

**APPROVED**

**ADAMS PLANNING BOARD  
MEETING MINUTES  
MONDAY, AUGUST 27, 2018**

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

**OTHERS PRESENT:** Interim Town Administrator, Donna Cesan; Attorney James Sisto; Peter Greenbush; Jamie Zdon; James Leitch; Marie Greenbush; John Cardonnel and Building Commissioner Don Torrico

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

**Application of Michael Trzcinski for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 2 River Street. The request is for the construction of a driveway and single parking space for a single family dwelling in a B-2 Zoning District.**

James Leitch, representing the applicant addressed the board members. He explained that the owner wanted to establish an apartment on the first floor of the residence and include a second driveway access. He stated that a Special Permit was granted to him by the Zoning Board of Appeals for both requests.

Mr. Leitch explained to them that there would be no other exterior changes to the property. Member Ziemba inquired about the second floor of the dwelling. Mr. Leitch stated that the second floor would not be occupied at the current time. She also questioned Mr. Leitch to ask him if the existing paved parking area led to the same apartment. He explained to her that the existing parking space was used by Hesnor Engineering and further noted that the only access to the apartment was on the southwest corner of the property. Mr. Leitch stated to the members that Hesnor Engineering had leased a parking area across the street which had seven available parking spaces included in a 50 year lease.

Chairman Rhinemiller addressed Building Commissioner Torrico, seated in the audience to ask him if he had any comments for the applicant. He addressed Mr. Leitch to clarify whether he stated to the members that the applicant was granted their Special Permit by the Zoning Board. He stated that he had conveyed this information to them.

A motion made by Member Ziemba, seconded by Vice-Chairman Krzeminski to approve the application of Michael Trzcinski for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 2 River Street. The request is for the construction of a driveway and single parking space for a single family dwelling in a B-2 Zoning District, as proposed in the plans, passed unanimously.

**Application of E-POD Transportation LLP for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 26 Overlook Terrace. The request is for the operation of a livery service in a B-2 Zoning District.**

Member Krzeminski stated to the board members that his daughter and Ms. Greenbush, wife of the applicant were good friends. He was curious to know if he would be required to recuse himself from hearing the application request. Chairman Rhinemiller stated to him that unless there was a financial interest involved, he would be able to hear the Site Plan request.

Attorney Sisto, representing the applicant addressed the board members. He told them that E-POD livery business had been in operation at this location for three years. Mr. Sisto explained that the applicants were not aware of the protocol that was necessary to operate their business in town. He stated that they apologized for any problems that transpired in the neighborhood or with the Town of Adams. He explained to them that the applicant had appeared before the Zoning Board of Appeals for a Special Permit to operate the business with conditions prior to appearing before the Planning Board.

Member Ziemba wanted to know how the Zoning Board of Appeals was allowed to place conditions on pavement and landscaping requirements showing concern that these items should be the purview of the Planning Board only. She addressed Attorney Sisto to ask him if legally the Zoning Board had the right to address these items. Attorney Sisto explained to Member Ziemba that the Zoning Board had “due authority” and had the right to waive some requirements regarding landscaping. He added that the property was already paved but a small area was unpaved, adding that the applicants were interested in paving that area to help improve the landscape and to ensure a more professional look. Member Ziemba stated to him that the Zoning Board should have only been allowed to issue a Special Permit for the operation of the livery business, continuing to note that pavement or landscaping requirements should not have been addressed by that board. Attorney Sisto stated to her that their approval had specific findings for those requirements.

Donna Cesan, Community Development Director stated that the Zoning Board had approved a Special Permit to the livery business, adding that a number of provisions in the bylaws were not addressed which she mentioned were “screening and landscaping,” “screening and buffering requirements,” “no parking in the front yard,” as well as an “open space requirement.” Attorney Sisto stated that the Zoning Board made a finding stating that a “privacy barrier was not required and present screening was acceptable.”

Member Moderski stated to Attorney Sisto that she had done a site visit of the property and had not observed any buffer trees or barrels in the front of the property. Mr. Greenbush, applicant for the livery, addressed her by stating that his intentions were to make his property look as best as possible for the neighborhood, letting the board members know that they were waiting for the boards determinations before they invested more money in the site. He let them know that Mrs. Greenbush, abutter of the business had complaints regarding damage done to her property by their business activity. He told them that they had addressed any of her property concerns and “done everything we were told to do.” “We are just trying to run a legitimate business in the town that does not disturb the neighborhood.” Mr. Greenbush told the members they would comply with anything the boards required of them.

Chairman Rhinemiller questioned Mr. Greenbush to ask him about some barrels on the property. He approached the table to show him on the plans how they reconfigured their parking spaces according to discussion with the Zoning Board at their previous meeting with them.

Member Ziemba stated to the applicant that she had witnessed nine cars parked on the property opposed to the two car requirement. He told her that they were waiting to hear from the Planning Board before any changes were made. Mr. Greenbush stated that they were attempting to avoid parking any vehicles in the back of the property so they would not continue to disturb Mrs. Greenbush, an abutting neighbor. Board member's viewed the plans with Mr. Greenbush and discussion was made.

Chairman Rhinemiller stated to the applicant that the buffer area would be an important issue for them to address regarding their business and the abutting neighbor. He explained to them that screening would have to be designated and the plan must indicate water flow direction, as well as egresses to be designated from the structures, lighting, screening, landscaping and trash containment. He emphasized to the applicant that the site plan would have to address all of these issues. He told them that buffer zone should be a major item that they need to address in their plans.

Member Moderski asked Mr. Greenbush how many vehicles were kept on his property. He told her that he had twenty at the current time. She wanted to know how many spaces he would require for them on the outside of the property. He told her that they have 35 employees during the week required to occupy the spaces provided, adding that only four office employees park their cars on the property on a daily basis. Mr. Greenbush stated to them that the employees that drive for the livery business leave their vehicles on the premises and drive away with the vehicles owned by the company. She wanted to know why the business kept six vehicles on the property and not stored in the garage. Attorney Sisto told the board members that the number of vehicles that can park on the property was addressed by the Zoning Board. Member Moderski wanted the applicant to tell the board why the vehicles are not parked behind the property. Mr. Greenbush answered her by stating that Mrs. Greenbush, abutting neighbor made continuous complaints regarding these vehicles near her property, adding that they were trying to avoid further problems with her.

Chairman Rhinemiller reviewed various areas that they needed to address in their Site Plan stating that the applicant would need to demonstrate utilities locations, screening and landscaping, catch basins, lighting, doorways, trash locations, drainage and egresses to be included in the application process.

Ms. Cesan told the board members that she would assist the applicant with the pending requirements that were required in Site Plan review to expedite the permitting process.

Building Commissioner, Don Torrico told them that the applicant's had the right to request waivers for various requirements that would be included in the Site Plan review.

Chairman Rhinemiller agreed that the applicant could benefit by spending additional time reviewing and completing their plans for the Planning Board's review. He stated that the applicant's engineers and Community Development Director could work collectively with them to ensure an acceptable resolution.

**Chairman Rhinemiller opened the meeting to the public.**

**John Cardonnel**, an abutter to the applicant, stated that “everything has been done wrong” on the applicant’s property. He told them that the owner had not conformed to the special permits that were granted by boards years ago. He showed concerns regarding the lack of a greenbelt and the oversaturation of the property to operate their business.

**Marie Greenbush**, an abutter to the applicant addressed the board members stating to them that Mr. Greenbush should have been aware years ago that he was required to have a permit to operate his livery business. She continued to let them know that the town did not take action until recently to address the livery business. Ms. Greenbush wanted the members to be aware that the owner was parking twelve vans in their building, emphasizing the danger of changing oil and performing mechanical work on the vehicles with the lack of proper ventilation. She stated to them that the town could have problems in the future if an explosion took place on their property due to these issues. In closing, Ms. Greenbush stated that the applicant washed their cars daily which caused soapy water to run down the street all day.

**Chairman Rhinemiller closed the meeting to the public.**

Member Ziemba addressed the applicant to ask him how he managed the oil removal in his building. Mr. Greenbush stated to her that a company would remove the barrels of oil as necessary.

Vice-Chairman Krzeminski was curious to know if Fire Chief Pansecchi had visited the site to address the fire alarm system. Mr. Greenbush stated to him that he had been on their property in the past.

Members Moderski and Ziemba stated to the applicant that they would like input from Fire Chief Pansecchi regarding his opinion of the situation prior to the Site Plan Review.

Member Moderski stated to Mr. Greenbush that he should consider requesting less than 19 parking spaces included in his application request in months ahead. Attorney Sisto wanted Member Moderski to be aware that the applicant had approval from the Zoning Board to have that number of parking spaces.

A motion made by Member Ziemba, seconded by Member Gazaille to continue the public hearing to October 22, 2018 at 7:00 P.M. pending application review by Community Development, passed unanimously.

#### **NEW BUSINESS:**

Donna Cesan stated to the members that she would like to have an informal discussion with them regarding re-zoning various districts in town, primarily the Rt. 8 corridor. Mr. Reidy, representing Bacon, Wilson Law Firm was present for the discussion. He emphasized to the members the importance of re-zoning districts that were of business use as well as residential use when attempting to move projects forward. Ms. Cesan stated to the members that their informal discussion could offer the town an opportunity to view the Rt. 8 corridor changes prior to road construction by MA DOT who was proposing to invest a substantial amount of money to improve the roadway in the near future. She continued to note that a Special Town Meeting would be scheduled for the fall which she expressed the need for the Planning Board to review and address the necessary zoning changes.

Planning Board members unanimously agreed to move forward on the necessary paperwork to address re-zoning of districts.

**OLD BUSINESS:**

Member Moderski wanted the board members to know that in the absence of recording secretary, Pam Gerry, that she commended her on the submittal of minutes for May 21, 2018. She continued to note that in the minutes, there was a reference to various letters required by the board to be submitted to Mr. Donald Sommer's and Town Counsel, Edmund St. John regarding Mr. Sommers' application that he submitted to them in the month's past.

A motion made by Member Moderski, seconded by Member Ziemba to close the public hearing and enter into an executive session, passed unanimously.

A motion made by Member Ziemba, seconded by Member Moderski to re-open the public hearing, passed unanimously.

In closing, Member Moderski stated that a past meeting held by the Zoning Board regarding Wenzel Terrace should be reviewed by town counsel.

**APPROVAL OF MINUTES:**

A motion made by Member Moderski, seconded by Member Gazaille to approve the minutes of May 21, 2018, as submitted, passed unanimously.

**MAIL REVIEW:** Board members were presented mail for review.

Building Commissioner Don Torrico wanted the board members to know that Attorney Don Dubendorf would be conducting a training session for the Zoning and Planning Board members on September 6, 2018 at 6:00 P.M. at Town Hall.

**ADJOURN:**

A motion made by Member Ziemba, seconded by Member Moderski to adjourn the meeting, passed unanimously.

Respectfully Submitted,

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Pamela A. Gerry, Recording Secretary

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Date