

MINUTES
**Public Hearing for Lydon Developments LLC
Special Permit Application to establish a motor vehicle repair business and
for 2 Signs more than permitted by right
Case # 072309**

Thursday, September 10, 2009

The public hearing was opened at 8:00 PM.

Planning Board members present were: Christopher Tomich, David Smith Sr., Peter Cherneff and Timothy Fulco. Margaret Martin was absent. The hearing was recorded and M. Martin will listen to the tape.

C. Tomich read the legal notice of the Public Hearing into the public record.

C. Tomich conducted the hearing. He explained that the purpose of the hearing was to obtain public input on the Special Permit application of Lydon Developments LLC to establish a motor vehicle repair business and for 2 signs with more square footage than allowed by right.

Dennis Downing, attorney for Lydon Developments LLC, and Domenic Lydon described the project. They said that the original property had been divided into 2 lots with the approval of the Planning Board and that a building 60 feet by 80 feet will house the business. They indicated on the site plan provisions for parking, a septic system, lighting and a drainage storage system. They stated that they have received approvals from the Board of Health and from the Massachusetts State Highway Department. They stated that the signs will be 28 square feet by the road and 12 square feet by the building.

C. Tomich pointed out that the number of a bylaw cited in the application is incorrect.

C. Tomich inquired about the state permits for hazardous materials. Domenic Lydon answered that he'll have to have a free standing sealed unit for those materials and that after it is in place the Department of Environmental Protection (DEP) would inspect and approve or deny the unit.

C. Tomich asked how oil will be handled in the drainage system. Mr. Lydon said he will have a grease and oil separator in the floor drains. He said that DEP inspects while the business is open and that any oil in the building has to be contained appropriately.

C. Tomich asked about the expected volume of business. Mr. Lydon stated that he will be able to work on 8 cars at a time in the building and at any given time there will be about 24 cars parked outside waiting to be worked on. He said that ideally he would employ 3-4 mechanics.

P. Cherneff asked where the cars will be parked. Mr. Lydon said there is a gravel area behind the building where they can be parked.

T. Fulco asked what the light fixtures will be like. Mr. Lydon indicated the planned fixtures on the cut sheet and stated that the lights would be pointed down.

C. Tomich asked about the business hours of operation. Mr. Lydon answered that it will be open 8 a.m. until late, 6 days a week.

P. Cherneff asked if light would spill onto other properties.

T. Fulco noted that the information presented is not specific as to effects of lighting.

C. Tomich asked if there will be an outdoor dumpster. Mr. Lydon answered yes.

C. Tomich asked which trees will remain. Mr. Lydon said that a group of 3 oaks in the middle of the property will stay.

P. Cherneff asked what Mr. Lydon intends to do with the second lot. Domenic Lydon answered that he'd like to put a retail business there when the timing is better. Now he does not want to encroach on that lot.

C. Tomich asked what the garage will specialize in. Mr. Lydon said he will work on European cars, some Japanese, no pick-ups or large trucks.

P. Cherneff asked if Mr. Lydon will have to remove some trees for the driveway. Domenic Lydon answered that he would have to remove some, but would take out as few as possible. He indicated in response to questions that the building will have metal siding (not red or pink.)

C. Tomich asked where the primary sign would be and the secondary sign. Mr. Lydon indicated on the plan. He said that the secondary sign will be over the doorway and that the signs will be lit. Atty. Downing indicated the lighting diagram.

C. Tomich opened the discussion to the public. Mickey Riva who owns the property just north of the proposed Lydon business had concerns about the oil separator. Domenic Lydon described the oil separation process and the venting.

Mr. Riva doesn't want any drainage on his property. He stated that the Planning Board might want to check; he thinks there are wetlands on the Lydon property. Mr. Lydon stated that he'd had a survey done and there are no wetlands on his property. Gail Sorecio was the person who did the survey.

Mickey Riva mentioned that cars parked on the railroad easement have to be registered. He said his biggest concern is that he would like a solid 6 foot high fence, just as he has now on a portion of the property line, continued from his fence and going right down to the easement. Mr. Riva stated that he gets a lot of papers from the open dumpster next door blowing onto his property. Mr. Riva also asked if there would be any landscaping.

Dominic Lydon answered that there would be. He said there will be shade trees in front of the parking area. He stated that there are already trees in front. Mr. Lydon described the business as set far back from Route 7.

C. Tomich reminded the applicant that the number of parking spaces dictates the number of shade trees.

Dominic Lydon stated that both lots were approved after their PERC tests.

Morvin Allen stated that he has known Domenic Lydon and his family for many years and that he is just the sort of businessman we would want in Sheffield.

Robin Norris, who will be Domenic's neighbor to the south, vouched for his character and said that Domenic Lydon is a hard worker.

Rene Wood stated that she was excited about a new business coming to town. She does have concerns that this location is in the water supply district. Ms. Wood also objected to the fact that materials describing the applicant's proposal were not available prior to the hearing; Ms. Wood feels at a disadvantage. She stated her concerns regarding location of car storage, how long cars will be on site, screening of the site, safe access and police and fire departments review of safety.

C. Tomich asked Ms. Wood what materials she would like to see.

Rene Wood said she wasn't able to look at the plans but she doesn't want to hold up the Board. She is concerned that the Conservation Commission hasn't been involved.

P. Cherneff stated that it seems that if there are no wetlands, there is no issue.

Rene Wood said that she thinks the Conservation Commission should have the right to come out and look just as the Board of Health has been involved.

Dennis Downing stated that he thought the jurisdictions of the Planning Board and the Conservation Commission was clearly independent of each other. He said that the

Conservation Commissioner is a player if an issue arises within their jurisdiction. He suggested that their involvement is not a pre-condition to the Planning Board taking action.

C. Tomich said that the potential existence of wetlands on the property affects planning for parking, landscaping and fencing. He said that the design is not definitive enough on these issues to enable the Planning Board to make a decision.

Domenic Lydon wondered if the certification of the professional who determined that there were no wetlands on the property mattered?

C. Tomich said yes, that would help. He stated that the Planning Board and the public need all the relevant information.

P. Cherneff stated that the simplest thing would be to submit the relevant missing information to the Board, make sure it is added to the application and the record and that may be enough.

Atty. Dennis Downing wondered if plans for parking would be limited by the Conservation Commission.

D. Smith Sr. stated that the Planning Board needs to see the information before making decisions about parking.

C. Tomich stated that it was reasonable for the Planning Board to ask for information. He suggested the applicant could come back with a few pieces of information that are missing at a continued hearing. He noted that it is wonderful to see strong support for the business.

Atty. Dennis Downing added that his client could designate an area for parking of vehicles on the adjoining lot without changing the boundary line.

P. Cherneff suggested that before making such plans the applicant would first have to know if there was a problem accommodating parking on the business property.

C. Tomich asked if anyone from the public would like to say anything else. No one responded.

P. Cherneff asked if there was a reason that the driveway doesn't go straight.

Mickey Riva stated that the end of the radius of the curve has to be inside the property line.

P. Cherneff asked why the driveway could not follow the property line.

C. Tomich suggested that a safety improvement be made in the plans for the driveway, which would remove a kink and improve visibility.

C. Tomich said he will check with the police and fire departments about their review of Lydon Developments' plans.

At 9:10 p.m., the hearing was continued until September 24, 2009 at 7:15 p.m.

Respectfully submitted,

Nadia Milleron.