

## OXFORD PLANNING BOARD MEETING MINUTES FEBRUARY 11, 2013

Meeting brought to order at 7:00 p.m. by Chairman Richard Escolas. Members present at this time: Richard Escolas, Jeffrey Stafford, Norman LeBlanc, and Thomas Sullivan. Absent: Ralph LePore, Donald Mosher, and Dale Mahota. Also present: Randa Tawadros, DPW Engineer.

**7:00 p.m.: Plans Not Requiring Subdivision Approval:** Mr. Escolas turned the ANR over to the Clerk, Mr. Stafford.

**131 & 143 Federal Hill Road – ANR – Applicant: Henry J. LaMountain; Owner: Henry J. LaMountain, Sr. Realty Trust (1 parcel).** Mr. Stafford read the application into the record. Present for the applicant was Mr. Benjamin LaMountain. Mr. Stafford stated that the Board is in receipt of a memorandum from Randa Tawadros to the Board dated February 6, 2013 and read the same into the record. Referencing the memorandum, he stated that the Board is in receipt of a revised plan showing the location of the septic systems. Mr. LaMountain stated the purpose of the plan is to divide one lot with 2 buildings. Ms. Tawadros stated that one lot will be a reduced frontage lot; she had questioned the location of the septic systems; no wetlands on the property; existing buildings and driveways.

**MOTION** was made by Mr. LeBlanc and seconded by Mr. Escolas to approve the ANR plan for property at 131 & 143 Federal Hill Road as a plan not requiring subdivision approval. There being no further discussion, the Board voted in favor and the Motion carried. Abstain: Mr. Sullivan.

**7:05 p.m.: Continued Public Hearing: 326 Main Street – Applications for Special Permit and Site Plan Review – Applicant: DeAnne Voas and Jennifer Hubbell.** Planning Board members present for this continued public hearing were Mr. Escolas, Mr. Stafford, Mr. LeBlanc, and Mr. Sullivan. Mr. Escolas informed the applicant that with only 4 members, the Board did not have a quorum to act on this application and the action date is February 17, 2013. He requested that the applicant submit a request for an extension of time for action. The Board discussed that the members present could review the revised site plan. Ms. Tawadros questioned the location of the entrance of the salon. Mrs. Voas replied that the entrance will be in the front of the building. Ms. Tawadros questioned if the applicant spoke with the Building Inspector about meeting handicapped requirements. Mrs. Voas replied that she had not. Ms. Tawadros recommended that the Board condition approval on the applicant meeting the requirements of all pertinent Boards and Departments. Present for the applicant was Mr. Thomas Purcell of Purcell Associates. He stated that at the last meeting, the Board had requested that the site plan include all parking, the industrial wastewater holding tank, the existing septic system, and the proposed sign, which he has provided to the Board. There was discussion regarding the size of the existing driveway, the purpose of the industrial wastewater holding tank, and handicapped parking. Mr. LeBlanc commented that the plan looks good.

Mr. Escolas read the applicant's request for an extension of time for action into the record, extending the time of Planning Board action to March 15, 2013, and continuing the public hearing to February 25, 2013 at 7:05 p.m.

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**MOTION** was made by Mr. Sullivan and seconded by Mr. Stafford to accept the applicant's request for an extension of time for Planning Board action to March 15, 2013 and to continue the public hearing for the special permit and site plan for 326 Main Street to February 25, 2013 at 7:05 p.m. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

### **Minutes: January 14, 2013.**

**MOTION** was made by Mr. Stafford and seconded by Mr. LeBlanc to approve the Minutes of January 14, 2013. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**Old Business: 425 Main Street – Discussion with Mr. Arvind Basil of Biz Mini Mart.** Mr. Basil stated that his beer and wine license has been approved by the ABCC but was told by the Board of Selectmen that the parking lot needed to be finished before the Board of Selectmen would issue the liquor license; Board of Selectmen waiting for clearance by the Planning Board. Ms. Tawadros stated that the parking was an issue, as well as the fire lane striping and no parking signs requested by Captain Kenneth Sellers of the Fire Department. Mr. Sullivan questioned why the applicant could not have parking within the fire lane as it is 44 feet wide. Mr. LeBlanc stated that the site plan designated parking at the left and right of the building to prevent cars from backing up onto Main Street. He stated that although the weather conditions don't allow the striping to be done yet, "no parking" signs could be erected. There was discussion regarding specifications of the signage. Mr. Sullivan stated that it was discussed at a previous meeting that the property owner would speak with Captain Sellers about the striping and signage. Ms. Tawadros stated that the property owner has not updated the plan yet. Mr. Basil stated that he feels that he is being penalized because the owner is not doing what he is supposed to do. He stated that he has sent the owner letters with no response. Mr. Escolas stated that he would not think the owner would want to lose his only tenant. It was discussed that Mr. Basil will contact Captain Sellers regarding the signs. Mr. Escolas stated that the Board should have the revised site plan. Mr. LeBlanc asked if the owner can rent the other units if he is not in compliance with the site plan. Ms. Tawadros stated that an occupancy permit would be required for another tenant.

Mr. LeBlanc suggested that the Board send the owner a letter that no further occupancy permits would be issued until the Board receives the revised site plan. Mr. Sullivan stated that he sympathizes with the tenant and questioned if there is anything the Board can do to allow the tenant to conduct his full business. Mr. LeBlanc commented that it is an issue between the tenant and the landlord. He further stated that currently the Town is not protected because the Board does not have a plan; Board of Selectmen is expecting the Planning Board to sign off on the site plan before they issue the liquor license. Mr. Sullivan stated that if the tenant erects the no parking signs, he would recommend that the liquor license be issued; occupancy permits for remaining units can be withheld. Mr. LeBlanc stated that he is not comfortable putting the Board of Selectmen in the position of issuing the liquor license without the as-built. Mr. Basil stated that he appreciates the Board trying to work with him and would appreciate the Board sending the landlord a letter. The Board members discussed sending a letter to the owner that the tenant has come to the Board for approval of his liquor license and the owner has not submitted the revised as-built plan. The Board also suggested that the tenant get in touch with

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the owner as well. Mr. Basil stated that he will do that and will contact the Fire Department regarding signs. Mr. LeBlanc informed Mr. Basil that Planning Board recommendation does not guaranty that the Board of Selectmen will issue the license.

**MOTION** was made by Mr. Sullivan and seconded by Mr. LeBlanc to send a letter to the property owner reminding him of the discussion from the last meeting to submit the revised site plan in order for his tenant to conduct his full business and that further occupancy permits for the remaining units will be withheld. **Discussion:** Mr. LeBlanc stated that the Board wants to encourage business but the owner has not submitted a final site plan that meets the requirements as set forth at the previous meeting. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**Submission: 6 Boulder Park Way – Application for Site Plan Review & Approval – Applicant: James Hadley (used car sales).** For the record, Mr. LeBlanc informed the Chairman that 4 Board members are needed for a quorum and the applicant is his nephew and asked if the Board should use the rules of necessity to keep a quorum. He stated that he wants it understood that the Board is not approving the plan, but accepting the plan. Mr. Escolas concurred. He read the application into the record. It was discussed that the use is allowed and the building is existing. Mr. Escolas entertained a Motion to accept the submission and allow it to run through the Technical Review departments without requiring a public hearing.

**MOTION** was made by Mr. Stafford and seconded by Mr. Sullivan to accept the application and allow it to run through the Town Departments without requiring a public hearing. There being no further discussion, the Board voted in favor and the Motion carried. Abstain: Mr. LeBlanc.

**Miscellaneous: Site Plan Approvals.** Mr. LeBlanc stated that he likes the idea of conditioning approvals on other Town Departments as many items that come up during site plan review are the jurisdiction of other departments but questioned if sometimes the Board gets into too much detail. He questioned if there is standard language that can be used to inform the applicant that Planning Board approval is only one step in the process. Ms. Tawadros stated that approval can be conditioned upon approval by all other Boards and Town Departments. Referencing the site plan review by-law, she stated that the purpose of site plan review is to protect the Town and its inhabitants for uses and structures that may have significant impact. Mr. Escolas stated that is why the Board gets input from Town Boards and Departments. Ms. Tawadros stated that it is helpful to the applicants to know what the various Town Boards and Departments issues are during the site plan process.

**Miscellaneous: CMRPC Fiscal Year 2014 Assessment.** Mr. Escolas stated that CMRPC has come up with the fiscal year 2014 assessment of \$3,385.34. He stated that the Board should take advantage of CMRPC's services.

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### Adjourn:

**MOTION** was made by Mr. LeBlanc and seconded by Mr. Stafford to adjourn. There being no further discussion, the Board voted in favor and the Motion carried unanimously. 7:45 p.m.

Respectfully Submitted,



Richard A. Escolas, Jr., Chairman  
OXFORD PLANNING BOARD  
/mh

### DOCUMENTS AND EXHIBITS

1. 131 & 143 Federal Hill Road: ANR; memorandum from Randa Tawadros to the Board dated February 6, 2013
2. 326 Main Street: revised site plan dated February 11, 2013
3. 425 Main Street: file
4. 6 Boulder Parkway: application for Site Plan Review and Approval
5. CMRPC Fiscal Year 2014 Assessment

All documents and exhibits are on file in the Land Management Department