

## OXFORD PLANNING BOARD MEETING MINUTES JUNE 10, 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, Thomas Sullivan, Donald Mosher, Dale Mahota, and Edward Hashey. Also present: Randa Tawadros, DPW Engineer.

### **7:00 p.m.: Planning Board Reorganization:**

**MOTION** was made by Mr. Stafford and seconded by Mr. LeBlanc to appoint Richard A. Escolas, Jr. to serve as Planning Board Chairman. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. LeBlanc and seconded by Mr. Mosher to appoint Jeffrey Stafford to serve as Planning Board Vice-Chairman. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Mahota and seconded by Mr. LeBlanc to appoint Thomas Sullivan as Planning Board Clerk. There being no further discussion, the Board voted in favor and the Motion carried. Abstain: Mr. Sullivan.

**MOTION** was made by Mr. Stafford and seconded by Mr. Mosher to appoint Norman LeBlanc as Planning Board Assistant Clerk. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Stafford and seconded by Mr. Hashey to authorize the Clerk, Thomas Sullivan, after majority vote of the Board's acceptance of a plan, to affix his signature on all plans Not Requiring Subdivision Approval in lieu of a majority of the Board's signatures until the next annual re-organizational meeting. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Stafford and seconded by Mr. Hashey to authorize the Assistant Clerk, Norman LeBlanc, to act in the absence of the Clerk, after majority vote of the Board's acceptance of a plan, to affix his signature on all plans Not Requiring Subdivision Approval in lieu of a majority of the Board's signatures until the next annual re-organizational meeting. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Stafford and seconded by Mr. Mahota to authorize the Chairman, Richard A. Escolas, Jr. to act in the absence of the Clerk, and Assistant Clerk, after majority vote of the Board's acceptance of a plan, to affix his signature on all plans Not Requiring Subdivision Approval in lieu of a majority of the Board's signatures until the next annual re-organizational meeting. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Mahota and seconded by Mr. Hashey to authorize the Vice Chairman, Jeffrey Stafford, to act in the absence of the Clerk, and Assistant Clerk, and Chairman, after majority vote of the Board's acceptance of a plan, to affix his signature on all plans Not Requiring Subdivision Approval in lieu of a majority of the Board's signatures until

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the next annual re-organizational meeting. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Sullivan and seconded by Mr. Mosher to appoint Edward Hashey to be the First Delegate to C.M.R.P.C. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**MOTION** was made by Mr. Sullivan and seconded by Mr. Mosher to appoint Dale Mahota to be the Alternate Delegate to C.M.R.P.C. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**7:05 p.m.: Plans Not Requiring Subdivision Approval:** Mr. Escolas turned the ANR over to the Vice Chair, Mr. Stafford and stepped down for this ANR Application as he is an abutter to the property.

**- 25 Ashworth Drive – ANR Application – Applicant & Owner: Zhou Lu & Aigin Shi (1 lot).** Mr. Stafford read the application into the record. Present for the applicant was Norman Gamache from Guerriere & Halnon and Mr. Song. Mr. Stafford read the application into the record. The plan was displayed on the monitor. Mr. Gamache stated that the applicant plans to use the frontage on Ashworth Drive; the lot is a small portion of a significant project that was previously submitted to the Board which project fell through. He stated that the applicant wishes to move forward with what he can do at this time. He stated that there is an existing 3 unit building; applicant intends to obtain proper permits to occupy the building. Mr. Sullivan stated that he thought the building was condemned and constructed as a model home with no utilities and is unsure of the legality of the existing building. Mr. Stafford stated that the Board is only looking at the ANR right now. Ms. Tawadros stated that the applicant would still need to go through the proper procedures to get an occupancy permit. Mr. Gamache stated that there is an approved septic plan for the building and there will be an onsite well. He stated that the applicant intends to create an individual lot and submit a stormwater management plan to the Board. He stated that the applicant would like to obtain a common driveway permit for the strip of land between his property and the abutter, Mr. Graham. He stated that the frontage is sufficient and the lot area is more than what is required. He stated that if the applicant is unable to get the common driveway, access will have to be on Ashworth Drive. Mr. LeBlanc stated that the common driveway requires a maintenance agreement. Ms. Tawadros stated that the building is 44.2 feet from the lot line of the proposed common driveway and should be 50 feet. Mr. Gamache stated that the applicant is aware of that. There was discussion that the plan meets the requirements of an ANR lot.

**MOTION** was made by Mr. Mosher and seconded by Mr. Mahota to approve the ANR plan for 25 Ashworth Drive for 1 lot as a plan not requiring subdivision approval. There being no further discussion, the Board voted in favor and the Motion carried. Abstain: Mr. Sullivan.

(Mr. Escolas rejoined the Board at this time).

**7:05 p.m.: Continued Public Hearing: 2 Old Webster Road – Applications for Special Permit and Site Plan Review and Approval – Applicant: DCE Realty Trust.** Planning Board members present for this continued public hearing were Mr. Escolas, Mr. Stafford, Mr.

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LeBlanc, Mr. Sullivan, Mr. Mosher, Mr. Mahota, and Mr. Hashey. Mr. Escolas stated that the Board is in receipt of e-mail correspondence from the applicant's engineer, Chuck Scott, dated June 10, 2013 and a Request for Extension of Time for Planning Board Action to August 15, 2013 and read the same into the record. Ms. Tawadros stated that she does not know why there is a delay; she has not heard from the applicant.

**MOTION** was made by Mr. Stafford and seconded by Mr. Mahota to accept the applicant's request for an Extension of Time for Planning Board Action to August 15, 2013 and to continue the public hearing for 2 Old Webster Road on August 12, 2013 at 7:05 p.m. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**7:15 p.m. Public Hearing: 299 Main Street – Application for Site Plan Review & Approval – Applicant: Ben Champany (tattoo & piercing parlor).** Planning Board members present for this public hearing were Mr. Escolas, Mr. Stafford, Mr. LeBlanc, Mr. Sullivan, Mr. Mosher, Mr. Mahota, and Mr. Hashey. Mr. Escolas read the public hearing notice into the record. He stated that there was a lot of discussion regarding this application and the By-Law and how it is worded regarding "personal services". He stated that the Town Manager had discussion with Town Counsel and it was determined that since tattooing is not in the by-law, it could be defended that it is not allowed and there is not a catch-all use in the Central Business District. He stated that the applicant was informed of the situation and submitted a request to withdraw without prejudice dated June 10, 2013, which withdrawal was read into the record.

**MOTION** was made by Mr. Stafford and seconded by Mr. Mahota to accept the applicant's request to withdraw his site plan application for 299 Main Street without prejudice. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**Discussion:** Mr. Escolas asked if there was anyone from the public regarding this application. There was no one present. Mr. Sullivan stated that the point from Town Counsel and as expressed by Ms. Tawadros at the last meeting, if it is not expressly allowed in the zoning district, it is not allowed. Mr. Stafford stated that there were many things not allowed 20 years ago. Mr. Escolas stated that tanning salons and nail salons are not listed in the by-law and those establishments are nearby. He stated that there is much interpretation because of the words "such as". He stated that it will be up to the Zoning Enforcement Officer to clarify her interpretation of the by-law; by-law may need to be updated for Town Meeting to get the verbiage corrected. Mr. LeBlanc stated that Town Counsel took the opinion that in 1987 when the By-Law was adopted, tattoo parlors were not legal.

**Minutes: May 13, 2013.**

**MOTION** was made by Mr. Stafford and seconded by Mr. Mahota to approve the Minutes of May 13, 2013. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**Old Business: Millennium Manor, Partial Release of Covenant.** Mr. Escolas stated that the Board is in receipt of a Partial Release of Covenant for Lot 16 of Millennium Manor. He

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stated that the Board allowed Lot 16 to be removed as an ANR lot from Millennium Manor and now have to partially release the covenant that affects that ANR plan.

**MOTION** was made by Mr. Stafford and seconded by Mr. LeBlanc to allow the Clerk to sign the Partial Release of Covenant on the Millennium Manor subdivision for Lot 16. There being no further discussion, the Board voted in favor and the Motion carried. Abstain: Mr. Sullivan.

**Action Item: 50 Old Webster Road, IPG – Occupancy of First Floor, New Building #6.** Present for the applicant was Mr. Richard Senecal, Architect for IPG. Mr. Senecal distributed a site development plan to the Board members and a sequence of how it will be completed over the next 3 months. He stated that last year, the applicant was before the Board to expand the parking lot as part of the Building 6 and Building 4 expansion. He stated that currently 2/3rds of the parking lot is paved, curbing is done, banks are stabilized and hydro seeded, cleared out the retention pond, the area around the retention pond and restructured the forebay area with new rip-rap. He stated that the applicant needs to get the first floor occupied; still have about 6 months of construction to finish the 2<sup>nd</sup> and 3<sup>rd</sup> floors. He stated that the final inspections are still to be completed and a final walk through from the Building and Fire Inspectors. He stated that IPG was notified today that they can begin the sewer line project for sewer connection. He explained the items that still need to be finished, including landscaping and final paving; final as-built drawings will be submitted when those items are done. Mr. Mosher asked when the building and fire inspections are scheduled. Mr. Senecal stated that the plumbing and electrical are planned for this week and fire and building next week; are seeking occupancy by June 30, 2013. Mr. LeBlanc asked when it will be complete. Mr. Senecal stated that the 2<sup>nd</sup> floor should be complete at the end of September and the 3<sup>rd</sup> floor by the end of December.

**MOTION** was made by Mr. LeBlanc and seconded by Mr. Sullivan to recommend to the Building Inspector that partial occupancy be granted for the first floor of Building No. 6 at 50 Old Webster Road, conditioned that the building meets approval of all required Town Departments. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**New Business: Discussion re: Updating Sign By-Law and Accessory Apartment By-Law.** Ms. Tawadros stated that she did some research of other towns for accessory apartment by-laws. She stated that most towns have the exact square footage for maximum apartment size rather than a percentage of the existing dwelling. She stated that Sutton specifies 1 bedroom. There was discussion regarding the requirements (building and fire) for an accessory apartment for a tenant vs. a relative. Mr. LeBlanc suggested a maximum of 1,000 square feet. The Board discussed that the dwelling should be owner occupied. Mr. Escolas stated that discussion can be continued as an on-going agenda item.

Mr. Escolas stated that regarding signs, he feels that anything electronic should be secondary to the permanent sign. Mr. Stafford stated that he feels that there should be districts or areas where the electronic signs are not allowed. Mr. Sullivan stated that the frequency of the message should be addressed. Mr. Escolas stated that discussion will continue as an on-going agenda item.

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**Old Business: Deer Hill Road – Road Layout Plan.** Mr. Escolas stated that the Board will sign the mylar for the road layout plan for Deer Hill Road at the end of the meeting.

**Submission: 432 & 434 Main Street – Application for site Plan Review and Approval – Applicant: Boomba’s 24 Hr. Towing & Recovery, Inc. (1 day fundraiser – “Touch a Truck”).** Mr. Escolas read the application into the record. Present for the applicant was Mr. Michael Lundquist. Mr. Lundquist stated that the fundraiser is for the purpose of raising money for the Oxford Little League and youth football; an assortment of trucks and heavy equipment are set up for kids to play on. He stated that it will be held at the old Webber Lumber parking lot and have permission from R & M and Leggett & Platt for the use of the parking lot. He stated that the entrance and exit will be from Dana Road and Holman Road only. He stated that he attended Tech Review and has discussed the fundraiser with the Fire Chief and Police Chief to coordinate safety and will have a police detail and portable toilets. He stated that the Board of Selectmen approved the fundraiser conditioned on Planning Board approval. It was discussed that the event will be held on Sunday, June 23, 2013 from 10:00 a.m. to 4:00 p.m.

**MOTION** was made by Mr. LeBlanc and seconded by Mr. Hashey to accept the submission for the Touch a Truck fundraiser at 432 & 434 Main Street and to approve the application using the minor site plan approval process. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

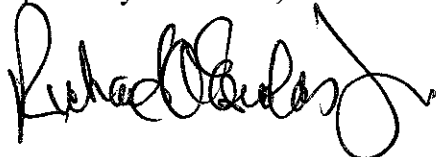
**Submission: 124 Southbridge Road – Application for Special Permit – Applicant: Kara B. Pizzetti (tattoo & piercing parlor).** Mr. Escolas read the application into the record. He stated that because of problems with the wording of the zoning by-law, the Board will look at this application under all other uses consistent with the intent of the chapter. He deemed the submission complete.

**MOTION** was made by Mr. Sullivan and seconded by Mr. Stafford to accept the submission for 124 Southbridge Road and to schedule a public hearing for July 8, 2013 at 7:05 p.m. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

**Adjourn:**

**MOTION** was made by Mr. LeBlanc and seconded by Mr. Mahota to adjourn. There being no further discussion, the Board voted in favor and the Motion carried unanimously. Time: 8:00 p.m.

Respectfully Submitted,



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

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### DOCUMENTS AND EXHIBITS

1. Planning Board reorganization documents
2. 25 Ashworth Drive: ANR application
3. 2 Old Webster Road: e-mail correspondence from Chuck Scott dated June 10, 2013; Request for an Extension of Time for Planning Board Action
4. 299 Main Street: File; Public Hearing Notice; letter of withdrawal from Ben Champany to the Board dated June 10, 2013; memorandum from Joseph Zeneski, Town Manager, to Adelle Reynolds dated May 14, 2013; letter from Kopelman & Paige to Mr. Zeneski dated June 3, 2013
5. 50 Old Webster Road: site development plan
6. Millennium Manor: Partial Release of Covenant
7. Deer Hill Estates: Road layout plan
8. 432 & 434 Main Street: site plan application
9. 124 Southbridge Road: special permit application

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