

**Planning Board Meeting
January 25, 2023
Minutes**

These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting. - Open Meeting Law, G.L. c. 30A§22.

Board Members: Steven Bolotin, Birgitta Kuehn (remote), Frank Mand, and Scott Hokanson
Planning Board Alternate: James Bennette
Staff Members: Lee Hartmann and Patrick Farah
Recording Secretary: Eileen Hawthorne

Administrative Notes:

Minutes*:

January 11, 2023

Birgitta Kuehn requested the following amendments to the minutes:

...when a subdivision is filed_ add....**to actively fulfill the requirements of MGL C41 Section 81U**

Tim Grandy agreed to contact the **Chair of the Board of Health...**

Scott Hokanson moved for the Board to approve the minutes of January 11, 2023 with the requested amendments; Birgitta Kuehn, second; the **vote** was (3-0-1) with Frank Mand in abstention as he was not present at the January 11th meeting.

**ZBA 4079 – Alan and Julia Oransky
24 Priscilla Beach Road, Map 44, Lot 6-577**

Special Permit for pre-existing non-conforming structures to construct additions on a multi-dwelling lot
The Board received the following documentation for this review:

Staff Report

Engineering Department comments dated January 13, 2023

Fire Department comments dated December 29, 2022

Letter from Arthur Houllahan received January 11, 2023

Letter from Linda and Ken Campisi received January 11, 2023

Locus Maps and Site Photographs

Building elevations and floor plans dated June 4, 2021

Zoning Permit Plan dated December 19, 2022

Site Plan dated November 5, 2021, revised through December 21, 2022

Tim Bennett, Grady Consulting presented the request for special permits in order to construct additions and a garage onto a pre-existing, non-conforming multi-dwelling lot consisting of approximately 32,800 sq. ft. The existing two-story principal house will have a 1,325 sq. ft. addition and be converted to a year-round residence. A two-car garage with storage above will be connected via a breezeway to the existing cottage. The relocated shared septic system has been designed to accommodate the proposed additions and has been approved by the Conservation Commission and the Public Health Department. The Conservation Commission has also approved a waiver for some work within the “no touch” zone. During a recent visit to the site, the Conservation Agent observed that an unpermitted deck has been constructed which the Conservation Commission will review at an upcoming meeting. The existing oil heat system will be replaced with an electric heating system. The two closest abutters submitted letter of support.

The Board expressed their concerns with the unpermitted deck, the potential use of the storage area over the garage for future living space, the excessive size of the proposed additions that would increase the square footage of the two structures to close to 5,000 sq. ft. and felt that the proposed additions would be detrimental to the neighborhood. The Board suggested reducing the size of the addition to the main house and eliminating the storage space and breezeway proposed for the cottage. The Board supported moving the septic system away from the beach.

Scott Hokanson moved for the Board to recommend approval to the Zoning Board of Appeals; Steven Bolotin, second.

Steven Bolotin requested that the motion be amended to deed restrict the storage space above the garage and other areas not identified as living space from being converted to living space.

Mr. Hokanson accepted the amendment to his motion. The **vote** was (1-3) with only Mr. Hokanson voting in the affirmative.

Birgitta Kuehn moved for the Board to recommend that the Zoning Board of Appeals determine per Special Permit per Section 203-9. B of the Zoning Bylaw that the proposed expansion:

Constitutes a substantive change:

Will be substantially more detrimental to the neighborhood than the existing Nonconforming Use and Structures; and

Will have an adverse effect upon the neighborhood for the following reasons:

The work proposed is located within a wetland resource area typically protected through the Wetland Protection Act.

The proposed site work is too close to the coastal bank and beach.

A 5,000 square foot addition is excessive for the lot in question and for the neighborhood.

The proposed design (second floor storage area above the garage) creates the potential for a further expansion of living space.

Violations associated with the existing deck have not been properly remedied.

CONDITIONS:

Should the Zoning Board of Appeals grant the petition the following conditions are recommended:

A deed restriction in a form acceptable to Town Counsel shall be placed on the property stating that:

The storage space located above the garage shall not be used for habitable living space; and

The two dwellings must remain on one lot in common ownership.

Prior to issuance of a Building Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.

The Applicant must show existing contours and/or spot shot elevations on the plans.

It is recommended that the Applicant provide a paved apron at the back of the existing asphalt sidewalk, abutting the proposed seashell driveway, in order to protect the sidewalk.

Any proposed work or change to the existing driveway sidewalk within the public right of way must meet current ADA guidelines. If this work is anticipated to occur, please revise the plans as necessary and include construction details.

The Applicant must trim the existing vegetation that encroaches into the sidewalk on Priscilla Beach Road.

Plymouth Water Division records indicate that a portion of the existing water service between the curb stop, and house is lead. The Water Division recommends that the Applicant remove the lead water service in its entirety.

Please identify the diameter and material of the existing and proposed water service on the plans. Water services shall be polyethylene (PE) 1", 1-1/2" or 2" copper tubing size (CTS), rated for 200 psi. Additionally, please show the curb stop on the plans.

The proposed water service relocation is shown less than 5 feet from the garage addition and roof drains. The DPW Water Division recommends a minimum 10-foot separation.

Please clarify how the "existing cottage" is supplied with water and show the existing and/or proposed water services on the plans.

Work is proposed within an area that is typically a "no touch" zone and too close to the beach, the proposed square footage of the additional living and storage space is excessive on one lot, the proposed additions would increase the non-conformance of the lot, and the proposed breezeway to the garage storage space was not necessary and could allow for the storage space to be converted to living space. If the Zoning Board of Appeals was to approve the proposed additions the Board would recommend that a condition be included that required a deed restriction to prohibit the storage space from being converted to living space.

Frank Mand, second; the **vote** was (3-1) with Scott Hokanson in opposition.

Site Plan Review – ReWild Renewables LLC

17 Plymouth Street, Map 107, Lot 3, 4, 5, 6

Floating Solar Array

The Board received the following documentation for this review:

Staff Report

Copy of Abutter's Notification

Letter from Beals & Thomas dated January 11, 2023

Zoning Permit/Site Plan Review Application Packet dated November 14, 2022

Assessors Map and Google Earth Map
Plan Set dated November 9, 2022

Sarah Stearns, Beals & Thomas, Inc presented the site plan for a 2.4MW floating solar array on an existing 12-acre agricultural reservoir used as a tailwater recovery pond for cranberry bogs. The floating solar array would cover approximately 5-acres of the reservoir and meets all setback requirements. The project has been reviewed by the Engineering and Fire Departments who have issued non-substantial comments. The array is approximately 315 ft and 680 ft. to the two nearest residences. The array will be anchored to the bank and the bottom of the reservoir and an equipment pad of approximately 2,600 sq. ft. will house the electrical equipment and battery storage. The pad will be enclosed with 10 ft. high fencing. The interconnection will be on Plymouth Street with the utility line running underground along the bog road to the equipment.

Patrick Farah commented that the applicant has provided clarification of the species to be planted, the anchoring mechanisms, and the abutter notification that will be circulated 60 days prior to the start of construction. The applicant will be negotiating with the Building Commissioner to determine the amount of a decommissioning performance guarantee. The decommissioning will be responsibility of the company that is leasing the site and installing the array. Any gravel removal over 10 cu. yds. will require a special permit.

Frank Mand asked if there was any data on potential pollutants generated from the solar array and requested that some type of water monitoring be conducted.

Ms. Stearns was unsure whether there was any data on pollutants as floating arrays are relatively new and the land owner agreed to water monitoring.

Birgitta Kuehn was concerned with protection of the Darby Pond well and water quality on site. Ms. Kuehn asked how many homes this array would provide power for.

Zach Farkes responded that the array is close to 3,500 ft. from the Darby Pond well and the 2.4MW array could provide power to approximately 1,000 homes.

The members of the Planning Board collectively proposed water quality testing of the reservoir where the array would be placed. After first establishing the baseline conditions of the reservoir water the applicant would conduct quarterly water tests looking for changes due to contaminants from the array itself or any ancillary equipment. The quarterly monitoring would include testing for, but not be limited to, identifying the presence of PFAS or other chemicals or pollutants that might be a result of the presence of the array. The applicant consented to this condition.

Public Comment: None

Frank Mand moved to notify the Building Commissioner that the site plan will comply with the Zoning Bylaw once the following recommendations are addressed:

The Applicant may be required to file with Massachusetts Environmental Policy Act (MEPA) Office if a state permit is required and/or state funds are provided for this project.

The Applicant agrees to prepare a Construction Storm-water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), in accordance with EPA NPDES Requirements, if required.

The Applicant agrees to address Engineering and Fire Department comments/concerns as required prior to issuance of any permits.

Any material removed from the proposed project site, more than 10 cubic yards, may require a gravel removal special permit to the discretion of the Building Commissioner.

The Applicant agrees to submit an amended site plan, showing the planting list of native species around the equipment pad, to the Building Commissioner prior to issuance of any permits.

If needed, the Applicant agrees to install any necessary equipment lighting (LED), adhering to the Light Pollution Bylaw.

The Applicant agrees to submit abutter notification at least 60 days prior to commencement of work, as required by Zoning Bylaw, §207-11 *Ground-mounted Solar Photovoltaic Systems C.5.a. (Notification)*.

The Applicant agrees to submit a cash bond in an amount approved by the Building Commissioner to cover the cost of system removal, as required for all ground-mounted solar systems in excess of 2 Megawatts.

The Applicant agrees to perform periodic water quality testing to ensure no changes occur from the proposed solar array or any of its components.

Scott Hokanson, second; the **vote** was unanimous (4-0).

ZBA 4078 – Healing Gardens LLC
19 Richards Road, Map 102, Lot 18

Special Permit to allow a marijuana establishment

The Board received the following documentation for this review:

Staff Report

Engineering Department comments dated January 12, 2023

Fire Department comments dated December 29, 2022

Public Health comments dated January 12, 2023

North Plymouth Steering Committee comments dated January 14, 2023

Locus Maps and Site Photographs

Existing Conditions Plan dated September 17, 2022

Floor Plan dated October 18, 2022

Electronic Security Plan dated November 14, 2022

Security Plans dated November 14, 2022

As no representatives were present, Lee Hartmann presented the request for a special permit in order to utilize an existing warehouse for a cannabis cultivation facility. The applicant has submitted a detailed security plan created by Setronics Corporation and will comply with all State regulations. The proposed plans have been reviewed by the Engineering and Fire Departments, Public Health and the North Plymouth Steering Committee. All comments by Town departments will be addressed by the petitioner.

Board members expressed their concerns with the potential use of a significant amount of water for this use while there is a moratorium on new connections to town water, whether a well would be installed, the environmental impact of the use of chemicals and fertilizers for this use and what water conservation measures could be installed. Ms. Kuehn suggested adding a condition that the petitioner submit a water conservation plan.

Mr. Hartmann noted that under condition No. 5 of the staff report the petitioner will have to provide an estimate of projected daily water use and will have to work with DPW to address the water usage.

This facility could install a well if necessary.

Birgitta Kuehn moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following conditions:

The Petitioner shall return to the Planning Board and Zoning Board of Appeals if any substantial changes to the projects are proposed.

The Petitioner shall return to the Planning Board to outline any additional water conservation measures proposed for this project and to identify any materials or supplies identified in the Town's Aquifer Protect Bylaw as regulated or prohibited.

Any advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

Only one historic identification sign as defined by Section 203-3 of the Zoning Bylaw is allowed. All other identification signs are prohibited.

Before receiving sign off from the Public Health Department on a building permit, a Title 5 inspection report must be filed to confirm that the gallons per day flow is adequate for intended use.

The Applicant must confirm that no site modifications are being proposed, only changes to the internal layout of the existing building.

Please provide an estimate of projected daily water usage at the proposed facility. The proposed facility is located in the West Plymouth Pressure Zone which is currently operating under a firm capacity deficit. The DPW will not approve an increase in water usage in this pressure zone until the firm capacity issue is resolved.

*Please note, the Town is actively working to resolve the firm capacity issue through the design and construction of a proposed booster pump station. The Applicant will be permitted to increase water usage once the booster pump station is brought online and the firm capacity deficit is resolved.

The entire site lies within the Zone II area of the North Plymouth Well, a municipal drinking water well. The Applicant must demonstrate compliance with the Town's Aquifer Protection Bylaw including those for the storage of supplies and materials.

It is recommended that the Applicant provide ADA compliant pedestrian connectivity to the onsite development and along the frontage of the parcel.

The Applicant must verify that the required minimum amount of handicap parking for the full use of the site is provided and must be shown on the plans to be ADA compliant, including pavement markings, signage and sidewalk access.

It is required that proposed wheelchair ramps and crosswalks be placed where pedestrian travel would cross or enter a street or driveway and at the beginning and end of all sidewalks.

The Applicant must provide the appropriate regulatory traffic control at the driveway intersection. Any proposed or existing traffic control for this intersection must be reviewed by the Applicant's engineer and adhere to the latest MUTCD with consideration to proposed conditions.

All proposed signage shall adhere to the current MUTCD and Town of Plymouth standard specifications regarding size, fabrication, and placement.

Frank Mand, second; the **vote** was unanimous (4-0).

**ZBA 4080 - AccuBranch, Northeast Savings Bank
3 Commerce Way, Map 105, Lot 1-31**

Modification to Special Permit Case #3764 to waive number of architectural façade signs and allowed square footage of free-standing signs

The Board received the following documentation for this review:

Staff Report

Engineering Department comments dated January 11, 2023

Fire Department comments dated December 29, 2022

Locus Map

Layout and Materials Plan dated August 16, 2022, revised through December 22, 2022

Sign Concept Plans dated September 9, 2022

The Board recessed for 10 minutes.

After speaking with the petitioner, Lee Hartmann noted that the petitioner for ZBA 4080 will be submitting a revised sign package, so this review was postponed to a future meeting.

Frank Mand moved for the Board to adjourn at 8:59 p.m.; Scott Hokanson, second; the **vote** was unanimous (4-0).

***On file with the Office of Planning and Development in project case files.**

Respectfully Submitted,

Approved: March 8, 2023

Eileen Hawthorne
Administrative Assistant