



## **PUBLIC HEARING MEETING MINUTES**

**20 Holt Street**

**8-Unit Multi-Family Housing Project**

**June 24, 2020**

Members Remote: Sarah Miles (Chair), Marc Frieden, Vincent Vignaly, Paul Anderson, Barur Rajeshkumar

Members Absent: None

Attendees Remote: Wayne Amico (VHB); Paul Lenkarski; Brian Milisci (Whitman & Bingham); Anthony and Mark Cappabianca (8 & 6 Holt Street)

The Chair opened the remote public hearing at 7:03 p.m. Mr. Vignaly read the notice into record.

Brian Milisci (Whitman & Bingham) and Paul Lenkarski participated remotely. The property is approximately 89,335 square feet located mostly in the Business District with a small portion located in the Single Residential District. Proposed is an 8-unit townhouse for residential use with a single driveway; it will be serviced by town sewer and water; natural gas is available; stormwater will be handled entirely on site. Each unit has a two-car garage; there is parking for four vehicles per unit for a total of 32 parking spaces. There is a small storage shed and pavement on the east side that needs to be removed; retaining walls will be constructed in the southeastern perimeter of the property. Mr. Milisci noted that currently there is an earth removal operation on the property working from the west to the east. The current property owned by the Lenkarskis was shown on the plan; they have a slope easement on the north and a grading easement on the south; they are within the slope easements; the road slopes 1.5%-2%; there are catch basins and storm pipes that lead north to the infiltration basin.

Mr. Milisci provided a response letter today. Regarding VHB's comment that the board may grant a Special Permit to allow common driveways for no more than four lots that meet zoning requirements, Mr. Milisci was not sure if that pertained to a project like this. Mr. Vignaly said a common driveway is associated with lots and did not think it would apply to this project because it is a single lot. He asked about unit numbering and the location of the mailboxes. Mr. Milisci said the mailboxes will be near the roadway and the units numbered in the manner that the Police Chief wants. Mr. Vignaly said to include the mailboxes on the revised plan. Regarding comment #2 (General Engineering & Plan Comments), Mr. Milisci will revise for better clarification. He explained the change of zoning on this parcel was from a metes and bounds description of a zoning change that was approved as Article 22 at October 2019 Town Meeting; he will provide the numbers to the board, and the zone line will be better delineated on the revised site plans. Mr. Frieden asked if the zoning hadn't already changed to solve this problem. Mr. Lenkarski said they acquired an additional parcel after town meeting, approximately 10,000 square feet; it was a post zone change and is Single Residence-zoned.

Comments were received from the Fire Chief mostly concerning the layout of the roadway. They plan to meet with the Fire Chief to discuss what type of turnaround is needed. Mr. Vignaly said the board will not act until receiving something in writing from the Fire Chief that he is satisfied;

that applies to the Water District as well. The Chief said that he wants the concerns brought up and addressed before the project moves too far along. Mr. Milisci said a hydrant flow test was performed and will provide the results. The length of driveway is approximately 335-feet; there was comment about the length of a dead-end roadway; Mr. Milisci said the Subdivision Regulations call for a dead-end length to be more than 750 linear feet; they are below the 750 linear feet.

Regarding comment #5, has a cut and fill analysis been performed, Mr. Milisci said a cut and fill analysis has not been generated. As stated previously in this letter, the subject property is currently undergoing a properly permitted earth removal operation. Performing the calculation at this stage would be premature and difficult to provide an accurate earth volume. Mr. Vignaly did not think he would have to do quantities under the Site Plan Review, but this should have been done to get their Earth Removal Permit.

Mr. Rajeshkumar asked Mr. Lenkarski what they are doing with the earth removal on site. Mr. Lenkarski said they have calculations from June 13 noting they have exceeded the volume that the permit allows (15,000 cubic yards); they planned to address it with the Earth Removal Board for guidance on how to proceed after this meeting since they went over what the permit allows. Mr. Frieden asked about the Water District's comments regarding a fire hydrant. Mr. Milisci said they will move service and provide curb stubs where they wanted; he is waiting for the Fire Protection Engineer and can include it on the revised plan. The Fire Chief said there were a lot of questions from Fire Protection Engineer that will determine the size of the pipe to be used.

Mr. Vignaly questioned the idea of one habitable building per lot and said there are two buildings proposed on the property; there was a letter from the Building Inspector that it was okay; but he would like something from Town Counsel for confirmation. Mr. Tignor said he looked and originally it showed the 2 four-units were not going to be attached at all. When he reviewed the Zoning Bylaw, he came up with the fact that the building can be attached by a complete foundation and slab from one end to the other, so it is basically one unit; if they put in an area between the four units as a common area, it can be considered one unit as far as his interpretation. Mr. Vignaly asked if he received any direction from Town Counsel. Mr. Tignor said if they have one complete foundation that would be sufficient, a 2x4 is not going to be considered a valid connection between the building for a valid connection; Mr. Vignaly agreed but was not sure if the foundation is the same thing and would like Town Counsel's opinion; the board agreed. Mr. Amico asked what a proposed building foundation connection was. Mr. Tignor said on the drawings it is a continuous foundation from one end to the other. Mr. Lenkarski said the board did not have revised plans; it is one continuous building envelope now; no breaks of the outside perimeter of the foundation. The revised plans will be sent to the Planning Board to be forwarded to Town Counsel for her interpretation.

Mr. Vignaly asked if they could make the sewer easement at least 15-feet wide so a vehicle could access to do repairs. Regarding soil tests for the stormwater basin, what is the estimated seasonal high ground water level? Mr. Milisci said they did soils tests before the earth removal operation, it was good material, good depth to groundwater, but did not have that. Right now there is a very large loam pile where the soil test would be. The applicant plans to move the loam pile to the other side so it can be accessed and results provided. Mr. Vignaly said the estimated seasonal high ground water level is required of the Earth Removal Board when they issue a permit, at

least three tests are supposed to be done on the site, and questioned how are they maintaining the required distance from groundwater if they don't know where the groundwater level is.

Mr. Vignaly asked how they will treat slopes greater than 3:1 and what is the maintenance. Mr. Milisci said they moved the stormwater basin as far as possible north. They plan to flatten the slopes out and will provide slope stabilization. Mr. Vignaly asked if there was a Stormwater Management Plan. Mr. Milisci said there is a Stormwater Analysis booklet that was submitted and will be made part of the plan. Mr. Vignaly said the erosion and sediment controls construction entrance minimum is 50-feet, not 30-feet. Mr. Milisci was asked how will they get a vehicle down there to do the maintenance in the basin; he will add a maintenance path to the bottom of the basin. Mr. Vignaly how they will construct the wall and slope on the north side of their property. A SWPPP is required because there is more than one acre of alteration. What is the plan for lighting? Mr. Milisci said building mount lighting and small-scale lampposts; he will provide a photometric plan. Mr. Vignaly asked about parking on the lot associated with the commercial building on Route 12, and is that pavement going to be removed from this property? Mr. Milisci will show the pavement removed. Trash containers will be stored in each individual garage; they will put the barrel out. Mr. Vignaly said if it is a private hauler, he thought it would have to be picked up within the site. Mr. Milisci will check with the DPW. Mr. Rajeshkumar asked about snow removal; Mr. Milisci said it will be shown on the plan. Mr. Rajeshkumar asked about the road condition on Holt Street and if there were any plans to do anything; Mr. Milisci will ask his clients. Mr. Vignaly said the flow from Holt Street misses the catch basin by Country Kettle and goes into Route 12. If they could check with the DPW and possibly reset the rim and grate it would be helpful. Mr. Rajeshkumar asked why so much soil is stored on site. Mr. Lenkarski said they are going to process and reclaim it to spread around the property. Mr. Rajeshkumar asked about walking paths through to Cheoy Lee's businesses; Mr. Lenkarski said there will be no connection. He said Holt Street is a small street (less than 20-feet wide); they tried to improve the driveway on their property but don't feel there is room to put sidewalks on the public way.

Public Comment: Mark Cappabianca (6 Holt Street) and Anthony Cappabianca (8 Holt Street). He said in October 2019 they changed the zoning from Single Residence to Business District and asked if the neighborhood was notified. Mr. Vignaly said it was a zoning change at Town Meeting, it was advertised in the newspaper and in the Town Meeting Warrant and was posted. It is not the same process as a Site Plan Review where abutter notification is required. Changes to Zoning Bylaws falls under the state regulations. Anthony Cappabianca (8 Holt Street) read a letter dated June 21, 2020 sent by email to the board on June 23, 2020 expressing his opposition to project. He said Mr. Lenkarski lied to them when he manipulated them to vote to have a sewer connection to his condo, which was not needed because his septic system was working fine. He also commented that the street is not very wide and it is very difficult to walk with the large trucks. He noted that the traffic will be worse. Mr. Cappabianca said a single-family home is the way to go and would appreciate the Planning Board doing that.

Dave Femia (86 Sterling Street) said the access road is over 300-feet long and wanted to know how wide it was and was told 20-feet. He questioned whether the Fire Department would have access if the units had company. Mr. Lenkarski said the design is better than what exists; it is a larger roadway. Mr. Femia asked why it should go to Town Counsel for review. Mr. Vignaly said the reason is that there are 2 four-unit buildings separated by 12-feet; there is a foundation underground, but at the surface there will be a space between the buildings. Mr. Tignor said the section between the two structures, the foundation is there, but his feeling is that there should be

a common area there that is shared. Mr. Vignaly said that is what we will ask of Town Counsel to determine if it meets the standard of the bylaw and if requirements are needed for that space.

Mr. Frieden asked what was the Cappabianca's request and was told they would like it to be limited to a single-family home, especially for safety reasons. Mr. Vignaly said he doesn't believe we can deny the Site Plan Review; it has to be based on specific conditions according to the regulations; traffic is going to increase, but it is a town road. Anthony Cappabianca asked what about the safety of the neighborhood. Mr. Frieden was disappointed that it didn't come up months ago when they were adjusting the zoning. Mr. Rajeshkumar explained that it was approved at Town Meeting; there was a process. Mr. Frieden apologized for not alerting them, but it was a small change to zoning. Mr. Femia said direct abutters should be notified. Mr. Frieden said the law does not require additional notification, though the board is doing that with the Village Zoning change being proposed for the Fall Town Meeting (in excess of the state's requirements).

Hearing no other comments, Mr. Vignaly made a motion to continue the public hearing to July 22, 2020 at 7:05 p.m.; Mr. Frieden seconded; roll call vote: Rajeshkumar-yes; Anderson-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Vincent Vignaly, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich