

Planning Board Meeting Minutes December 21, 2015

Members Present: Robert Malone, Chair, Gisela Walker, Carlene Hayden, Daniel Miller;
Associate Member.

Others Present: Matt Clark; applicant, Michael Hayden; abutter.

7:01 P.M. Public Hearing for Matt's Automotive. Hearing called to order by Chair, Robert Malone.

Chairman Malone read the public hearing notice, as it appeared in the Recorder newspaper.

It was explained to Clark that a Special Permit requires a vote of a supermajority, instead of the usual majority (3 members), and that since there was not a full board sitting, he had the option to wait until a full Board could be present. Clark opted to proceed with the hearing with present Board sitting. It was also explained to Clark that since Hayden is an abutter and there were no others available to sit in on the hearing, the Rule of Necessity would need to be invoked, and because a negative vote by Hayden could prevent Clark's proposal, he was asked if he had an issue with her voting on his application. Clark stated that he did not.

Hayden explained that in an effort to avoid having to vote on this application, she had appealed to member Michael Kane as well as to the Select Board to ask if they could sit in on this hearing, provide someone who could or allow her to contact Town Counsel, and was unsuccessful in all her appeals. Therefore, because the Board had a Special Permit application before them that they legally needed to act on, and in light of recent threats of lawsuit against the Planning Board for allegedly preventing business, Hayden stated that she was invoking the Rule of Necessity, that neither she nor her family had a financial interest whatsoever in this proposal and that she would therefore, sit as a voting member on this Special Permit request.

The Board reviewed Clark's application and plans and noted that he was proposing to add six additional parking spaces. Clark indicated that he was not proposing to add any new employees at this time, and did not expect an increase in business or traffic flow. Clark produced MSDS sheets he had obtained for the chemicals they commonly used in the shop. The Board asked that he provide these to the Fire Chief. The Board next reviewed the Special Permit criteria with Clark, to determine the potential impacts of his proposal. There being no further questions or concerns, on a motion by Malone and seconded by Walker, the Board unanimously voted to approve a Special Permit for a 3 bay garage for Matt's Automotive.

The filing and appeal procedure was explained to Clark.

The public hearing was closed and the meeting was adjourned at 7:43 P.M.

Respectfully Submitted,
Carlene Hayden

Documents Viewed in Meeting of 12/21/15

1. Public hearing notice for Matt's Automotive 12/21/15.
2. 2015 Matt's Automotive Special Permit file
3. Matt's Automotive proposed parking and site plans
4. List of criteria for granting a Special Permit
5. MSDS sheets for materials used in Matt's Automotive