

Swansea Planning Board  
Virtual Zoom Meeting  
68 Stevens Road  
Swansea, MA 02777

Minutes  
June 7, 2021



APPROVED

7/19/21

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Members Present: Chairman: Scott Adams  
Clerk: Jonathan Carreiro  
James Hanley

Absent: Tim Cabral: Vice Chairman  
Greg Denis

Staff: John Hansen – Town Planner

Chairman Adams opens the public meeting at 6:30 PM.

Chairman Adams reads the following:

The Swansea Planning Board will record the proceedings of its meeting via zoom this evening. Any member of the audience who wishes to do so, also, should state his intention at this time.

Chairman Adams announced all board members present who were present remotely.

Scott Adams – Present  
Jonathan Carreiro – Present  
James Hanley – Present

**Waiver of Site Plan Review:**

**Kitchen Bifana – 207 Swansea Mall Drive:**

Rui Roque was present to on behalf of Kitchen Bifana. Mr. Adams stated that he was concerned that he had a conflict to this property because he owns the property adjacent to this site. Mr. Adams stated that he has no objection to listen to the hearing due to lack of quorum. Mr. Adams also stated that I feel that I can still be impartial in making my decision. Rui Rogur stated that he is looking to put a few tables outside to bring in more business to the restaurant. I am looking to make the restaurant more attractive. Our patrons questioned why we don't offer outdoor seating stated Rui Roque. Mr. Adams questioned if the applicant has permission from the landowner? Rui Roque stated yes, we do have their permission. Mr. Hansen stated that there should be no issue or intrusion with parking and the area seems to be adequate to place the tables. The area is 15-feet wide and they have boxed off the section where the tables will be placed. The tables will

be within 10-feet of the pavement and they will maintain 5-feet for pedestrians to walk. Mr. Adams stated there is a post on the site and we need to make sure ADA accessibility is not impeded. This is clear for this board but you would need to seek approval from the Zoning Enforcement office regarding the distance to maintain for handicap accessibility.

MOTION by James Hanley to APPROVE the waiver for site plan review for Kitchen Bifan with the CONDITION that they meet all ADA requirements and speak with the Zoning Enforcement Officer. SECONDED by Jonathan Carreiro. Roll Call: Scott Adams Yes, James Hanley Yes and Jonathan Carreiro Yes.

Exhibit:

1. 8 ½ x 11 outdoor plan

**Notice of Permit Application Pursuant to M.G.L. Chapter 91:**

**204 Ocean View Avenue:**

MOTION by Jonathan Carreiro to WAIVE the review process and comments.

SECONDED by James Hanley. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

Exhibit:

1. Notice of Permit Application for Residential Dock for 204 Ocean View Avenue, Swansea – Pre-Application #21-WW-PRE-0091-APP & pkg

**Minutes:**

**May 17, 2021:**

MOTION by Johnathan Carreiro to ACCEPT the minutes of May 17, 2021.

SECONDED by James Hanley. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

**Invoices:**

**Silver Stone Castle - #0315704:**

MOTION by James Hanley to APPROVE the invoice for Silver Stone Castle.

SECONDED by Jonathan Carreiro. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

**Upcoming Meeting:**

The next scheduled meeting is for Monday, June 21, 2021 at the Police Station, 1700 GAR Highway, Swansea, MA at 6:30 PM. The public hearing for McDonald's, 181 James Reynolds Road will be held at 7:00 PM and the public hearing for Levesque, Bark Street will be held at 7:15 PM.

MOTION by James Hanley to RECESS the regular Planning Board meeting until 7:15 PM. SECONDED by Johnathan Carreiro. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

Approved – Planning Board Minutes

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MOTION by James Hanley to REOPEN the regular Planning Board meeting.  
SECONDED by Jonathan Carreiro. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

MOTION by James Hanley to RECESS the regular Planning Board meeting and OPEN the public hearings. Seconded by Jonathan Carreiro. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

**Public Hearings:**

Jonathan Carreiro reads the following:

In accordance with the provisions of MGL Chapter 40A, Section 5, the Swansea Planning Board will hold a public hearing on Monday, June 7, 2021 at 7:15 PM via zoom to solicit public comment regarding the creation of a zoning overlay district bylaw to allow Marijuana Establishments with a special permit from the Zoning Board of Appeals and to amend the Zoning Map by creating a Marijuana Establishment Overlay District, comprised of those portions of the Business B District and the Manufacturing District consisting of Lots 23 & 24C of current Assessor's Map 74. There will be no physical location for this public hearing due to the COVID-19 pandemic.

Mr. Hansen stated that the petitioner has submitted a request to the entire property as Manufacturing. The front property is currently zoned Business B and the rear of the property is currently zoned Manufacturing. There have been meetings with the F & A Board, Town Administrator and Town Council and there were concerns that if this property was rezoned to Manufacturing this would create the ability for all properties along Route 6 to allow any allowed use in a Manufacturing Zone which would include Adult Entertainment. The Overlay District would just allow this property to be rezoned as Manufacturing in its entirety and they have drafted an article for the town meeting for the voters to vote on.

Attorney Thomas Killoran was present via Zoom on behalf of the property owner. Attorney Killoran stated that for a point of clarification the overlay district was presented to us on behalf of the town only. Mr. Levesque originally petitioned the town to rezone his property to go all Manufacturing. We withdrew our petition to rezone the front portion of Mr. Levesque's property to Manufacturing. We are agreeable to the overlay district stated Attorney Killoran. Attorney Killoran stated that the property itself the front portion of the property is Zoned Business B with the rear of the property zoned Manufacturing. Manufacturing through a special permit allows to use the property for marijuana. 2-years ago, this property went before the ZBA to construct a marijuana facility. The front building would have to be demolished as part of the condition. The applicant no longer is in the picture. N.E. Alternatives is the new applicant and felt to make this investment in the Town of Swansea they wanted to be able to utilize the front structure. There were a number of discussions held and we agreed to move forward to

rezone the property and repetition the Zoning Board to be allowed in the existing building. There was also a number of discussions regarding the overlay district. F & A is concerned that rezoning to manufacturing other uses could be placed in the front portion of the building such as adult entertainment. We are willing to put a deed restriction on the property but there was some reluctance with the town regarding the deed striction stated Attorney Killoran. Ultimately, we are now proposing the overlay district at 610 GAR Highway including the front portion and rear portion. If this gets approved at the Town Meeting we will then go before the Zoning Board of Appeals for a Special Permit for a Marijuana Establishment stated Attorney Killoran. We will then have to go before the Planning Board for a site plan review. Mr. Carreiro stated that I support this use but I am looking for some clarity. In lieu of the deed restriction, the overlay district would alleviate less red tape? Attorney Killoran stated that is correct, less red tap there will be no renewal with regards to the deed restriction. Mr. Hansen stated that our council was in agreement with regards to no deed in place. Mr. Adams stated that this still needs to go to town meeting for approval and the residents can voice their opinion as to whether they are in favor of this change or not. This would require a 2/3<sup>rd</sup> vote.

Sarah Carlson  
1205 Gardners Neck Road

Ms. Carlson stated that she also sits on the F & A Board. Just want to make a couple of points that the F & A Board is not in favor of this zoning change to Manufacturing. Manufacturing does not allow for normal uses. I don't know how the Planning Board feels in regards to the overlay district for one specific parcel. This seems to be a bonus for one property owner only. Everyone else on Route 6 is located in a Business B enterprise zone with redevelopment authority. Is the Planning Board looking at separating Marijuana establishments? I have a problem with growth facility and warehouse facilities in a business zone. They belong in a Manufacturing Zoning District.

Mr. Hansen stated that we are not proposing zoning manufacturing and regarding singling out a specific piece of property there are other business located on Route 6 that can also look to consider rezoning their property. We need to make sure that this is in the best interest for the town. Considering the Commonwealth voters voted to have these uses allowed, the town had not had any to this point with the only location being on Sears Road currently. There is nothing stopping the town from having the overlay district expanded.

Mr. Adams stated that this was matter was discussed in the past. Mr. Adams stated that he has done a lot of research and a lot of comments were taken into consideration regarding abutters concerns, traffic concerns and there were a lot of concerns regarding security. I would rather have this located in a highly visible area rather than down a dirt road. I have no issue with what is being proposed here tonight stated Mr. Adams. This better allows the town control of what can happen on this parcel.

Tim Reynolds  
112 Taft Avenue

Tim Reynolds stated that as a resident of the Town of Swansea I have some issues regarding this proposal. My first issue is you are only proposing an overlay district on two lots. Does the UHAUL touch the manufacturing zone? The town is only proposing the overlay on properties owned by the trust. They first stated the process more or less desirable for Business of Route 6 and keep more attractive business on Route 6 and move to Sears Road. The only overlay this area for the trust does that put Swansea bad light questioned Mr. Reynolds? This is complicated for me both as a personal member and as a member of the F & A. I get nervous, is this considered spot zoning? Tim asked of the board could explain spot zoning.

The Swansea Mall dis this overlay district and no one complained that this was considered spot zoning stated Mr. Adams. The residents of Swansea are going to make the decision. Mr. Hansen stated that the test is whether this is in the best interest of the public. The parcel is being rezoned for a specific use. Does the public have the right to go onto this property? The public does have the right to go onto the parcel. This in my eyes does have the ability to expand other businesses. Tim Reynolds stated going back to the UHAUL. I am nervous expanding the Manufacturing District and making this site an overlay district. Mr. Adams stated that I personally think this request is reasonable. I am not opposed to this request. Mr. Carreiro stated I support the overlay district. Most of my constituents are in favor of this zoning change. If this gets shot down at town meeting, I would be very surprised stated Mr. Carreiro.

MOTION by Mr. Hanley to RECOMMEND approval at town meeting. SECONDED by Jonathan Carreiro. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes and James Hanley Yes.

**Exhibit:**

1. Article XX – Marijuana Establishment Overlay District
2. Marijuana Overlay District Map

**Public Hearing:**

**McDonald's – 181 James Reynolds Road:**

This public hearing had to be continued to the next scheduled meeting due to lack of quorum.

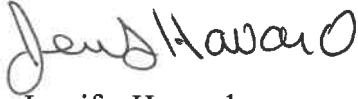
**Richard and Michelle Levesque – Bark Street:**

This public hearing had to be continued to the next scheduled meeting due to lack of quorum.

**Meeting Adjourned:**

MOTION by James Hanley to ADJOURN the meeting at 7:50 PM. SECONDED by John Carreiro. Roll Call: Scott Adams Yes, James Hanley Yes and Jonathan Carreiro Yes.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Jennifer Howard". The signature is written in a cursive, flowing style.

Jennifer Howard  
Planning Minutes Clerk