

PLANNING BOARD MEETING MINUTES

September 24, 2020

PRESENT: Steven Strojny, Elmer Clegg, Daniel Doucette, John Carroll, Jeanne Azarovitz, Sandra Goldstein, Elizabeth Brown, David O'Connor

Absent: Lou Gallo

Staff: Coreen Moore, Jennifer Copeland

Public: Brad Bertolo

Chairman Strojny called the meeting to order at 7:00pm.

This meeting was conducted by Zoom access.

Request for Release from Covenant: Release of 105 Williston Rd.

Brad Bertolo: This was subdivided in 2006 for two lots. Contained roughly two acres and there were two single family dwellings and one was removed as it encroached onto new lot 107. The right-of-way is 40' with a turn-around at the end to create a buildable lot in back. Currently 107 uses the existing gravel drive. The new "road" will only be used by one lot, #105. A restriction that the second lot couldn't be built off this roadway. Hope to release from covenant to move forward and sell the lot. Typically the buyer would obtain a building permit prior to the closing. The covenant says the roadway needs to build to completion prior to a permit. Makes more sense to have work trucks pass over a "driveway" instead of a finished road that could be damaged, once the house is complete, will pave. Once foundation is in, a driveway is created with a base so not tracking dirt onto the street. We hope that can happen and finished at the end or near the end for this house. Again, only for one house lot.

Chm. Strojny: Originally a 40' wide strip of land paved to 12'. That strip of land is its own lot.

Coreen shared the plan.

Mr. Clegg: Who owns that property?

Brad: The road and 105 will be owned by the same owner. It's shown as a Way. If the house that was on 105 wasn't crossing over the property line, they could have just created a property line between the two and you wouldn't have to create a roadway allowing frontage for both lots.

Mr. Clegg: Lot two won't have frontage on Williston Rd, right?

Brad: With the road built, it has frontage on the new road.

S. Strojny: It's technical frontage. They received approval for road with, drainage. You'll have from Williston Rd to lot 2 a 12' wide strip of asphalt. It will appear to be a driveway to the whole world, for us it satisfies the subdivision regulations. This private way will go with lot 2.

Mr. Clegg: Why isn't that strip of land incorporated into lot 2 now?

Coreen: It has to be paved. They didn't get a waiver from paving.

Chm. Strojny: This was originally approved in 2006, their decision that these lots not built or conveyed until all site work is completed. Mr. Bertolo is here saying don't want to construct the road at the moment due to heavy trucks. Build before an occupancy permit.

Brad: Limited to 105, not 107.

Chm. Strojny: The 2006 decision, all work done before, what has changed that the applicant doesn't want to abide by that agreement.

Brad: 107 didn't access this new drive, they used an existing driveway. Ultimately only one house lot has access to this way.

105 Williston Rd. Cont'd:

Mr. Clegg: 107 always had access on Williston. I don't see anything showing that they were going to use this way.

Brad: They get their frontage on this way.

Mr. Clegg: The proposed this way to give them buildable frontage and now they don't want to do it that way. 107 can't use his qualifying frontage as someone else's driveway. It's going to be a 12' wide driveway.

Chm. Strojny: The only people that are going to use the way is lot 2.

Sound is lost

Chm. Strojny: in 2006, the Board made this decision. You can do the work, post a bond or ask for a release. I don't see a compelling reason why circumstances have changes, why should we release based on the previous decision. If we were to release but condition road work being done prior to a building permit, could you live with that?

Brad: That's the same thing. We fully intend to build the driveway, just trying to delay the completed construction in order for the house to be constructed and trucks would do damage to the road.

Chm. Strojny: You have the strip of land that's 40' wide. Not sure trucks have to drive over the paved road. This is the issue from the past. We release, you build the house, and it's in the middle of winter so we can't do the road, puts the Board in a difficult situation. Hard for us to pump the brakes on an occupancy permit. Not opposed to releasing and holding feet to the fire with conditioning the site work based on occupancy, but want to hear from the Board.

Mr. Doucette: If we condition release that can't get OP until after road is paved, work internally with Planning Dept, Board and Building Dept. for a single family permit if there's any difficulty.

Coreen: Remind the Board if occupancy has been a problem in the past, temp OP has been given, basically thumbed nose at the Board, becomes an enforcement nightmare. Hard to retract OP after someone has moved into a building. I would never recommend a temp op anymore.

Mr. Clegg: We have to approve a temp?

Coreen: yes.

Mr. Clegg: Require put in drive with a chip (base) coat and final layer after construction is complete. The other is to require a bond to insure proper build out of the driveway before bond is released. I think we should do both and have final driveway done before occupancy.

Chm. Strojny: The enforcement will be difficult, construction projects don't always follow a timeline. Bond is a reasonable compromise. Release with bond would be sufficient in my mind.

Mr. Clegg: Similar to Scraggy Neck, my recollection is that we required to widen the road and a bond. If intent is to pave the driveway, no harm putting up to chip coat and a small bond or if total asphalt after, bigger bond would be required.

Brad: Applicant can't get a building permit until road is built. Don't' know what appropriate bond would be. Small amount amendable. Property is being sold as-is. Buyer will have to do the road and site work. If need a temporary OP, then post a pond, don't see one being needed.

Mr. Doucette: Allow to convey lot without having it built, then build binder coat.

Ms. Goldstein: Owner is not building the house?

Brad: No.

Ms. Goldstein: Paved driveway has to be there to build?

105 Williston Rd. Cont'd:

Coreen: Lot 1 designated frontage on Williston Rd. Put on Williston and this way, even though lot 2 will access. Nothing precluding them from accessing this way.

Mr. Doucette made a MOTION to approve the release of the lot, 105 Williston, for conveyance only and to full release after a binder coat prior to a building permit and final coat before the occupancy permit is issued. Also a \$15,000 bond needs to be posted prior to a building permit being issued.

Chm. Strojny: Lots of sand in that area.
The MOTION was second by Mr. Carroll.

Mr. Clegg: Don't think \$15,000 is enough to finish it.

Mr. O'Connor: Just want to make sure the occupancy permit and bond work in conjunction.

Roll call vote as follows:

Ms. Azarovitz - yes	Ms. Brown - yes	Ms. Goldstein – yes
Mr. Doucette – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Gallo – absent	Mr. Clegg – yes	Mr. Strojny – yes

Public Hearing for Site Plan Review #507: Cont'd from 6.25.20. 665 Scenic Hwy, Bournedale. Next Grid Inc. Redevelopment of site for a photovoltaic ground mounted system with associated drives, stormwater.

Chm. Strojny: On 10/6/20 the Board of Selectmen meeting with CCA, will be determined if the agreement is settled. We were advised by Town Counsel to hold off with our decision until after the Selectmen meet. Advise continuing this until our 10/8/20 meeting and watch the 10/6/20 Selectmen's meeting to familiarize ourselves with any issues that come out.

Mr. Clegg made a MOTION to continue to 10/8/20, seconded by Ms. Brown. Roll call vote as follows:

Ms. Azarovitz - yes	Ms. Brown - yes	Ms. Goldstein – yes
Mr. Doucette – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Gallo – absent	Mr. Clegg – yes	Mr. Strojny – yes

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Mr. Clegg. Roll call vote as follows:

Ms. Azarovitz - yes	Ms. Brown - yes	Ms. Goldstein – yes
Mr. Doucette – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Gallo – absent	Mr. Clegg – yes	Mr. Strojny – yes

With no further business before the Board, the meeting was adjourned at 8:04pm.

Respectfully submitted,
Ann Gutterson