

The Chair called the meeting to order at 7:00.

I. Roll Call

Present: Chair Joseph Cardello, Ed Magill, John Flaherty, Bruce Santa Anna, John Czyzewicz. Also Present: Town Planner Michael Phillips. Absent: John O'Donnell, Dr. Lucien Benoit, Assistant Solicitor Bob Rossi.

II. Review of Decision for Rankin Estates

The Chair stated that there is no counsel present at this meeting. Mr. Phillips and Mr. Rossi have been working on the decision, and it is fairly well drafted. When the decision is finalized and the assistant solicitor is present, the Board will discuss the decision.

III. Ordinance Review

a. Sign Ordinance

The Board had a lengthy discussion on proposed amendments to section 6.17 of the zoning ordinance (Sign Regulations). Mr. Phillips had submitted copies of the latest draft of this amendment to the Board to review. The draft included changes that had been suggested at previous meetings. The changes included the removal of "Dowling Village," replaced by "shopping centers with total building area in excess of 100,000 square feet of gross floor space."

This is in response to concerns that the ordinance is being written exclusively for one development. Mr. Phillips stated that this amendment is rationally based, since large shopping centers need bigger signs. The amendments also include requirements for channel letters rather than canned signs, and no signs projecting over rooflines. Since the previous meeting, Mr. Phillips has looked at other communities, including a number of Massachusetts towns, as requested by the Board. He has found that sign size requirements vary greatly among cities and towns. At this point, Mr. Phillips feels that there has been enough research and discussion for the Board to make a recommendation to the Town Council.

The Board's discussion focused on lighting of signs, size related to setback distance, and letter height limitations. The Chair stated that he would like a limit on one lighted sign per business. He would like to recommend a sign size that will be in the range of size required for a shopping center of this size. Mr. Magill and Mr. Santa Anna stated that they believe the sign ordinance as written is sufficient, since it provides businesses the opportunity to seek a variance from the Zoning Board. The Chair stated that if the size requirements were larger than 60 square feet, the business might work to fit the sign into what is allowed under the ordinance to avoid going before the Zoning Board. However, at a limit of 60 square feet of signage, every business would need to seek a variance. Mr. Phillips stated that Bucci Development had appeared before the Zoning Board for a variance for the first building of phase I of Dowling Village. The

Zoning Board had asked them to come back when the ordinance was rewritten, so that every business in Dowling Village does not have to come before them for a variance.

Matthew Shaw, attorney for Bucci Development, asked if Gary McCoy, a sign company representative, could address the Board. Town resident Don Gagnon stated that he felt it was inappropriate for an attorney representing a developer with vested interest in how the sign ordinance review would play out to present information. The Chair stated that the meeting had been advertised, so the public had been given notice. If any other parties had attended the meeting, they would be welcome to address the Board. He added that he is aware that Mr. Shaw has an agenda, but the Board is reviewing the ordinance with the whole town in mind. They would like to keep the sign size maximum low, but reasonable for the town. The Board agreed that Mr. McCoy could address the Board to present a visual of the proposed signage at CVS in Dowling Village for demonstrative/informational purposes only.

Mr. McCoy presented one drawing depicting the proposed CVS building with the currently allowed 60 sq. ft. of signage. He then presented a drawing with their plans for 572 sq. ft. of signage. Their purpose in this presentation was to try to demonstrate that though the number sounds quite high, it does not result in an unattractive building. The Chair stated that the demonstration was helpful, in that he was able to see that 48-inch high letters are much too large for that

size building. He feels that a 30-inch letter height is much more reasonable. Mr. Santa Anna stated that the demonstration showed that the desired signage was still so far over the proposed changes to the sign ordinance that the business would still need to go before zoning. The Chair stated that if the sign ordinance was amended to allow large signs, the business might try to scale back their signage to fit within the ordinance. Mr. Phillips stated that he is trying to be proactive so that every sign and every business does not have to be sent to the Zoning Board. Mr. McCoy also added that small signs on a large building do not look right. As an architectural feature, the sign should fit the building. Mr. Phillips added that the developers of Dowling Village are trying to maintain an architectural theme throughout the development to make the buildings look attractive.

The Board discussed letter height in relation to distance from the road. The Chair stated that the letter height should not be determined by the business name (total square footage for a store with just a few letters could result in a sign with very large letters). He felt that it is much better to limit letter height in size in relation to distance from the road so all the signs will look the same. Mr. Santa Anna stated that by allowing larger signs and allowing businesses to avoid going to the Zoning Board for review, it is taking the design approval out of the hands of the town. Mr. Phillips stated that the Planning Board could review the signs during architectural plan review, as building facades are currently reviewed. Mr. Santa Anna stated that he would like to leave the ordinance as it is written now. Mr. Flaherty stated

that he feels a new ordinance is needed, but he is not prepared to vote on the specifics of the ordinance. He would like some time to do more research and review the information already discussed.

Mr. Santa Anna made a motion to keep the sign ordinance as it is written in section 6.17 of the current zoning ordinance. Mr. Magill seconded the motion. Planning Board vote was as follows: AYE: Mr. Magill, Mr. Santa Anna. NO: Mr. Flaherty, Mr. Czyzewicz, Mr. Cardello. Motion did not pass.

Mr. Czyzewicz made a motion to accept the proposed ordinance as written, with the additional requirements of letter height being limited to 24 inches on a building located 200 feet or less from the road, and 36 inches on a building located more than 200 feet from the road. Mr. Magill seconded the motion. Planning Board vote was as follows: AYE: Mr. Czyzewicz. NO: Mr. Santa Anna, Mr. Magill, Mr. Flaherty. The Chair abstained from the vote. Motion did not pass.

Mr. Phillips stated that he would still like to get a recommendation from the Planning Board to send to the Town Council in the near future. He asked the Board to send its suggestions to him so he could work on this before the next meeting. The Chair stated that the current ordinance is too restrictive and the Board needs to move on this issue. He feels that there is not a great deal more work needed on this ordinance. Mr. Flaherty said he would be comfortable with 4 weeks to research the issue. The Chair asked for data to be

presented for discussion in 2 weeks, with a recommendation to the Town Council ready in 4 weeks (beginning of December). Mr. Phillips added that he will have the ordinance review consultant look at the proposed amendments, as well as the suggestions of the Board, for fine-tuning of the ordinance.

b. Section 6.12. OWTS Setback from Wetlands and Waterbodies, Section 6.21. Structure and Impervious Surface Setback

Mr. Phillips stated that the DEM is in the process of drafting revisions to its OWTS regulations. He has taken what is in the draft and incorporated it into the proposed ordinance amendments, but feels it may be prudent to hold off on adopting an ordinance until the draft regulations are in place. He would like to be ready to act on the proposed amendments when the DEM approves their draft. He asked the Board if they had any further comments on the ordinance. Mr. Santa Anna stated that he had not reviewed the latest draft of the proposed ordinance in depth, but he will do so. All other members stated that they are satisfied with the most recent draft.

Mr. Czyzewicz made a motion to table the vote on the proposed amendments to sections 6.12 and 6.21 of the ordinance until DEM adopts their new regulations. Mr. Santa Anna seconded the motion, with all in favor. Motion passed with a vote of 5-0.

IV. Planning Board Issues & Concerns

1. Elizabeth Avenue—Status Update

Mr. Phillips updated the Board as to the status of the corrective measures needed to the pavement on Elizabeth Avenue and Saranac Street. The developer, Vincent Mesoletta, had been sent a letter from the Planning Board that stated that the bond would be called in if the issues had not been resolved by November 1. Mr. Mesoletta responded by email on November 1, stating that DiGregorio Construction intended to “begin and complete the paving on Elizabeth and Saranac Streets the week of Nov. 5th, weather permitting.” Mr. Phillips stated that the town’s engineer prepared the corrective measures and a representative of the town will be present during the construction (grading, correcting pitch, and top coat application).

Mr. Santa Anna stated that the remediation work must be done correctly or, with the cold weather approaching, the work will not withstand a couple of rainstorms. The Chair also stated that the developer would not be able to use weather or closing of the asphalt plant as excuses to not complete the work within the next week. The town will move forward with calling in the bond if the work is not done.

Two town residents (from Elizabeth Avenue and Saranac Street) addressed the Board with their concerns about the issues in the past

and concern that the work would not be done in time or be completed correctly. They stated that there have been many problems in the past and that the developer has not completed work as it is written in the approved plans. They suggested that the asphalt be completely ripped up and done correctly. They asked when the town would do something to be sure that the work was done properly and that the developer was held accountable for the construction work completed.

Mr. Magill and Mr. Flaherty asked if the bond could be held until the spring to insure that the pavement holds up through the winter. Mr. Phillips stated that they could hold off on approval of the construction until spring, and that the bond could be converted to a maintenance bond at that point. The Board also discussed that calling in the bond could lead to a long legal process, further holding off the construction and corrective measures to the road. They discussed the possibility of holding cash bonds in the future to avoid this problem.

The Board also discussed possibilities of ordering cease-and-desist on further construction by the developer in town. They also asked if the town could put a lien on the developers' property for the bill, if the town has to go out and complete the remediation work. Mr. Phillips stated that he would look into the possibilities for legal recourse against the developer. Mr. Magill asked if Mr. Phillips could consult with Mr. Rossi on this.

Mr. Santa Anna made a motion that the Town Planner will take all measures necessary and explore all legal options, including cease-and-desist, to insure that the remediation plan takes place as planned. The Chair seconded the motion, with all in favor. Motion passed, 5-0.

V. Adjournment

Mr. Santa Anna made a motion to adjourn at 9:14 pm. Mr. Czyzewicz seconded the motion, with all in favor.

Respectfully submitted,

Angela Pugliese

Planning Board Recording Secretary