

Planning Board

January 9, 2018

The meeting was called to order at 7:30 PM members present Ed Nilsson, Bob Schaeffner Rossana Ferrante, and Steven Leverone. Others present Rebecca Cutting Town Planner and Adam Costa Assistant Town Counsel.

PUBLIC HEARING 263-269 PLEASANT STREET SITE PLAN APPROVAL

Attorney Paul Feldman Davis Malm Diaogostine represents the applicant and gave a brief presentation to describe the history and what the modification request is; In April 2016 the planning board issued a site plan special permit for the project and the board of appeals denied the Project. The zoning board of appeals (zba) denial was very specific the planning board had a different view if the project. The applicant tried it address the specific concerns of the zba and the result was a remand order of the land court was sent back to the zba after a lengthy hearing where the revised plans were presented and the zba approved and issued a decision. There are some minor variances between the site plan special permit plan that this board approved set of plans that conform to one another asking the board to consider certain changes to the plan that was previously approved. He referred to the site plan where red line show how the plan is being changed. The primary changes to the site plan are elimination of parking and very minor technical changes. He handed out a graphic of the went through it red indicates proposed layout and the changes. Previous parking being eliminated the shaded area being created come onto site from Mohawk. He explained they tried to pull the parking spaces back broke up the visual impact of parking on the Pleasant Street drive elimination designed to lessen the impact on the direct abutter – 70 spaces which meets the zoning. The Zoning board thought there were more spaces than needed so it should be eliminated to make more of a buffer but still meet the bylaw requirement. Meets zoning and also as a practical matter wanted to make sure that they had enough parking spaces for a facility like this industry standard is 1/3 of non-memory care brought down to what the bylaw requests and it works. Stormwater management peer review determined it was appropriate the engineer looked at the revisions VHB submitted outcome of the study 3700 less square feet of impervious area. The expert ran the calculations and submitted them. No proposed changes to the system the design will be as designed so will have more capacity than called for. Very conservation designed to handle more water did not decide to redesign. The Stormwater management not changing. Lighting was then addressed. A small impact in lighting. Another 11x17 hand out on the lighting Mohawk parking eliminated so the lights there were eliminated and one related further way more mitigation for the abutters there is no change that the redesigned lighting further away already demonstrated that light was contained on the property

Architecture not substantial met the concerns that the zba had the massing and monochromatic style. The planning board felt ok and approved the previous plan. The change in architecture addresses the board of appeals massing concern. A Rendering handed out Pleasant Street part of the property was not being changed none of that has changed. The silhouette has changed segment each segment becomes its own massing of 3000 – 5000 feet that was the idea. The changes were described the first page pleasant street site Mohawk entrance the side of the building as you come in the changes and how the silhouette can under that the change in materials breaking up the massing even more the third irrespective the site plan the materials have changed now the walked them through the plans with the board . Segmented the wings 2800 on one side 4000 sf on the other. No longer see it as a large monochromatic structure. The original decision has the finding that the board needs to make.

He then read through the findings of the board only further enhance the finding already made of the finding of the original arch design. Vehicle same movement not changing the only thing changes eliminating of parking and relocation which further minimizes headlights impacts; external emissions run off making the run off decreased capacity stay the same and one less light and one light relocated to be further away. Again he added he felt the adverse effects are more minimized. The small changes to the site plan do not undermine any previous and enhance and the architectural change

The Chairman opened the public portion of the hearing and asked if anyone in the room wished to speak.

Ben Rhodes 8 Mohawk road a direct abutter stated he was in favor of the application and looked at the plan talked with applicant pluses outweigh the minuses. He is concerned about what would happen with drainage if it were denied. Thinks the plans show a lot of thought. Thinks this is better than single family homes

Carl Goodman 154 Lynn Attorney for the Rueners direct abutters at 271 Pleasant had a few points that arise from the revisions. He is concerned that changes in parking and traffic the additional 5 spaces put strain on other parking and greater fewer spaces the utilization of spaces one of the things noticed on the plans C 2 along the common boundary there is a line running parallel with the notation. He thinks the conditions should require a sound attenuation fence. He also noted that the vegetative buffer between fence and require the Pleasant Street used for service vehicles to deal with don't address noise or trash trucks very noisy have to back up asking for clarify or amend the existing . he would ,like to see trash trash pick-up limited to typical business hours. He would also like to see service vehicles enter and leave out Mohawk and for the quality of the environment no smoking at all rather than within 50'. Lastly Be made surviving conditions to provide protection and relief window ac units or no window ac units.

James Landergan representing a number of abutters that are appealing the zba decision and a party in interest. He stated that a comprehensive blasting plan is missing - hasn't seen a blasting plan - large geological structure extend in a number of properties he is concerned about.

Chairman explained that blasting is governed by the fire safety codes and a blasting plan must be done as part of that process.

Mr., Landergan objected to that.

Phil Mancuso 6 Mohawk direct abutter one of the most offended by this project like to see conditions included Handed out sheet 2016 did approve a 500 foot blasting zone and asked the board to maintain 500 feet and not change that. Also Commercial traffic should be allowed on Saturday, Sunday and holiday. Screening must provide no view of parking lot and first level of building. He is concerned about privacy and told the board he doesn't want staff or construction "ogling his 25 year old daughter".

Leeann Rhauala 5 Higgins Road passed out a copy of comments and questioned the process and how it works.

Adam Costa assistant town counsel clarified a new decision will be written the modification reference replacement documents the original order stays in effect.

Mr. Feldman stated that the issues stands true he thinks this should be changed from the original changing the wording no longer a 70 space lot and would like to see the wording finding of facts

Would be changed - one change that does undermines - like to make sure those words are stricken

Landscaping requirements increase the caliper to 3 - 3 1/2, traffic signage, construction practices, offsite improvements must be done prior to occupancy all stay in effect.

Blasting question asked about blasting said that at the last meeting Barton HYTE shared a personal experience to his home expressed to caution that there was damaged beyond the 250 radius. Clarification 250 from the property answered question

Not within the planning board's purview CMR provide the process to govern by state law. Fire code acts the same way the building code does preempt don't allow the planning board has no authority However Adam Costa said will all blasting 250 to 500 fire survey owner does not attempt to regulate no authority to do that survey no sure cant blasting process bit of a discretion

Paul Feldman to respond 250 set forth in regulations in the blasting code trying to clear up any

Bob Schaeffner asked if extend it if you wanted to not appropriate for the planning board to enhance the requirement.

Rosanna Ferrante began a discussion on the modification

Mr Feldman stated the pre-approved things that have come up such as the entrances makes perfect sense – service tucked behind the hill services vehicles primary access for service does not think it makes sense, primary entrance is Mohawk designed that was for all but service vehicles, All signage shown on the plans – signs are specified on record plans, no through wall ac, decibel bylaw conditions – applicant are held to the decibel levels that are established. As to limiting all commercial trucks moving truck that could happen on a Sunday delivery on a Sunday, Trash truck as an example - blanket requirement 7 am to 7pm not appropriate could have impacts that are unknown no desire for it to have impacts setback 75 to 100 feet hear them put them in context.

Phil Mancuso 6 Mohawk Road the plantings the neighborhood should have some input into what they have to look at. Might be tedious to every resident to agree to the plantings the airconditioners noise problem concerned about it and limitation on commercial traffic should be regulations take into consideration and appreciated the 500 foot prebalst survey

Mr. Goodman reviewed the minor modification request for in public notice recognize time to time minor violation a couch delivered a complaint won't go far the reason is when there are No deliveries late at night - other than emergency owner to deal with vendors not occasion problem

A motion was made and seconded to close the public hearing. All in favor 5-0

Board discussion ensued on the adjustment of parking, site lighting, landscaping and how the adjust effect. Proposed no worse than what was decided before the parking reallocation architectural see consistency Nilsson concerned.

Steve Leverone moving parking away from abutter effort has been made collapse the kinetic emery of the site without inhibiting operations. Reference new plans

Bob Schaeffner addressed requires to modify blasting condition he does not see any reason to lessen a condition form prior application does not want to lessen – do not want to lessen the condition. Other members agreed they would have a hard time backing off

They then discussed AC units. Is clear AC must meet the decibel level in the bylaw. The units are much further away that the normal setback for this district.

On Hours of delivery be mindful of reflecting back on the criteria effects on abutting properties. What has changed? Decide to add the sound attenuation fence required with rea that was changed and reference all of the new record plans

After due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, A motion was made and seconded to grant the Modification of the Special Permit subject to the following conditions:

New RECORD PLANS be referenced All other conditions of the original Special Permit issued by the Marblehead planning board which was filed with the town clerk on April 19, 2016 remain in effect. 5-0 voted unanimously

The meeting was adjourned

Respectfully submitted

Rebecca Cutting