

Call to Order:

The meeting was called to order at 7:34 pm. Present were Chairman, Paul Salafia, and members, Selena Goldberg, Vincent Chiozzi, also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley

Planning Session:

The Board took up the discussion on the proposed by-law Priority Development Site (PSD) pursuant to Chapter 43D of the Mass General Laws. Michael Piquette of the Merrimack Valley Planning Commission (MVPC) gave an overview of the expedited permitting process and what the program offers to communities who adopt Chapter 43D. Mr. Materazzo reviewed his memo to the Board dated December 6, 2007 including copies of his previous memorandum dated November 8th, permitting analysis as prepared by planning staff, frequently asked questions about 43D, a summary of the statute, and comments from the Board related to PSD. Mr. Materazzo reviewed the benefits that 43D provides 1) The State provides incentives such as grants up to \$100,000 for technical assistance, to assist communities in developing a blue print of how they want to do business within the designated PDS, priority consideration for PWED, CDAD, MORE, Brownfield remediation and other state sponsored grants 2) Streamline permitting. Mr. Materazzo noted that the targeted site is on the parcel west of I-93 without access. He also noted that April Anderson, Director of the Mass Permit Regulatory Office Executive Office of Housing & Economic Development has encouraged the Tri-Towns to consider adopting the PSD. The Board discussed the time limits, and questioned if they have to designate a site in order to tap into the funds. Mr. Materazzo reviewed the Massachusetts Permit Regulatory Office Chapter 43D Flow Chart that was included in the Board's packets and noted that they must identify a site and Town Meeting adopts it. Ms. Byerley noted that by adopting this proposal the Board won't be reacting to a proposal, but telling applicants what kind of proposal they want. Chairman Salafia stated that applicants would react to the Board's vision that's already in place. Mr. Materazzo noted the permitting procedure would remain the same and noted that special permits are currently being permitted within 180 days but now the Town can get the benefit of technical assistant and grant money if PDS site is adopted at Town Meeting. Chairman Salafia question if a site is designated could they use the money to study another site. Mr. Materazzo noted that it's a one time grant that a portion of the money could be used for the site, with opportunities to expand the PDS designation to other targeted areas of town. Mr. Piquette reiterated that the money can be used for other sites. He also noted that the State recognizes the cost of doing business in Massachusetts and is trying to encourage businesses to develop in Massachusetts and that an application can only be filed if 43D is approved by town meeting this Spring. Mr. Materazzo gave an overview of the process after town meeting including meeting with consultants, developing 2 different scopes of work to move forward, being to MVPC to examine regulations/infrastructure/buildout etc... Mr. Materazzo noted that the technical assist would help the Tri-Town Development Task Force further refine their mixed-use development vision. The Board discussed the article and was in consensus to wait until next meeting when all the Board members were present to make a motion on the article.

Warrant Articles:**Customary Home Occupation:**

Ms. Byerley updated the Board on an amendment to Customary Home Occupation suggested by Town Counsel of subsection b Section 5.2.7.1 to read: "One sign, either attached or freestanding except as provided for in the Customary Home Occupation definition, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon, not to exceed 2 square

Warrant Articles (cont.):**Outdoor Dining:**

feet in area except as provided for in the Customary Home Occupation definition; requires no sign permit". Ms. Byerley reviewed the proposed general bylaw for outdoor dining including licensing, the application process, and the approval process. Following a detailed discussing on the application and licensing process and on a motion by Ms. Goldberg and seconded by Mr. Chiozzi the Board voted to recommend the Outdoor Dining Rules and Regulations be forwarded to the Board of Selectmen. **Vote** Unanimous (3-0)

Stormwater Management Bylaw:

Ms. Goldberg reviewed the handout she distributed entitled Stormwater Bylaw Planning Board Agenda dated December 12, 2007. She also distributed the revisions to the draft bylaw which will regulate 1 acre or more of land disturbance, and the Building Department's Erosion & Sediment Controls BMP's affidavit that will cover all other land disturbance. The Board discussed the affidavit process. This process would request that an applicant read and sign the Building Department's Erosion & Sediment Controls BMP's affidavit. Ms. Goldberg noted that Planning reviews 1 acre or more of disturbances. Ms. Byerley reviewed her memo to the Board dated December 7, 2007 which reviewed revisions to the Criminal Penalty and Persons Aggrieved sections of the Bylaw. The memo included copies of the bylaw, a draft letter to the Town Manager, draft regulations, comparison of regulations, draft affidavit and draft guidelines.

On a motion by Ms. Goldberg seconded by Mr. Chiozzi the Board voted to sponsor and forward the Stormwater Management bylaw as revised to the Board of Selectmen for a warrant article. **Vote** Unanimous (3-0)

The Board continued to discuss the items on the stormwater agenda including the draft regulations, public outreach, and public hearings. Ms. Goldberg asked the Board's opinions on the design criteria. Ms. Byerley noted that the rules and regulations are in draft form and suggested that she forward them to town departments and the engineering community for comments. The Board was in consensus to leave the regulations as is and wait for comments from the public during outreach. The Board discussed how the regulations would evolve and was in consensus that the draft regulations should be circulated to the task force, and Ms. Anderson, Ms. Goldberg and Ms. Byerley could integrate all comments in a report to the Board. The Board discussed the timeline for finalization of the rules and regulations.

Murrary Hill Estates:

On a motion by Mr. Chiozzi seconded by Ms. Goldberg the Board voted to extend the performance guarantee for the Murrary Hill Estates subdivision to December 7, 2008. **Vote** Unanimous (3-0)

Cassimere Street:

Ms. Byerley reviewed her memo to the Board dated December 7, 2007 and noted the developer's attorney's request to extend the performance guarantee through January 2009. Ms. Byerley noted that the matter was tried in Land Court and they are waiting for the court's decision. Kevin O'Brien the developer noted that the judge said she'd made a quick decision after receiving briefs/input from both sides. The Board discussed the extension and suggested granting the extension thru September 2008. On a motion by Mr. Chiozzi seconded by Ms. Goldberg the Board voted to extend the performance guarantee for the Cassimere Street subdivision thru September 2008. **Vote** Unanimous (3-0)

Adjournment: The Board voted to adjourn the meeting at 8:53 pm.