



TOWN OF ROCKLAND

Planning Board

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Planning Board Meeting Minutes of July 27, 2021 Rockland High School Lecture Hall

In attendance – Michael Corbett, Chairman; John Lucas; Charles Williams; Randy Hoblitzelle; and James Wells

Call to Order: 7:10 pm

The audience, participants and general public should be aware that any and all portions of this open meeting may be recorded by audio and video resources. All or some of this meeting may be rebroadcast periodically by WRPS or other outlets. Persons wanting a DVD copy of this meeting should contact WRPS. A small fee will be charged. Chairman Corbett noted the meeting is being recorded for note taking purposes. The recording will be destroyed once minutes are recorded.

Open Public Hearing: 7:10pm

FEMA Floodplain, Jen Berardi-Constable, Assistant Town Administrator

Jen Constable-Berardi presenting floodplain articles. The first article: adding new district overlay district, second article: all special flood hazards in the Town of Rockland dated July 6, 2021, and third: article permitted uses. Purpose is to ensure public safety, eliminate hazards public safety officials, eliminate cost of cleanup refuse damage to private public property ensure Rockland qualifies for flood insurance program-all zones A-Z. Proposed at the Annual Town meeting and the Planning Board does have authority to bring it back there are consequences of not adopting – safety & health issue. As a result of not passing the town status in the program has been suspended and will not be remedied unless it is adopted. The sanctions for not being a participant – can't purchase, current flood insurance holders with FEMA can't renew, no Federal grants, HUD, EPA, ESPA, no Federal assistance caused by flood, banks and credit unions must notify applicants of flood zone and not applicable to insurance. It is important to know where flood zones in community are and there is a link on the town website. If you put in your property address and you can identify flood zones on or near your property. FEMA and DCR are here tonight from the Flood Management Program.

George Grass 40 South Douglas when can we get back into it? **Jen Berardi-Constable** if we adopt on September 13th, it'll be effective September 14th.

Mary Parsons 754 Union Street these the panels on website? **Chairman Corbett** yes. **Mary Parsons** these are other towns. **Chairman Corbett** we didn't make the maps. **Mary Parsons** just a little blurb of Rockland. **Jen Berardi-Constable** these are sections of Plymouth County maps. **Mary Parsons** that is not a border that is Abington and I'm seeing a little Rockland. I want to see the map ready July 6th. Is all these? and it's not one map? **Jen Berardi-Constable** correct, there is not a map of Rockland that exists.

Go to MSC.FEMA.gov type in address hit search. It will pinpoint your address you can zoom in or out on these maps to see what areas are in the flood zone and print. The legends identify types.

Patrick Ronan 280 Turner Road does this allow developers to develop this land? **Jen Berardi-Constable** it doesn't allow would still have to go through zoning process, certain requirements if in a flood zone with building permits it does not encourage or discourage. **Patrick Ronan** would make it difficult to build there if not passed? **Jen Berardi-Constable** could seek private insurance. I can't speak on that if they wanted build uninsured.

Attorney Galvin Shingle Mill? **Patrick Ronan** I did not bring it up. **Attorney Galvin** I'm bringing it up Shingle Mill will not rise or fall on this floodplain - not going to make it easier for them.

Mary Parsons is the overlay for the entire town? **Jen Berardi-Constable** yes, only applicable to special hazard zones identified. **Mary Parsons** articles 49, 50 & 51 Town Meeting found out one of the articles written word for word by the state. Jen Berardi-Constable FEMA put these into effect, whether we adopt or not. **Mary Parsons** this is redundant. **Jen Berardi-Constable** it is not, right now we are no longer eligible. **Mary Parsons** I also read you can cure it.

Attorney Galvin I wrote the bylaw written on a model bylaw and Carlson reviewed what I wrote. Before first time and before special Carlson reviewed, just lists the name of the bylaw, second adopts the maps third adopts the bylaw. It's an overlay district only affects certain people property in flood zones, in those areas you need flood plain permit. If you live in Marshfield you put house on pilings in Rockland it is different. We have a number of properties, that are wet and flood, if your property is near that you would need a permit. It is intended to help not hurt that's how simple it is. State and Federal people are here and can explain better than me it is to benefit. **Mary Parsons** I have documented flooding in this town. I was on a committee for 6 years. I lived within one of these. I need to know will there be more people who need flood insurance if we adopt this? **Attorney Galvin** just like having to buy home owners insurance how much more will it cost I don't know I'm not in a flood zone area. It will cost more to purchase. Some have proved they didn't belong in a flood zone got a LOMA and were removed. There is a process to get out of it. **Jen Berardi-Constable** that is also on the town website to request a revision to the map. **Mary Parsons** ground water? **Attorney Galvin** that's a wetland issue. **Mary Parsons** not always. **Attorney Galvin** this bylaw will not affect Shingle Mill they got in before adopted.

George Grass 40 South Douglas are you guaranteeing house not to flood? These projects being built will not be built into flood zone? the water has got to go somewhere. **Attorney Galvin** if your property floods because of a project you have a lawsuit against them. **George Grass** only 55 people have flood insurance in the town. People would want if in these zones how will this impact what else if not passed? **Attorney Galvin** most wont, most are impacted but if you are you can't get financing, town as a whole loses grant money. They will need to buy under the district but won't affect you, if you don't have it. **Jen Berardi-Constable** if you are now in a flood you are in a flood zone whether we adopt or not. Katie or John anything to add? **Katie** insurance for the entire town cheaper if not in a flood zone anyone can buy as long as you participate.

Attorney Galvin people who were opposed great sympathy for what the vote was. Very heartbreaking it failed, like we failed you for not explaining. I apologize a lot of other people feel the same way. We wouldn't bring back if wasn't right for the town. This hurts the community, the sewer plant in a flood district we have to take care of that. The town can't function without, its devastating to the town.

Jacqueline Tieso 455 Webster Street Attorney Galvin thank you for your comments. The reality is this is very complicated. I appreciate you folks coming in as some of this pretty complex. **Attorney Galvin** it bothered me and other town officials we let you down. At the previous Planning Board meeting not a lot of comments.

Patrick (*resident info inaudible*) upset about the other issue and not explained this way at all. We have two precincts that are not represented, we understand and next town meeting might have a different attitude. We thank you. Shingle Mill worse thing to happen to this town. We were misinformed didn't know any of this. Is this going to encourage hostile development? **Jen Berardi-Constable** Doug and I echo Bob's (Attorney Galvin's) comments and we are accessible. If we don't have answers well find it. **Patrick** we feel not being heard don't feel you'll mislead us on this.

Attorney Galvin if you are proposing a project you can't engage where any runoff would result – it protects people with flooding. **Jen Berardi-Constable** timing wasn't on us we had to adopt, we had to put forward. **Attorney Galvin** it was on previous year but those maps were pulled back before town meeting so we passed over. Maps withdrawn before town meeting in every town just like Rockland. This is the new map effective July 6, 2021.

Peggy 55-57 Linwood would it not behoove the town to figure by street and send letters to those people you might get more support. So many people in town the maps are very convoluted. **Chairman Corbett** these are available at town hall. Peggy 18,000 residents won't go up to look at the maps. **Attorney Galvin** a lot of towns don't have the personnel to do that. Rockland a small town, added a permanent coordinator to help. **Peggy** if you have the maps, I assume you can ready by street. **Jen Berardi-Constable** if a property added on map by FEMA would they be notified. **John Mason** of FEMA if you are in special flood area you will know about it. You'll find out by a mortgage. **Peggy** if you want support get the word out. **John Mason** look at old maps vs new maps. **Charlie Williams** these maps are layers of information, difficult to read, but you can type in your address and see if you are in a flood zone. It is impossible to have someone check every address in town that's why where are having this so people know. Rockland relies on tons and tons of grant money it would be devastating.

Jim Hanson 114 Pond Street making this too difficult if only 55. **Jen Berardi-Constable** 71 was the last number from FEMA, it is not just those policy holders affected. If you go on the website check your address it is for the whole town. **Jim** what are these grants, where they come from where do they go? **Jen Berardi-Constable** community development grant for property owners, housing development existing federal money available, etc. **Jim** those should be listed in the articles. **Jen Berardi-Constable** will explain again at own meeting but not part of the articles. When you get the town warrant read it and ask questions. **Attorney Galvin** from FEMA website if not adopted can't purchase insurance policies, federal grants for federal flood areas for housing urban development and small business not provided to permanently repair damage caused flood wouldn't be eligible.

Mary Parsons I want to clear the air about town meeting, we couldn't get the maps people tried to get them up at town hall. I said you could be put on probation and could be cured. We could not get the information. Every selectman chastised us at the meetings. **Attorney Galvin** hope we said not your fault it's our fault, we didn't generate the maps. All we can do is apologize. **Mary Parsons** a \$90,000 IT guy could of put the maps on the town website. **Attorney Galvin** we'll get the answer if we don't know hope doesn't happen again. We do a lot zoning changes, usually very little interest, if it changes that's a good thing, that's why we are having this meeting. The Planning Board has a public hearing before town meetings. **Mary Parsons** this answers a lot. **Chairman Corbett** everyone good?

David Jeffrey 103 Grove put on the town website. **John Lucas** had someone in building today and showed them the printed maps. **Tom Ruble** Building Commissioner, I have all 8 maps and made one big map all 8 together. **Mary Parsons** thank you. **Chairman Corbett** anyone else?

Motion to send FEMA articles back to the Board of Selectmen – John Lucas

Second – Charlie Williams

Unanimous – AIF

John Lucas yes, Charlie Williams yes, Randy Hoblitzelle yes, James Wells yes and Chairman Corbett yes

Close Public Hearing 8:12pm

Open meeting 8:15

Cont'd Site & Design Review for Gaspar Investments Inc., McKenzie Engineering Group for three buildings 0 Dyer Street (Map 34, Lots 83, 84, 87, 88, 89 & 90).

Erik Shoemaker of McKenzie Engineering, **Mark Bobrowski** counsel for the applicant Gaspar Investments and Tom Hastings.

Erik Shoemaker submitted revised plan from previous comments, adding row of chambers changing the grading. This design mitigates volumes now no downstream flooding issues. Last met with con com last week and got a letter from sewer.

Tom Hastings the landowner, I think it is an improvement, 18ft wide big ledge in the middle. The Fire Department expressed concerns with current design, the Site plan review is just a review lightest form of approval. This is a unique situation with the two (2) zones and on private road, which we are trying to improve. This is an existing roadway coming off other roadways, widen road 18ft to 20ft. The Fire Department sent letter November 2, 2020 pertaining to fire regulations not zoning, another letter November 12, 2020 to widen to 24ft and two (2) hydrants. Erik met with the Deputy Chief showed swept analysis. Letter dated March 19, 2021 provides access but preference for cul-de-sac. Some discussion at last meeting 150ft to turn around. We felt swept path covered that. We have T or hammerhead. Final letter wants a cul-de-sac. Cul-de-sacs aren't really being built today, Cullivan Farm doesn't have turn arounds, Jennifer Lane no turn around and Lydia Square 40B has adequate turn around. Have covered all issues except cul-de-sac. Is the cul-de-sac the only issue the Planning Board has? Is that the only issue that holds it up? **Chairman Corbet** and **John Lucas** we haven't received from anything from Conservation. **Tom Hastings** if I agree to a cul-de-sac can we approve? If I revise with a cul-de-sac with a 100ft? **Chairman Corbett** I'm not guaranteeing anything. **Tom Hastings** if I agree to cul-de-sac are there any other issues? It has been a year.

Deputy Chief Heaney I was wrong under what I could ask for in the code, which is why I corrected the letter. I asked, have you contemplated a cul-de-sac? I said we would not back a truck 150ft. Albion is not over 150ft and Jennifer Lane has acceptable huge square, which was not accepted by me nor would I approve today. I am going what the ZBA and Planning Board rules are. **Tom Hastings** I'm willing to give you the cul-de-sac. **Charlie Williams** when you went to Conservation did you propose? **Tom Hastings** no, I know I need to go back revise plans.

Attorney Galvin think he's looking for sense on Planning Board if he designs a cul-de-sac not voting but okay to give a sense.

Tom Hastings it has been a year. **George Grass** then say it's not going to go through. **John Lucas** Dyer Street is a town road. **Attorney Galvin** it is private way accepted at town meeting but never went through the process.

Charlie Williams we need to respect the neighbors. **Tom Hastings** this is a vast improvement, do not have those rights to impose those conditions. What do I need to do to do this? This is a great use for this land area.

Chairman Corbett read Highway comments. **Tom Hastings** not a subdivision not doing curbing.

Pat Brennan have addressed my comments if you want to approve. **James Wells** agree with Fire Department neighbors concerns matter. **Tom Hastings** no fire protections, no hydrants, just recently started to maintain it the neighbors are better off with this. I am willing to do cul-de-sac just make sure Planning has no other issues and will bring back plans.

Deputy Chief Heaney just to be transparent these 3 story buildings have three (3) floors, these will require sprinklers. **Tom Hastings** they will have sprinklers.

Randy Hoblitzelle no answer if you put a cul-de-sac, a lot of issues out there. I personally don't like the project and I want to see all done how many less units. **Tom Hastings** not substantially less, I know I need to go back but I am not going to do any improvements to Dyer Street, I am not doing granite curbing up though the project. This roadway will be maintained by HOA the whole thing. **Chairman Corbett** how will this impact the people there? **Attorney Galvin** they do not need to be part of the condo association.

John Lucas I appreciate the cul-de-sac can't say I'll approve without seeing it on paper. **Tom Hastings** condo snow removal taking off site, if can't keep roadway open. I would expect this to be a condition. **John Lucas** once new plans come out we'll look at it. I'm willing to look at with open mind. **Charlie Williams** open mind to look at balance the town needs and neighbors. **Tom Hastings** I want this project built should have taken thirty (30) days we will make that revision.

Deputy Chief Heaney speaking of bullying telling me that you'd spend all summer in court. **Tom Hastings** trying to avoid suing the town. **Deputy Chief Heaney** concerned with safety. **Tom Hastings** I agree.

George Grass 40 South Douglas domain issue, I was told I could not buy that land. I'm not sure how he got by the Sewer Department. We do not want cars parked on Dyer Street, you got 16 condos not one, not two trucks for fire will need more. 16 condos and raising the land. His Attorney said not 40B he said low income.

Brian Kilgallen 32 Rice Ave to say your rushing this now three (3) sales of the project within 3 years 90, 84, 83 use code of property coded as 132 land undevelopable. We were told not developable. **Attorney Galvin** where nothing proposed at the time was probably undevelopable. **Brian** very concerning that ledge, went to Conservation meeting asked BETA group how will water flow be affected if ledge taken out? they have no idea. Main problem serious erosion from that stream, storm drain failed and collapsed. Very concerned on those water towers. Just changed retention drain if you look a second property the retention basin is within feet of that condo unit does that mean Fire can't get into the back of that property? **Chairman Corbett** that could change. **Tom Hastings** it be underground. **Deputy Chief Heaney** can get to the back. **Brian** will have to go back to Conservation. **Tom Hastings** do you want salted or not salted? **Brian** issue with Conservation. **Chairman Corbett** those will be ironed when he goes back to Conservation.

Pattiann Mayo 8 Dyer I sent pictures of my land it was surveyed, was told land in back marshland and less than 5ft from ledge. Putting gate preventing me from turning around. MA state law child picked up in driveway would have to go down the street with construction school department said that violated her (child) rights protected under ADA for special needs kids. 8ft sewer which was approved they dig to connect to that pipe can't just peel off will have to shut off my utilities large impact on me. Once they gate that it will wreck the foundation. **Chairman Corbett** Mr. Hastings said he would video foundations. **Pat Brennan** need permit from Fire to blast. **Bill Mayo** worked construction I understand how this works stands 5-5ft in the air blasting or jack hammer. I can video tape too! What happens to foundation we both took videos now I got to go to court and get a lawyer and pay to fight? 10ft wide you got front loaders trucks. **Pattiann Mayo** the trash trucks can't even get around that ledge. **Chairman Corbett** if he blasts has to get proper permits. **Deputy Chief Heaney** the blaster has to get the bond. **Bill Mayo** this is going to pass doesn't matter what we say.

Charlie Williams, Tom Hastings is a landowner just like you and has rights just like you. I agree and empathize with you, this is a balancing act for us we have to take everything in consideration. **George Grass** land not buildable-didn't he know when he bought it? **Charlie Williams** he has rights just like you I agree it doesn't fit the neighborhood, we have to be fair. **Brian Kilgallen** affordable how much? Tom Hastings as of today \$350,000-\$450,000. **Pattiann** how does it impact me on my land? You'll drive a truck over my land. **Tom Hastings** won't go on your property. John Lucas without your permission can't go on your land.

Chairman Corbett anymore questions? **Brian Kilgallen** include trash removal? **Tom Hastings** answered satisfactory. **Karen Grass** started out as two (2) houses and were okay then turned into this very drastic. **John Lucas** all of us board members have been down there and looked at it. **Brian Kilgallen** back in 1990's you proposed another development. **Tom Hastings** I never proposed anything.

Motion to continue to August 24, 2021 need plans by August 10, 2021 – Randy Hoblitzelle

Second – John Lucas

Unanimous – AIF

Randy Hoblitzelle yes, John Lucas yes, Charlie Williams yes, James Wells yes and Chairman Corbett yes

Administration

Motion to approve Meeting Minutes from June 22, 2021 – Mr. Lucas

Second – Mr. Williams

Unanimous – AIF

Motion to pay Amory Engineering in the amount of \$703.00 for Plan Review 0 Dyer Street - Mr. Wells

Second – Mr. Hoblitzelle

Unanimous – AIF

Motion to pay Amory Engineering in the amount of \$2,523.84 for Plan Review 365 Concord Street - Mr. Lucas

Second – Mr. Hoblitzelle

Unanimous – AIF

Motion to pay Amory Engineering in the amount of \$74.00 for Construction Services Monahan Rink - Mr. Lucas

Second – Mr. Williams

Unanimous – AIF

Motion to pay Amory Engineering in the amount of \$1,117.84 for Plan Review 406 VFW Drive - Mr. Lucas
Second – Mr. Williams
Unanimous – AIF
Motion to pay Secretary for July 27, 2021 meeting in the amount of \$225.00 - Mr. Hoblitzelle
Second – Mr. Wwillss
Unanimous – AIF

Motion to adjourn – Mr. Hoblitzelle
Second – Mr. Lucas
Unanimous - AIF

Adjourn 9:40pm


Michael Corbett - Chairman