

# MILLVILLE PLANNING BOARD MEETING MINUTES

Millville Town Hall  
290 Main Street

October 22, 2018

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PM1:19:13

TOWN CLERK

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**Board Members present: Chairman John Hadley, Richard Hurteau, Brian Mullaly, William Coupe. Michelle Dumond was unable to attend.**

**Also in attendance was Associate Planning Board Member Pamela Maloney.**

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## **Minutes**

On a motion made by Richard Hurteau and seconded by Brian Mullaly, the board voted 4/0 (Hadley, Hurteau, Mullally, Coupe in favor) to accept the meeting minutes of August 27, 2018 as written.

On a motion made by Richard Hurteau and seconded by Brian Mullaly, the board voted 2/0 (Hurteau, and Mullally in favor) to accept the meeting minutes of September 24, 2018 as written. Mr. Hadley and Mr. Coupe were not in attendance at that meeting.

## **Public Hearing - Site Plan Review/240 Main Street**

### **Public Hearing - Special Permit/240 Main Street**

Shawn Scungio, applicant was present as well as XXXXX Scungio, the applicants father and tenant. Also in attendance was Lincoln Barber, Building Inspector for the Town of Millville.

Mr. Mullaly indicated that he had filed a public disclosure document with the Town Clerk as the applicant does contract work for the Town of Millville.

Mr. Hadley gave an overview of the applications and explained that while this application was originally approved in 2012, this applicant was again before the board because of a clerical error, where the paperwork was not filed with the Registry of Deeds. He then read through the conditions of the original decision.

Mr. Scungio asked if he may be able to use the original business signage that was installed on the property.

Mr. Hadley questioned Mr. Scungio on the number of parking spots that are available at the property, as they are currently not in compliance with the original decisions. Mr. Scungio said he would work on this.

Mr. Hadley asked about whether all business-related equipment was stored in the back of the property. Mr. Scungio stated that he does keep two trucks that are used for emergency calls in the front of the building because the noise they make when started would be bothersome to the neighbors in the back.

Mr. Hurteau asked about the cleanliness of the property. Mr. Scungio noted that he has a current renter that leaves the property a mess and that he would address this.

Ms. Maloney asked Mr. Scungio to explain the type of tenants that he'd be willing to accept. Mr. Scungio explained that he is really only set up to have tenant that are in the Auto repair, contracting equipment type of business. Mr. Hurteau explained that each potential new business that would set up shop at the property would still require a special permit.

Mr. Coupe asked Mr. Barber if Mr Scungio would be in violation of anything from a building dept. standpoint as he is going through this site review and special permitting process. Mr. Barber explained how he came to know about the 2012 decision not being filed with the state, and stated that as long as the process of rectifying the the issue was in process, there would be no violation.

Mr. Hadley stated that he would like to conduct a site visit.

Mr. Scungio said he will request an extension of the Site Review until Dec. 18.

**On a motion made by Mr. Hurteau, seconded by Mr. Mullaly, the board voted 5/0 to continue the public hearing for both the Site Review and Special Permit until November 26, 2018 at 7:10 and 7:11 respectively.**

### **Public Hearing - Site Plan Review/7 Providence Street**

### **Public Hearing - Special Permit/7 Providence Street**

Site plan applicants Radu Morar and Radu Morar Sr., his father, as well as Special Permit applicant Matthew Sullivan were in attendance. Also in attendance was Lincoln Barber, Building Inspector for the Town of Millville and several neighbors.

Mr. Morar was asked to give an overview of the applications. He explained that he owns the property at 7 Providence Street and that Matthew Sullivan is his tenant looking to set up a roofing business.

Mr. Sullivan gave an overview of his business and the equipment that would be kept at the property, citing nails, roofing shingles, ladders, tools and dumpsters.

Bernard Bush, 11 Harness Road, asked what does a couple of dumpsters actually mean? Mr. Sullivan explain that he expected to have 2-3 for most of the year and 7 dumpsters in the winter on the property. Mr. Bush asked what would be in the dumpsters. Mr. Sullivan said they would be empty, used only to collect roofing discard and discarded before returning to the property.

Mr. Mullaly asked how big the the dumpsters are. Mr. Sullivan said 10-15 yards.

Mr. Mullaly asked what would be stored outside versus inside. Mr. Sullivan said everything, tools, asphalt, ladders, shingles, buckets of nails would be stored inside, with only the dumpsters and some roof tiles being stored outside.

Mr. Hadley asked about rented equipment. Mr. Sullivan stated that he uses his own dumpsters.

Mr. Hurteau asked about advertising and signage at the site. Mr. Sullivan said he did not need this.

Mr. Bush asked whether the applicants pulled a permit to build the roof on the property. Mr. Morar said he had.

Mr. Barber expressed concern for keep empty dumpsters at the site, explaining that a business-owner may look to make use of empty dumpsters and that he was worried that if the applicant were to store trash in these dumpsters it could create a rodent problem in the neighborhood, which is quite residential. He suggested that the Planning Board be very specific in their conditions as to the use of the dumpsters, and to address the need for access to the dumpsters to verify they are indeed being used within any imposed conditions. Mr. Barber then expressed that he thought the use of the property, if done in accordance with the Planning Board's decision, is a very good one, but that the town should look out to protect the neighborhood.

Mark Mandeville, 5 Harness Rd, asked how did the land in his neighborhood become commercially zoned. Mr. Mullaly explained that in 2014 at the annual town meeting, the Town voted to adopt this area as Millville's first commercial district.

Mr. Bush expressed concern about noise created by the business and about the business' hours of operation. Mr. Sullivan asked Mr. Hadley what hours were typical for a business in town.

Mr. Mandeville asked Mr. Sullivan how long he's had a roofing business. Mr. Sullivan answered, 10 years, and that he's been in Bellingham for most of it. Mr. Mandeville then asked why he left Bellingham. Mr. Sullivan said he met Mr. Morar who was looking to rent space at 7 Providence Street.

Mr. Bush asked Mr. Sullivan why, if he is a roofing business, is the name of his business M & J "Disposal". Mr. Sullivan explained that in order to conduct his business of roofing and disposing of the waste materials, he's had to create two companies - M&J Disposal and M&J Home Improvement.

Lucille Bush, 11 Harness Road, asked how many employees Mr. Sullivan would have onsite. Mr. Sullivan said himself and 2 others.

Mr. Barber asked if the applicant would be amenable to a decision that mandated that his dumpsters remain empty at all times when on the property, and that if he were not able to empty a dumpster before returning to the property, the dumpster would need to remain on the truck. Mr. Sullivan said he would be amenable to this.

Ms. Bush asked if there was a way to keep the equipment on the property so that it would not be visible from the street. Mr. Morar explained that he would like to install a privacy screen.

Mr. Bush asked about the property, whether there would be more businesses going into the property. There was a discussion about the layout of the property, maps were looked at, explaining where the business resides. Mr. Bush asked if the property owners want to do something different with the property if they would need to come back for another special permit. Mr. Hurteau said yes.

Mr. Sullivan stated that he foresees needing parking spots for 3 cars and having 2 Dumpster trucks at the property. Mr. Mandeville asked if there was enough space on the property for 7 dumpsters and 2 trucks. Mr. Morar said yes and explained that they also owned the abutting property behind 7 Providence Street which is in North Smithfield, RI.

Mr. Sullivan stated that he does own 8 vehicles, but that they were not all parked at 7 Providence Street.

Mr. Coupe asked Mr. Morar about the North Smithfield property, what is that land zoned for. Mr. Morar said residential use.

Mr. Bush asked about removing the trees in front of the property. Mr. Morar said he'd like to in order to beautify the property. He'd like to change the front area to match the aesthetic of the neighborhood, but this costs money and that is why they were looking for a tenant in Mr. Sullivan.

Mr. Hurteau asked how long Mr. Morar has owned the property. Mr. Morar answered, since May.

Mr. Morar, Sr. stated that most of the trees in the front of the property are a danger to the building, which is another reason they'd like to remove.

Mr. Hadley asked Mr. Morar if they'd spoken to the Town Planner about re-paving the driveway, cleaning the yard at the property, and power washing the building to make the property match the aesthetic of the neighborhood. Mr. Morar said he had and was amenable to it.

Mr. Mandeville asked how long it would take Mr. Morar to make these aesthetic changes. Mr. Morar, Sr. stated that he'd like to do them as quick as possible, and that he would have one year to complete them.

Mr. Hadley then returned to the subject of the hours of operation. Mr. Sullivan stated that he'd prefer the hours to be 6:30am - 5:30pm. He added that most of the day there would be minimal traffic in and out of the property. Mr. Barber stated that the hours that the Planning Board imposes should be the same as the previous applicant, and be consistent with other decisions. Mr. Hadley stated that most businesses of Millville have no operating hours on Sundays and Holidays and that their hours are between 7am and 7pm. Mr. Hurteau suggested that in order to remain in compliance, Mr. Sullivan could back his trucks in at night. Mr. Bush expressed concern about previous activity at that property, and that the noise and hours of operation would be difficult to enforce. Mr. Hurteau stated that with conditions in the decision, the Town would have the ability to enforce them. Mr. Barber stated that the police would have to enforce them.

Mr. Hadley stated that he'd like to do a site visit. Mr. Morar drafted a letter requesting an extension of the Public Hearing/Site Review until December 18th.

**On a motion made by Mr. Hurteau, seconded by Mr. Mullaly, the board voted 5/0 to continue the public hearing for both the Site Review and Special Permit until November 26, 2018 at 7:40 and 7:41, respectively.**

**Public Hearing/Proposed Bylaws: Site Plan Review w/ Minor Review**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

Mr. Hadley stated that he was uncomfortable with the language proposed in this bylaw.

**On a motion from Mr. Mullaly, seconded by Mr. Hurteau, the board voted 5/0 to strike this proposed bylaw from the Town Meeting Warrant.**

**Public Hearing/Proposed Bylaws: Site Plan requirement for all Special Permits**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

Citing his issues with the previous proposed bylaw change, Mr. Hadley stated that he was uncomfortable with the language proposed in this bylaw.

**On a motion from Mr. Hurteau, seconded by Mr. Coupe, the board voted 5/0 to strike this proposed bylaw from the Town Meeting Warrant.**

**Public Hearing/Proposed Bylaws: Marijuana Sales Tax**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

**On a motion from Mr. Mullaly, seconded by Mr. Coupe, the board voted 5/0 to recommend this proposed bylaw for the Town Meeting Warrant.**

**Public Hearing/Proposed Bylaws: Increase Number of Marijuana Permits**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

There was discussion amongst the board about the need to add clarification to the language of the proposed bylaw. The Board agreed that adding the word “marijuana” into the sentence: ...there is unlimited licenses for all other various types of *marijuana* establishments...; would clarify the bylaw.

**On a motion from Mr. Mullaly, seconded by Mr. Hurteau, the board voted 5/0 to recommend this proposed bylaw, with the language change, for the Town Meeting Warrant.**

**Public Hearing/Proposed Bylaws: Fences**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

There was discussion amongst the board about the need to change the language of the proposed bylaw, because the Town of Millville has had both Building Inspectors and Building Commissioners. The Board would like to see the language changed to Building Dept.

**On a motion from Mr. Mullaly, seconded by Mr. Hurteau, the board voted 5/0 to recommend this proposed bylaw, with the language change, for the Town Meeting Warrant.**

**Public Hearing/Proposed Bylaws: Zoning District Extensions**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

Mr. Barber stated that the proposed language did not include a list of properties that he had given to the Town Planner. Upon further discussion, it was understood that the proposed language of the bylaw, didn't match the map which accompanied it, and that the map outline contained more properties than were listed in the language of the bylaw.

Mr. Coupe asked if the towns people who were omitted from the proposed language and would be potentially affected by any change to the bylaw would be notified before the Town Meeting. Mr. Barber concurred that he'd prefer to see letters go out to the affected property owners.

**On a motion from Mr. Mullaly, seconded by Mr. Hurteau, the board voted 5/0 to recommend this proposed bylaw, with the additional properties added, for the Town Meeting Warrant.**

**On a motion from Mr. Hurteau, seconded by Mr. Mullaly, the board voted 5/0 to send a letter to property owners affected by the proposed bylaw change explain that the Planning Board is recommending the change at the upcoming town meeting.**

### **Public Hearing/Proposed Bylaws: Definitions**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

Mr. Barber spoke to the board about each definition listed in this proposed bylaw change. When reviewing each definition he concluded that the definitions that were listed in his opinion did not represent the town of Millville, with the exception of the term: "Yard Sale."

Specifically regarding terms related to "animals", Mr. Barber explained that he'd recently learned that the Board of Health oversaw enforcement of regulations regarding animals and expressed that he felt it would be best for the BOH to take on the definitions of such terms. The board agreed.

Regarding the terms "Contractors" and "Person", the board agreed that they would like to put more thought into these definitions, and that they didn't feel that they accurately represented the needs of the Town.

There was extensive discussion about the term: "Truck". Mr. Coupe and Mr. Mullaly expressed concern for defining Truck in anyway that would prohibit a resident from conducting their jobs - specifically referring to local plumbers, electricians, contractors and others who may need to take home a business vehicle in order to do their job. Mr. Barber expressed his concern for allowing residents to have loud vehicles in a residential neighborhood. He also expressed that the current bylaws do not necessarily prohibit a person from having several business trucks and other large equipment at their property, and that by not having a definition of a "truck", it is hard to determine whether a person is in violation of conducting business out of a home, or if a person is subject to a special permit for their home business.

**On a motion from Mr. Hurteau, seconded by Mr. Coupe, the board voted 5/0 to approve only the definition of the term "Yard Sale" in proposed bylaw, for Town Meeting Warrant.**

### **Public Hearing/Proposed Bylaws: Changes to Schedule of Use**

In attendance was Lincoln Barber, Building Inspector for the Town of Millville. Also in attendance was Valerie Haggerty, 46 B Legg St.

Mr. Barber explained that in the town zoning code, following Chapter 100, §302, this is a section that duplicates the language in the first part of this proposed article, and that the intent of this modification was to STRIKE section Chapter 100, §302, (B)(2), not amend it.

Mr. Mullaly also brought up that in the proposed language Schedule of Use Regulations ( C)(15), he'd like to see the OR be designated SP

**On a motion by Mr. Mullaly, seconded by Mr. Hurteau, the board voted 5/0 to approve the language of the bylaws with the following changes:**

**To (B)(2): change the word “amends” to “strike”**

**To ( C)(15): change District OR designation from “N” to “SP”**

### **Public Forum**

Lincoln Barber asked that the board be more aggressive in fixing the Town Bylaws that have been found inadequate.

### **Planning Board Forum**

Mr. Mullaly addressed the board to say that he, too, would like to see the Planning Board work more efficiently at addressing the amassed Bylaw issues so that can appropriately be added to the 2019 Town Meeting Warrant.

**Mr. Hurteau made a motion to close the meeting, seconded by Ms. Maloney. The board voted unanimously to adjourn at 9:57pm**