

Minutes of the October 22, 2008 Planning Commission

Meeting called to order at 6:00 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich and Margaret Haven were present. The following were also in attendance: Kathy Smith, Commissioner; Joe Mangini, Town Manager; Missy Vanskiver, Asst. Clerk; Joanne Stepp; Jack Hall, Town Attorney; Dan Divilio, Times-Record; Zeb Brodie; Bea Brodie; Alexander Brodie; Donald Braden; Toni Ayers; Michael Ayers; and Nancy Gearhart.

Approval of the Minutes

A motion to approve the minutes of September 24, 2008 was made by Margaret, seconded by Martin, unanimously approved.

Town Manager's Report

Joe stated that Commission President Chuck Hunter has signed a letter to DBED whereby the town is agreeing to reserve 36,000 gallons of sewer for the second phase of the Tech Park. This allocation will be part of Phase II of the WWTP upgrade (200,000 gal. to 300,000 gal.).

Development Projects – Joe said that there is not much to report on the development projects. There has been some progress on the Ridgeway Estates project. Ridgely Park has renewed their commitment with at least one property owner. The Ridgely Park project may not be as big (number of units) as it was initially anticipated; it may only be approximately half the original size. This is due to the economy and possibly not buying all the property originally proposed. Ridgely Park has mentioned the possibility of discussing a “green community” with the Planning Commission. Joe said he anticipates plans for approximately 200 units being sent to the Planning Commission after Phase I the WWTP upgrade has been completed.

Municipal Capital Projects – Joe stated the town anticipates that the WWTP upgrade will be completed by the middle of April. Joe is working on the MDE paperwork for the loan/grant for whatever funding may be available from the State. Joe is hoping to get good news at the next Tech Park progress meeting (October 23rd) about the water storage tank. The town is still waiting on the State Board of Public Works to approve the sub-lease for the Rails to Trails project. The rails still have to be moved. The state has committed to moving the rails to either the City of Cambridge or Dorchester County. There is no update at this time concerning the Municipal Public Safety Building. The town won't know about the grant for the renovations to the Railroad Station until sometime in April. The gazebo at Martin Sutton Park has been completed. The Telephone Building project is progressing. There is a site onto which the Carriage House can be moved; final approval from the Commissioners is still needed. The demolition permit on tonight's agenda can be deferred.

Joe also said that a draft of the Comprehensive Plan from Shane Johnston should be available next week. Shane asks that the Planning Commission carefully review the Land Use, Municipal Growth, and Water Resources sections. Joe will be meeting with DNR on October 24th; the town has been awarded the grant from Coastal Communities for the Comprehensive Plan.

Old Business

Cow Barn Subdivision Update – There is no new information on this project; Shane is still working with some of the proposed changes to the agreement.

Cyberridge – Toby said he believed that everyone has had a chance to review the documents and asked if there was any discussion. Jack Hall asked if he could explain the changes made in the email he sent earlier that day. The previous version of the Conditions of Use document included Paragraph 1 Conditions A through J supplemented by paragraphs 2 through 8. Two paragraphs were added, the updated version states that Conditions A through J should be supplemented by paragraphs 2 through 10. Toby stated that it should be included in the minutes that the maximum occupancy of 45 people was determined by the fire marshal.

Donald Braden stated that he hadn't directly communicated with the Brodie family about some of the changes made to paragraphs 9 and 10. He referenced the section addressing the revocation of the permit. Mr. Braden stated that Alexander Brodie is agreeable to enforcing and seeing that there are no violations of that ordinance, physically inside the building or outside the building on the premises parcel, within the common areas of parcel 817 and lot 1 of parcel 819. Mr. Braden asked that be made clear in the document. There was some discussion concerning paragraph 9.

Margaret asked about Exhibit A of the document; she asked if that addressed the parking. Mr. Braden provided his copy of the lease, which is Exhibit A, to the Planning Commission. The parking diagram was reviewed. Martin asked about the delineation of parking spaces – if any spaces are reserved for one tenant or another. Mr. Braden stated that Mr. Brodie has given no other tenant any rights with regard to reserved areas of parking. What has been indicated in the lease is that this property will have all parking required by the Zoning Ordinance. Mr. Braden said that is better for the Planning Commission, because if they have a problem with the parking they can take that up with Alexander, per the lease agreement.

Toby asked if there was a motion to accept the Conditions of Use as submitted. Jack Hall reworded the motion to say that the permit be granted subject to the conditions set forth in the document titled “Conditions of Operation – Cyberridge, LLC” with the alternate language proposed to the ‘Revocation of permit’ at the top of Page 4 by the applicant, where it is to be made clear that control of the area is limited to the leased area, but within the common areas of parcel 817 and lot 1 of parcel 819; so moved by Martin. Toby asked if there was a second. Margaret said she first wanted to finish reading Exhibit A (lease). Nancy asked if any of the parking would be in the back of the property. Martin stated that there was some parking in the back. Mr. Braden stated that the parking near the door of the building is what is intended for the parking, and that ample spaces are available in the front as required by the Zoning Ordinance. There was discussion concerning parking – how it is addressed in the lease and the Zoning Ordinance, and parking for the Day Care. Toby stated that there was still a motion on the floor, and asked if there was a second to that motion. The motion was seconded by Margaret, unanimously approved.

Public Hearing for Ordinances #315 and #316 – The public hearing for Ordinances #315 (Airport and Technology Industrial Zone Amendment) and Ordinance #316 (Repealing of Ordinance #242) will be held Monday, November 3, 2008 prior to the regular Commissioners’ meeting.

New Business

Design Review/Certificate of Appropriateness – 205 Central Avenue – There was discussion concerning the painting of 205 Central. A motion to designate the work as appropriate to enable the tax credit was made by Margaret, seconded by Martin, unanimously approved. Martin complimented on the painting of the property and reminded everyone that this type of approval is

to be made before the work is commenced. Toby said that perhaps this would make a good website story so other people would know about this practice.

Building Permit Application for Signs – 7 W. Sixth Street & 9 W. Sixth Street – The permit applications were reviewed. A motion to approve the permit applications was made by Martin, seconded by Margaret, unanimously approved. There was some discussion about a small sign within the right-of-way and it was suggested the owner/occupant be informed that sign is not permitted.

Demolition Permit Application - 2 Ridgeway Drive (Carriage House) – This item was dropped from the agenda.

Building Permit Application – 6 E. Railroad Street – The building permit application was reviewed; it had previously been tentatively approved via email. A motion to approve the building permit was made by Martin, seconded by Margaret, unanimously approved.

Commission Roundtable Discussion

Toby stated that there were some interesting phrases in Joe’s report on Ridgely Park, and that generally “green development” is heard in conjunction with TND’s (Traditional Neighborhood Development). There was some discussion; Joe said he was unable to answer any questions at this point because he just doesn’t know what Ridgely Park is planning. Nancy recommended having a representative from Ridgely Park attend an upcoming meeting.

Margaret asked about the by-passes around Ridgely and their correlation to the landfill; there was some discussion.

Jack Hall discussed the enforcement of the façade easement. There had been a question if it were possible for the enforcement expense to fall on somebody other than the Town of Ridgely. Jack stated that the agreement provides, per section 9.5, the right town to transfer or assign that to anybody else whose purpose would include preservation of historic and/or important structures. There was some discussion. Nancy asked about the sewer allocation for the previously proposed 36 town houses. Joe stated that any of the projects ‘already on the table’ have been included. Nancy asked if anybody asked JOK Walsh if he had any suggestions on the Cow Barn project. Kathy recommended that JOK Walsh meet jointly with the Planning Commission, the Economic Development Commission, and the Rails to Trails Committee; citing the assistance he has provided the county and other local towns. There was some additional discussion. It was decided that the next Planning meeting will be held November 17th.

Adjournment

A motion to adjourn was made by Martin, seconded by Margaret. Meeting adjourned at 7:20.

Sincerely,

Missy Vanskiver
Asst. Clerk