

**PLANNING BOARD
APRIL 25, 2013
MINUTES**

Chairman Giger called the meeting to order at 7:30 PM

Members present: Giger, Barringer, Burke, Parent, Perkins, and Wilson

Member absent: Svarczkopf

PRE-SUBMISSION REVIEW – HINDU TEMPLE, BOSTON ROAD

The Board met with Michael Vaccaro, Rhonda Stone, and design engineer Ian Rubin to discuss the proposed Hindu Temple on Boston Road.

Mr. Vaccaro said he contacted the Department of Environmental Protection (DEP) about the superseding Order of Conditions for the previously approved Comprehensive Permit. Member Burke reminded Mr. Vaccaro that the proposed temple is a new project. The local Wetlands By-law did not apply to the Comprehensive Permit but does apply to the proposed temple. Mr. Vaccaro said he would meet with the Conservation Commission. They do not want to disturb anything in the buffer zone if possible.

Member Perkins noted that this meeting is a pre-submission review and does not constitute review of the proposed project.

Mr. Rubin described the plans to construct the temple at the highest location on the site. An auditorium will be constructed in a separate building in the rear of the property. There will be 205 parking spaces for the congregation of 500 people and clergy.

Mr. Vaccaro said he contacted MassDOT to find out if the curb cut had been issued for the housing project.

Chairman Giger said the traffic study must be updated.

Member Parent asked about the occupancy capacity of the auditorium. Mr. Rubin said they do not know at this time. The sewage disposal system is only being designed for the temple and priests' housing at this time.

Conservation Commission member Bruce Easom said the DEP issued a superseding Order of Conditions for the Comprehensive Permit project. There are two important vernal pools on the site with the same level of protection as the other wetlands.

Member Burke asked where the property line is located. Mr. Rubin said it is shown on the plan, but the plan is very preliminary at this time.

The Board thanked the applicant for the update on the project.

NON-CONFORMING LOTS OF RECORD & STRUCTURES

Attorney Ray Lyons met with the Board to discuss his concerns about Zoning By-law Section 218-6 Nonconformance. Chairman Giger asked Attorney Lyons if he had any clients who may benefit from this discussion. Attorney Lyons said he is not representing anyone with nonconforming matters at this time.

April 25, 2013

Page 2

Attorney Lyons said different Building Commissioners and the Zoning Board of Appeals have interpreted this section differently over the years. He said there is a difference between a nonconforming lot and a nonconforming structure. Case law, such as Goldhirsch and Gale v. City of Gloucester, has changed interpretation of Chapter 40A, section 6.

Member Burke said the Board could consider floor area ratios. However, the Board must not treat properties in one area differently than other areas of Town.

Member Barringer asked about abandoned properties that have fallen into the "non-use" category. Attorney Lyons said the special permit process could be used to extend the non-use time period in order to clean up shacks and dilapidated structures. He said there is no incentive to do anything about abandoned structures today.

Member Barringer said there are two issues: 1) the environmental problems that would be resolved by installation of a sewer system, and 2) the increase in development in the area may not be in the best interest of the Town.

Chairman Giger noted that Chapter 40A, section 6, also deals with vacant lots than may be eligible for building permits.

The Board thanked Attorney Lyons for his efforts to call attention to the issues. The Board suggested that a follow-up meeting with the Zoning Board of Appeals and Building Commissioner would be helpful.

OTHER BUSINESS

Zoning Amendment – Member Burke reminded the Board that Section 218-5 Prohibited Uses should be amended to remove the prohibition on 15 pigs to be consistent with the proposed amendments on Agricultural Uses to be considered at Town Meeting.

Concept Plan – Members Svarczkopf and Wilson agreed to investigate possible revisions to the Concept Plan process for commercial developments.

Meeting adjourned at 9 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner