mastrianni of Carter Burgess stated he was representing both tenants. He stated they had addressed the fire hydrant issue, one has been added behind Kohl's. Fire Chief stated he wants another one added and needs a cut back to allow his trucks to make a swing, should there be a fire. There was extensive discussion regarding location of hydrant and cut back. Mastrianni outlined the truck routes for both facilities and agreed they would meet with the Fire Chief to do what was needed. Mastrianni stated that the bus stops would still be maintained, however, they may have to temporarily relocate one of the bus stops. There was extensive discussion between Cross and SCAP regarding the bus stop and the addition of another access road. SCAP outlined access already available within both malls. He was concerned regarding adding another access and questioned need for such access.

Cross felt there had been several requests to add another road and didn't feel he could support this request without the applicant at least agreeing to look at issue of additional access road. Simms felt that no matter how many connector roads you put in, it will not eliminate the traffic issue, particularly during holiday seasons. Feels we need to look at whether there is something to be accomplished by putting in another road and he is not sure that there is anything. Feels it's not something we should take lightly, we could make things worse. Fink concerned we don't really know if there is a need, or is feasible to engineer another road. Felt the Board had not looked at or discussed Cross' proposal. Hebert stated that Fink was not on the Board when this proposal was discussed. There was more discussion and comments from Cross, SCAP and DePalma. Hebert suggested that a traffic study be done. Whatever it showed, would be mandated to do. Fink felt we needed to get a professional opinion that this was a good idea. Iocovozzi suggested we ask for a bond to do a traffic study. Discussion regarding how much money would be needed to do the study to determine whether we need another access road or not. How much money do we need. Board members felt we should do traffic study and engineering and ask applicant pay costs. Where would be the best location? Fred Attalla stated developing in the past had been shared and felt there was a need to have others share this cost. Morgan suggested the applicant pick up cost of traffic study and design and get commitment from the Mall to go forward. He suggested applicant request a letter of intent to support from all parties; if the study indicates it's a good idea to add another access road, then they have to go forward. Public Hearing closed at 8:50 pm. Hebert was concerned that the Board did not have all the information they needed to make a decision. He didn't know what they plan for signs, plans for lighting, fire chief issues, and he didn't know what the store front will look like. Iocovozzi felt Board could put stipulations into the motion. Fink felt they hadn't addressed the issues brought up during Preliminary Hearing. Applicant stated he did not have a chance to address cut through because he hadn't finished his presentation. Fink stated they have to address issues; elevation, store front, traffic study, etc. The bottom line, the Board wants the applicant to talk with their neighbors and talk with the owners regarding the access road. Board agreed to meet on Monday, March 15, 2004 to discuss this request. The Board agreed.

Preliminary Discussions:

(A) Proposal by Matthew Scarponi and John & Barbara Mahoney for a 7-lot subdivision immediately south of 50 Little Bay Road. Matt Scarponi presented plan to the Board. Several residents of that area were present. Morgan questioned ROW's going to the water and whether there were deeded ROW's. Jean Bowser stated she has an existing deeded ROW to driveway, utility and water. She was concerned regarding access to her property while the new road was being constructed. There was a lot of discussion regarding proposal and Board felt they needed to have a site walk and there was a need to get ROW resolved. Board voted to continue Preliminary hearing to April 13.

(B) Proposal by Fresh City restaurant for sidewalk seating. Mark Cimino, representing Fresh City, stated the applicant would like to have an outdoor cafe, 22 seats, with 9 tables and umbrellas. Fire Chief has gone over the plan. Only thing they have to do is remove parts of fence. They do not plan to serve wine and beer, if they did in the future would have to go through the Liquor Commission. Seating appears fine. Would suggest they remove railing in the winter to allow snow removal on sidewalk. Cross moved to waive jurisdiction of Planning Board and send to the Selectmen for approval. Iocovozzi seconded, motion carried.

New Business: Achieves made a motion to bring Gail Klanchesser as alternate to the Planning Board. Hebert seconded, motion carried.

Old Business: Memo to Selectmen re: Khalsa Class VI Road request. Fink recused himself. Board discussed request. Hebert stated that Town Attorney said the Town was under no obligation to maintain and build a road. If we grant curb cut, she has to build driveway. Verbiage on item (2) Peter Loughlin changed to "legal counsel". Item (5) "consider stipulations utilized in Farmington which exempts Town from all liability. Owner will maintain road to allow passage of Emergency vehicles." Morgan advised Board that Attorney Loughlin has recused himself of this matter due to an issue that came up at a PDA meeting the other day. Board moved to send memo as amended to the Board of Selectmen.

Achieves moved to adjourn at 9:53 pm, Hebert seconded, motion carried. Next meeting will be held March 15, 2004 at 6:30 pm.

Respectfully submitted,

Sandra Sweeney
Secretary