

materials on the site as well as moving the entire complex further away from the wetlands. Mr. Albertsen confirmed that the entire structure is in the wetland zone.

Mr. Coker asked if this would be a pole barn covering the salt and sand?

Mr. Albertson clarified that a pole barn simply meant that, rather than a full foundation, the posts that support the barn are poured in concrete and the structure is built above and around the posts. The building is enclosed except the side and rear of the dumpster area. That area will be enclosed with fencing for ventilation purposes. The balance of the building will be roofed and sided on all sides, as well as between the dumpster location. In other words, the salt and sand storage is completely closed in.

Mr. Coker asked if it was his representation that rain cannot get into the building?

Mr. Albertsen confirmed that was correct.

Mr. Coker asked, just in case it does get in, where does the water flow?

Mr. Albertsen indicated that the water flows predominantly south, on to the "baseball field area".

Chairman Smith asked if the dumpster was completely enclosed in and also allowed room for recycles?

Mr. Albertsen indicated that the dumpster does not have a recycling area as this is the dumpster that is used for objects that cannot go into their compactor. This is for the old mattresses, broken chairs and construction debris. It is a solid waste dumpster and they pay to have it hauled off. They have an existing compactor that takes household trash and cardboard at another location on site.

The Chair asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Deputy City Manager Hayden made a motion to approve. Mr. Hejtmanek seconded the motion.

Mr. Coker indicated he had some concerns as this is part of the Berry Brook watershed and is one of our most precious natural resources. He was concerned about the location of salt so close to the brook and being out in the open. More so, he was concerned about the possibility of water leaching through the roof and/or sides of the barn. He would be more comfortable if there was some provision for handling any run-off because it is closer to the wetlands than he is comfortable with. In the event something happens to that, it could have quite an impact to the wetlands.

Mr. Britz felt that was a good point. He indicated that the thought is that the pole barn will be connected to the asphalt. He felt a good stipulation would be that the pole barn not allow any water in. He felt the only way for water to get in would be underneath the pole barn. As far as the storage of salt being stored outdoors, it should be tarped until it can be moved to a more secure location.

Mr. Holden added that the reason why they are recommending approval is to get the salt under cover.

Mr. Coker indicated that his concern was a little broader than that. He was concerned that if there was a heavy rainstorm, the water could get into the salt and "flood" the area. This would leach into the area and could be very damaging to the brook and the watershed. He felt that a stipulation should be that the pole barn should be waterproof and also protected from other sources of water.

Chairman Smith felt they could add stipulations to cover those two concerns. The Chair asked if those stipulations were agreeable to the maker of the motion and the second? Those stipulations were 1) that the salt be tarped. 2) that when the barn is built, it comes right down to the asphalt so that water does not come in underneath. The maker of motion and second were agreeable to the stipulations. Mr. Albertsen also had no problem with the Stipulations.

The motion to grant passed unanimously with the following stipulations:

- 1) That the salt which is currently being stored on the property shall be properly covered with a tarp or other material until the construction of the pole barn is completed;
- 2) That the pole barn shall be constructed so that water cannot get underneath the structure;

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III. CITY COUNCIL REFERRALS/REQUESTS

- 1. Request to review archeological matters and historic sites in the City;

Mr. Holden indicated that Ms. Tillman has been working on this, they have met with the City Attorney and will be proposing a pamphlet that should be presented at the next meeting. It will list all resources available at the State level so that everyone can be informed. They hope to bring this forward at the October meeting for a referral to the City Council.

A motion to table to October was made by Deputy City Manager Hayden. Councilor Ferrini seconded the motion. The motion to table passed unanimously.

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- 2. Request from Kenneth & Deborah Smith for a license for land use beside and in back of their property located at 298 Myrtle Avenue;

Vice Chairman Ricci chaired this hearing. Chairman Smith stepped down.

Mr. Holden indicated that a request was made two meetings ago and the Planning Department has been doing a review and conducted an onsite visit. There is an exhibit based on a tax map and the property lines are probably not completely accurate and the lines probably actually follow the stone wall. The area that this request covers is from the stone wall towards the house and it is a portion of the lot that is controlled by the School Department.

Mr. Holden read the Department’s Memorandum to the Board that included a two part recommendation:

- 1. That the land be offered for sale subject to the following:
 - That the sale of the land encumbered by the stonewall only shall be approved by the School Board;
 - That the City Assessor shall determine the fair market value of the subject land area;
 - That the Applicant shall bear the cost of preparing the necessary subdivision plat and associated documentation; and
 - That the City Council shall approve the request.
- 2. In the event that the first recommendation can not be completed, then the stonewall shall be removed from City property.

Mr. Holden pointed out that this allows the School Board to have consideration as well as the City Council.

Councilor Ferrini asked what the setback requirement would be in that residential zone?

Mr. Holden indicated the rear setback was 30' and the side setback was 10'. The Municipal district has no setback requirement.

Councilor Ferrini suggested that once this was sold to the applicant there should be a zone change on the property.

Mr. Holden confirmed that if the City were to sell surplus land, as in this case, and if they needed it in the future, they would have to acquire it back.

Mr. Holden also confirmed that a condition should be attached that if the property is sold then a zone should be made back to residential.

Councilor Ferrini clarified where he was going with his questioning. Property in the municipal zone is owned by the municipality and not subject to zoning. We would then have a private citizen owning property in the municipal zone. Would they be subject to any zoning requirements?

Mr. Holden did not believe that a private citizen could take out a building permit on property in a municipal zone. However, to clear up any ambiguity, it would be better to change the zone.

Deputy City Manager Hayden suggested that they add to their recommendation that the area be rezoned as part of this procedure. She also asked Mr. Holden to give the Board a characterization to the Board of what this land consists of from an environmental standpoint.

Mr. Holden indicated it was the rear portion of the New Franklin School lot. It is scrub land and it is wet. It would probably not be used for the school or athletic fields.

Mr. Coker noted that both letters from the applicant were not asking to purchase the land but were asking for a license. However, we are now recommending that we sell the land.

Mr. Holden stated that in the initial instance, the referral was not subject to review by the Department so the original letter did not have the benefit of Legal Department, Planning Department or School Department review. It was the opinion of all departments that reviewed this to recommend land purchase rather than a license.

Mr. Coviello stated that when schools want to expand and they need funds, they have to meet a certain land area requirement. Would the sale of this land effect that requirement and has anyone done the calculations?

Mr. Holden stated that the amount of acreage is insignificant and should not be an issue. However that is why the school board will have an opportunity to review this matter. He also pointed out that the school just had a large addition.

Deputy City Manager Hayden asked that they add to #1 that the City Council shall approve the request and consider re-zoning.

Mr. Holden felt they should make the recommendation that they re-zone.

Councilor Ferrini stated, taking into consideration Mr. Coviello’s comment, they are recommending this to the City Council and he suggested recommending that it be referred to the School Board as well.

Mr. Holden felt that the two conditions that were suggested were very appropriate:

- 1) That the land be re-zoned to the surrounding parcel (SRB)
- 2) That the Departments report recommending conveyance be forwarded to both the City Council and School Board, School Superintendent and City Manager.

Councilor Ferrini hoped that the Department’s report would also include the appropriate calculations before this was done.

Mr. Coker made a motion to recommend to the City and School Board that the land be offered for sale subject to the Stipulations in the Memorandum and the added Stipulations of this evening.

Councilor Ferrini seconded the motion.

The motion passed unanimously.

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Chairman Smith read the Hazardous Waste Notice to the Public.

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3. Request to Re-Zone land at Banfield Road and Constitution Avenue from OR to Industrial;

Mr. Holden indicated that the Applicant has prepared a zoning report which was provided to the Board this week. The Department provided the Board with two options. The board should *either* direct staff to prepare a report based on the received materials and schedule a Public Meeting on this request for October *or* review the department’s report in October and decide the next step at that meeting. The applicant has indicated that they are comfortable with either approach.

Deputy City Manger Hayden suggested they move ahead with this as they have a fair amount of information and they are familiar with the parcel of land.

Mr. Coker asked if one were to schedule a public meeting right away, there would still be time for discussion and input by the Board?

Chairman Smith confirmed that there would be plenty of time for discussion. They would listen to comments from the public, answer all questions and press on from there.

Councilor Ferrini asked if another option would perhaps be a work session before, although he did not feel that a work session was necessary.

Deputy City Manager Hayden made a motion to direct staff to prepare a report and schedule this for a public meeting in October.

Councilor Ferrini seconded the motion.

The motion was unanimously approved.

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IV. NEW BUSINESS

- A. Request for One-Year Extension for Site Review Approval which was granted on September 23, 2004 for property located at 2299 Lafayette Road (said extension would run from September 23, 2005 through September 22, 2006);

Mr. Holden indicated this was the area next to Burger King that came in for a subdivision and subsequent development. The project is progressing however they would like to maintain their option. This is the first request for an extension.

Mr. Coker made a motion to grant the extension. Mr. Hejtmanek seconded the motion.

The motion to grant a one-year extension passed unanimously.

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- B. Request for One-Year Extension for Amended Site Review Approval which was granted on February 17, 2005 for property located at 235-245 Islington Street (said extension would run from February 18, 2006 through February 17, 2007);

Mr. Holden stated this was in early as it had some BOA considerations and extensions were just granted. The applicant felt he might just as well request this extension as well. This is the first request for an extension.

Deputy City Manager Hayden made a motion to grant a one year extension. Councilor Ferrini seconded the motion.

The motion to grant a one-year extension passed unanimously.

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- C. Master Plan Up-Date;

Deputy City Manager Hayden distributed the newly printed final version of the Master Plan. She indicated it was also available on the City web page.

Deputy City Manager Hayden indicated that they were bound as two separate documents. One is the recommendations and the other is the inventory and existing conditions. These documents are available for sale in the Planning Department. Copies will be made available to members of all Boards. Copies will be available for review at the Library, the City Clerk's Office and the Planing Department.

She stated that the highest priority was to re-write the zoning ordinance and that proposal has been sent out to a firm and funding has been set aside.

Mr. Holden indicated that zoning is highly specific and will take some time.

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Chairman Smith reviewed the informational items that were included in the Planning Board packet.

Mr. Holden asked for a show of hands for members that will be attending the PDA Wetland Work Session. The Planning Department will send out an email reminder.

Mr. Holden recommended that members attempt to attend the land use seminars that are being offered.

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VI. ADJOURNMENT

A motion to adjourn at 7:35 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on October 20, 2005.