

APPROVED

**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, MAY 21, 2018**

MEMBERS PRESENT: Chairman David Rhinemiller, Vice-Chairman David Krzeminski and Members Sandra Moderski, Barbara Ziemba, Martha Stohlmann and Lisa Gazaille

OTHERS PRESENT: Mike Gigliotti, Sachett Survey Services; Building Commissioner Don Torrico and Recording Secretary, Pam Gerry

CALL TO ORDER: Chairman Rhinemiller called the meeting to order at 7:00 P.M.

Chairman Rhinemiller welcomed the Planning Board's newly elected member, Lisa Gazaille.

Form A Submittal by Berkshire Concrete Corp. for property located at Old Columbia and Butler Street.

Mike Gigliotti, representative for Sachett Survey Services addressed the board members by presenting the Form A for Berkshire Concrete Corp. Board members review the plans with him, stating to them that they were revised plans from the previous submittal presented to them.

He explained to them that the four parcels on the plans were non-buildable lots which would be conveyed at a future point in time.

A motion made by Vice-Chairman Krzeminski, seconded by Member Moderski to accept the ANR from Berkshire Concrete Corp. as submitted, passed unanimously.

Board members signed the mylar and paper copies.

Application of Donald R. Sommer, Sr. requesting approval of a Subdivision (Definitive Plan) under the Town of Adams "Rules and Regulations Governing the Subdivision of Land" for property owned by Donald R. Sommer, Trustee; Sommer Hill Nominee Trust, proposing five lots on approximately 39 acres in R-2/R-3 Districts.

Chairman Rhinemiller requested clarification regarding the status of Mr. Sommers' withdrawal without prejudice that he had submitted to the Planning Board. Board members explained to him that they had tabled the request in Mr. Rhinemiller's absence. He addressed Building Commissioner Torrico asking him to explain the outcome of the Zoning Board's hearing that took place on March 27, 2018 regarding Mr. Sommers' application request for a Variance on Sommer Hill Road. Mr. Torrico addressed him by stating that Mr. Sommers' Variance request was for a front setback to an existing barn which he was adding an addition to. He told him that Mr. Sommer's had presented a letter to the Zoning Board from Adams Fire Chief Pansecchi in "support of not moving the road due to topography issues." He continued to note that Fire Chief Pansecchi requested that the applicant keep an area clear

on the grassy area of the property on the top of Sommer Hill Road to ensure that emergency vehicles were able to turn around.

Member Ziemba reads a letter addressed to the Planning Board from Fire Chief Pansecchi to the members. After reading the letter, she stated to members that it appeared that Mr. Sommers did not finish the roundabout that was required by the Planning Board years ago during the original submission of his application. She asked the members “how could the Zoning Board grant something when our plan was not completed, you should complete Step A before Step B.” Member Ziemba told the members that she had an opportunity to speak with Mr. Pansecchi and he stated to her that “Don Sommers’ complex is the number one fire hazard in this town.” He continued to let her know the reason was due to the “incompletion of the circle.”

Chairman Rhinemiller stated that he did not think that the “Zoning Board had the privilege or the legality to grant something that is the Planning Board’s criteria, stating that “We make those decisions, not the Zoning Board.” Building Commissioner Torrico addressed Mr. Rhinemiller to explain to him that Mr. Sommer’s was applying for a “front setback variance and the Zoning Board didn’t even deal with the road.” Chairman Rhinemiller stated that Mr. Sommer’s “superseded us by trying to go to the Zoning Board and get permission to put his building in, but he didn’t get permission to change what we asked for.” Mr. Torrico addressed board members stating that he had researched Mr. Sommer’s original application which did not require Mr. Sommer’s to put the turnaround in on the property at the time of the subdivision approval. Chairman Rhinemiller stated that Mr. Sommers “keeps returning to the Planning Board with the same plans and hasn’t done anything from square one,” and when he had submitted his “original documents, we opened a window again regarding the board’s concerns about the roundabout” on Sommer Hill Road.

Member Moderski stated that we never saw the letter from Fire Chief Pansecchi which Mr. Sommer’s submitted to the Zoning Board with his application. Chairman Rhinemiller emphasized once again that Mr. Sommer’s is “superseding us because we are going to give him a hard time.” He stated that the board should table Mr. Sommer’s request to withdraw his application and then seek town counsel “for advisement.” In response to Chairman Rhinemiller’s request, Building Commissioner Torrico stated that he would contact Town Counsel, Edmund St. John and suggested that the board place this on the next month’s agenda.

A motion made by Member Moderski, seconded by Member Krzeminski to continue the application of Donald R. Sommer, Sr. requesting approval of a Subdivision (Definitive Plan) under the Town of Adams “Rules and Regulations Governing the Subdivision of Land” for property owned by Donald R. Sommer, Trustee; Sommer Hill Nominee Trust, proposing five lots on approximately 39 acres in R-2/R-3 Districts to June 25, 2018, pending town counsel review and advisement, passed unanimously.

A motion made by Member Moderski, seconded by Member Stohlmann to submit a letter to Donald R. Sommer notifying him that the request he made to withdraw his application was not acted on at their scheduled meetings held on April 23rd and May 21st, 2018 and they are requesting his attendance, or that of a representative to discuss concerns they have at their next scheduled meeting on June 25, 2018. Adams Board of Selectmen, Community Development Director, Donna Cesan and Fire Chief John Pansecchi shall receive copy of such letter, passed unanimously.

APPROVAL OF MINUTES: The board members need to approve the minutes of January 22, February 26 and April 23, 2018.

A motion made by Member Stohlmann, seconded by Member Moderski to accept the minutes of January 22, 2018, as written. Vice-Chairman Krzeminski and Member Ziemba abstained from voting.

A motion made by Member Stohlmann, seconded by Member Ziemba to accept the minutes of February 26, 2018, as written. Member Krezminski abstained from voting.

A motion made by Member Ziemba, seconded by Member Stohlmann to accept the minutes of April 23, 2018, as written. Chairman Rhinemiller abstained from voting.

Planning Board members thanked Member Stohlmann for her years of service. They presented her with flowers and a card.

OLD BUSINESS/NEW BUSINESS:

- **Discussion on Special Permitting Process**

Building Commissioner Torrico wanted to clarify the responsibility of the Planning Board members in regards to the permitting process. He told them that according to the town's bylaws, §125-4; the Zoning Board acts as the Special Permit granting authority unless designated otherwise. He wanted the Planning Board members to know that they were the Special Permit granting authority only for the following:

§125-13B, Access to lots other than the frontage

§125-20, Personal wireless service facilities; (Cell Towers)

§125-29, Planned unit resort development

§125-30, Solar energy systems

- **E-Pod**

Member Ziemba stated to the members that the E-Pod livery located on 26 Overlook Terrace appeared before the Zoning Board a few months ago because they had been operating their existing business without a Special Permit. She emphasized to them that the Zoning Board should have only granted a Special Permit to operate a 24 hour livery service, but she continued to note that the board members moved forward by addressing screening, drainage issues, parking, loading area, etc. which she emphasized were the criteria for Site Plan Review under the Planning Board's approval and prevue only. Mr. Torrico addressed her by stating that the livery service would be submitting a Site Plan to the Planning Board in the future, adding that there was not a timeline however for the applicant to apply for this application.

Mr. Torrico stated to the members that he would like to see the Planning Board review applications ahead of the Zoning Board review but he told them that the town's bylaws do not allow this. Chairman Rhinemiller suggested that the Planning Board members speak with Donna Cesan, Community Development Director to see if changes could be made to this bylaw. Mr. Torrico stated that the board members should have legal counsel to refer to at each meeting to assist them with their concerns and to provide guidance. Mr. Torrico let them know that Attorney Dubendorf would be meeting with Zoning and Planning Board members in the near future to discuss various topics that would assist the members with their decision making process.

A motion made by Member Krzeminski, seconded by Member Moderski to have a letter submitted to Community Development Director, Donna Cesan, Town Council, Edmund St. John, Adams Board of Selectmen and Adams Zoning Board stating that the Planning Board had concerns with the Zoning Board taking steps in the permitting process that should have fallen under the Planning Board's prevue, passed unanimously.

- **Cumberland Farms**

Building Commissioner Torrico wanted the members to be aware that Cumberland Farms Inc. would be presenting three Variance requests to the Zoning Board in the weeks ahead, adding that they would then appear before the Planning Board for their Site Plan Approval.

- **Future Workshops**

Member Moderski asked Mr. Torrico if he would be attending the workshop meetings. He answered her by stating that this would be correct. She wanted him to know that the members rely on the guidance and knowledge that the building inspector provides to them. Mr. Torrico explained to them that the workshop meetings could help change current bylaws. Member Moderski requested a list of topics from Mr. Torrico that would be beneficial for the board members to address at the future workshop meetings.

A motion made by Member Krzeminski, seconded by Member Stohlmann to contact Attorney Don Dubendorf to meet with Planning Board members, passed unanimously.

ADJOURN: A motion made by Member Gazaille, seconded by Member Krzeminski to adjourn the meeting at 8:35 P.M., passed unanimously.

Respectfully Submitted,

Pamela Gerry, Recording Secretary

Date