**Town of Shirley** Telephone 978-425-2600 Ext # 240

**PLANNING BOARD** Facsimile 978-425-2627

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**MEETING MINUTES**

**Wednesday – April 25, 2018- 7:00 P.M.**

(Town Offices –2nd Floor Conference Room)

Members Present: Chair Sarah Widing, Vice Chair Bill Oelfke, Barbara Yocum, Janet Tice, John Gailey, Associate Member Bonnie Lawrence

Chair Widing Called the Meeting of the Planning Board to Order at 7:00 p.m.

***Approval Not Required (ANR): 87 Longley Road, Parcel ID 99-A-8***

Chair Widing opened the discussion of the ANR for 87 Longley Road. Stan Dillis of Ducharme and Dillis informed the Board that Massachusetts Fish and Wildlife were seeking to purchase a lot of land to be created by the ANR, and that the homeowners had the required frontage to create the lots.

Ms. Lawrence asked Ms. Anne Gagnon, of Mass Fish and Wildlife, if there were any endangered species or wetlands on the property. Ms. Gagnon explained that the property is wooded and the acquisition would be an addition to a piece of property Mass Fish and Wildlife already own.

Chair Widing reviewed the guidelines that a plan must meet for a favorable finding and endorsement of an ANR. The plans submitted met all of the requirements.

**Vice Chair Oelfke motioned to favorably endorse the ANR Plan submitted by Mass Fish and Wildlife. Mr. Gailey seconded the motion. There was no discussion and the motion passed 5-0, unanimous.**

***Public Hearing: Spaulding Road Parcel ID 117-A-1, Application for Special Permit for Development of a Hammerhead Lot and for a Shared Residential Driveway continued from March 28, 2018.***

Chair Widing opened the public hearing for the special permits requested by David and Susan Hopkins, owners of the property on Spaulding Road. Stanley Dillis, of Ducharme and Dillis, explained that the applications met all requirements for the special permits sought and denoted such on the plans he had provided. He also stated that Mr. and Mrs. Hopkins had included in the revised plans a trail easement which would be granted to the Town along the eastern property line of the subject property.

Ms. Tice asked Mr. Dillis the width of the trail easement, to which he responded at its narrowest the proposed trail easement was thirty feet wide.

Chair Widing asked Mr. Dillis about the frontage of each proposed lot, which Mr. Dillis explained as meeting the requirements set out in the Town’s Protective Zoning Bylaws.

Carlos Castrocastellanos of Spaulding Road asked again about the width of the trail easement which Mr. Dillis explained in greater detail. Mr. Castrocastellanos also asked Mr. Dillis about the septic system plans, and Mr. Dillis explained that the Hopkins’ had already performed PERC tests with favorable findings.

Betsy Colburn-Mirkovic, an associate member of the Conservation Commission, explained that the Conservation Commission’s desire was to ensure there was a legal mechanism in place to make clear that the easement was being conveyed to the Town’s Conservation Commission. Vice Chair Oelfke explained that such language would be used as a condition, should the special permits be granted.

Vice Chair Oelfke read verbiage prepared by Conservation Agent Mike Fleming that would be used as a condition should the special permit’s be granted.

Chair Widing noted the requirements for the granting of both special permits.

Mr. Dillis indicated that the plans that he has submitted met all of those requirements.

Ms. Colburn-Mirkovic wanted reassurance that the drainage from the proposed homes would not cause damage to the proposed trail easement. Mr. Dillis explained that he did not believe that would be the case, and cited the distance of any proposed home from the trail easement.

**Vice Chair Oelfke motioned to close the public hearing for Spaulding Road Parcel ID 117-A-1, Application for Special Permit for Development of a Hammerhead Lot and for a Shared Residential Driveway continued from March 28, 2018. Ms. Tice seconded the motion. There was no discussion. Motion passed 5-0, unanimous.**

**Vice Chair Oelfke motioned to approve the application for two hammerhead lots with the condition provided by Mike Fleming, Conservation Agent for the Town, and noted that prior to the issuance of a building permit the applicants meet all requirements of Section 4.3 of the Shirley Protective Zoning Bylaws. The motion was seconded by Mr. Gailey. There was no discussion. The motion passed 5-0, unanimous.**

**Vice Chair Oelfke motioned to approve the special permit for a shared residential driveway with the condition that a maintenance document be provided and that it meet all the requirements of Section 15 of the Protective Zoning Bylaws. The motion was seconded by Mr. Gailey. There was no discussion. The motion passed 5-0, unanimous.**

***Approval Not Required (ANR): Spaulding Road Parcel ID 117-A-1 continued from March 28, 2018***

Chair Widing opened the discussion for the ANR for Spaulding Road 117-A-1.

Vice Chair Oelfke stated that all of the requirements for an ANR had been met as a result of granting the two special permits in the previous public hearing.

Vice Chair Oelfke noted a small, unbuildable lot located at the corner of the plans, which the Hopkins noted they would be keeping ownership of.

**Vice Chair Oelfke motioned to favorably endorse the ANR for Spaulding Road Parcel ID 117-A-1. The motion was seconded by Mr. Gailey. There was no discussion, motion passed 5-0 unanimous.**

***Discussion: Griffin Family Trust Parcel ID 35-A-2.1, Right of First Refusal***

Chair Widing opened the discussion and Mr. Thomas Christopher began his presentation.

Mr. Christopher informed the Board that although they had previously gone through the process of offering the Town the Right of First Refusal, he was back because the previous sale of the property in question had fallen through. He now had a new buyer for the property and that buyer’s attorney was requesting the town go through the process again.

Vice Chair Oelfke explained to the Board that this was not truly a Planning Board decision, all they needed to do was recommend to the Selectman the exercise of non-option that Mr. Christopher was seeking.

**Vice Chair Oelfke motioned to favorably endorse the exercise of non-option to the Board of Selectmen. The motion was seconded by Mr. Gailey. There was no discussion, motion passed 5-0, unanimous.**

***Discussion of Handouts and Presentation for Annual Town Meeting(ATM)***

Ms. Tice asked to discuss the final draft of the Warrant Article for the ATM. Vice Chair Oelfke explained the document submitted earlier that day was the document reviewed by Town Counsel Kopelman & Paige, PC (KP Law). He also explained that the document submitted would be the Warrant Article at the ATM.

Ms. Yocum noted a change that needed to be made to the Warrant Article submitted to the Town Administrator, an instance where “by” was used instead of “but.”

The Board then reviewed the Warrant Article and noted several other changes that needed to be made.

Vice Chair Oelfke stated his belief that any changes made at that night’s meeting would need to be brought as floor amendments to the Annual Town Meeting on May 14, 2018. He also noted the process for bringing floor amendments to the ATM.

Chair Widing asked what would be presented at the Annual Town Meeting. Vice Chair Oelfke stated the amendments to the approved Warrant Article from the Special Town Meeting on March 5, 2018 would be presented at the ATM, which he noted were the instructions from Town Counsel.

Vice Chair Oelfke voiced his opinion that the handouts for the ATM should be the amendments suggested, and a color coded map clearly indicating the districts in Town where a marijuana business may be able to locate.

Ms. Tice asked if one vote or separate votes would be taken in relation to the Warrant Article. Vice Chair Oelfke explained that one vote would be taken, and that any member of the audience may propose a floor amendment. He also noted that a floor amendment can only make a Warrant Article less restrictive, not more.

Vice Chair Oelfke asked Chair Widing if she would be able to prepare the map for the May 9th meeting of the Planning Board for a final review of the document. Chair Widing suggested that she would be able to do so.

Ms. Tice offered to create a document similar to one she had generated for the Special Town Meeting in March. She stated that the document would explain to the voters why they were voting on the Warrant Article today, and what a “yes” or “no” vote would mean for Shirley.

Chair Widing closed the discussion.

**ADMINISTRATIVE MATTERS**

***Approval of April 11, 2018 Minutes***

Mr. Gibbons explained to the Board that the minutes for April 11 would not be ready for acceptance until the following meeting.

***Approval of Payment***

**Vice Chair Oelfke motioned to approve payment to the Lowell Publishing Company. Ms. Tice seconded the motion. Motion passed 5-0, unanimous.**

***Approval and Signature of Decisions***

**Vice Chair Oelfke motioned to approve and sign the decisions prepared by Mr. Gibbons. The motion was seconded by Mr. Gailey. There was no discussion. Motion passed 5-0, unanimous.**

***Motion to Adjourn***

**Vice Chair Oelfke made a motion to adjourn at 9:30 p.m., Mr. Gailey seconded the motion. Motion passed 5-0, unanimous.**

Prepared By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accepted By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_