

PLANNING BOARD MEETING MINUTES

January 11, 2018

PRESENT: Steven Strojny, Jeanne Azarovitz, Daniel Doucette, Lou Gallo, William Grant, Robert Gendron, Sandra Goldstein, Elizabeth Brown

ABSENT: Elmer Clegg

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: James Mulvey, Craig Frost, Alec Joyce, Brian Hebb, Scott Hebb, Art Makeen, Robert Benting, Eleanor Wendell and other members of the public

Ann Gutterson, Recording Secretary

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

Mr. Doucette made a MOTION to take a 10 minute recess to see the damage to the Community Building with Tom Guerino. The MOTION was seconded by Mr. Gendron with all in favor.

Back in session – 7:15pm.

81P: Lot 65 Wildwood Ln. Brian Hebb. We are eliminating a common lot line to meet a concern that Coreen had. There were two issues on the plan that have been corrected. This is a private way.

Mr. Gendron: It meets frontage and all requirements for an ANR.

Mr. Grant: ANR regulations, doesn't it have to be on an accepted road?

Coreen: No. Needs to be a road/way approved on a plan by the Town. It has that.

Mr. Grant: I think we need to look further at development on not accepted roads.

Vice-Chairman Strojny: I think the Selectmen are looking at that.

Craig Frost, abutter: Who is the owner of Lot 64? Shouldn't they be here?

Vice-Chairman Strojny: An ANR plan does have adequate access as a way.

Brian: I own lot 65 and am under contract agreement to purchase Lot 64.

Coreen: I have a letter on file from Amos Financial with their ok to do this.

Craig: Wildwood is private, how will this affect others in the subdivision?

Vice-Chairman Strojny: This has no impact on anyone who has rights to use the road.

Craig: The elimination is a play to build bigger units and to meet setbacks.

Vice-Chairman Strojny: As long as combining the lots is ok, and he has permission.

Craig: I filed a complaint in May and was told no permits were issued to clear 1.5 acres on lot 65. I did receive a letter from the Building Inspector. I filed another complaint on 7/21/17 and was told there still weren't any permits. There are no permits and 2 foundations have been installed on Lot 65.

Vice-Chairman Strojny: The Zoning Enforcement Officer is the proper person to make a complaint to.

Craig: I was told it's going to happen anyway, just let it happen. I don't understand how your rules can't be enforced.

Vice-Chairman Strojny: The only impact is these two lots.

Mr. Grant: It seems counterintuitive if they've done something they did without permits.

Coreen: It is on a way shown on a plan and has required frontage. Zoning is separate and is not before this Board, we can't act on that.

Vice-Chairman Strojny: Zoning is beyond our scope of what we're doing tonight.

Craig: In 1987 a special permit was issued to part allow right to subdivide into 6 lots with 48 units. A definitive plan was signed. Is removing a lot line a substantial change to the special permit? He wants 5 lots.

Vice-Chairman Strojny: He most likely will have to come back to the Board.

Craig: Who makes that determination?

Vice-Chairman Strojny: Zoning.

Coreen: Open Space community under Section 4646, long term compliance. NO land sold or structure allowed so as to increase non-conformity. By removing this lot line is he making it more non-conforming? That will have to be determined once we get a plot plan. Could appeal if not.

Brian: Not increasing the size of buildings and density. Can't touch other lot lines due to the open space.

Coreen: The open space isn't being affected, it's not being made more non-conforming.

S. Goldstein: How will you be affected by this?

Craig: Plans on file for 1200sf units, no garages. He's increased the units by 30-40% and adding garages. Seems it's affecting the special permit. To facilitate he wants to remove a lot line to gain 30'.

Coreen: If it stays 2 lots it's 64-67.77%. The new density is 63.27% with them combined. It's basically the same density, the number of units isn't going up.

Brian: Same units as what we built on the other lot.

Ms. Goldstein: Did you change any special permit requirements on this?

Brian: No.

Mr. Gendron: We are only allowed to look at frontage with an ANR. MOTION to approve. The MOTION was seconded by Mr. Doucette with six in favor, 2 opposed.

Request for Bond Release: Eustis Way. Road is complete.

Eleanor Wendell: We are requesting the release of the bond as the road is complete.

We have received a letter from George Sala saying he is satisfied with it.

Mr. Grant made a MOTION to release all but 15% of the bond to be held for up to 3 years. The MOTION was seconded by Mr. Doucette with all in favor.

Minutes of 12/14/17: Ms. Brown made a MOTION to approve. The MOTION was seconded by Mr. Grant with all in favor.

Public Hearing for Amended Site Plan Review/Special Permit #08-2015A: CBW 790 Mac LLC. 790 MacArthur Blvd. New Landscaping plan.

Atty. Alec Joyce: The project was originally approved in February 2016. There is a National Grid (NG) conduit parallel to MacArthur Blvd and they don't want any trees/shrubs near the line. They agreed they'd push back the plantings to a location away from the line. Plantings in question are areas 6 and 7. The applicant has increased plantings by the building. The applicant is willing to plant and replace trees. Some Leland Spruce.

Coreen: I quickly reviewed the number of shrubs, etc on the approved plan. WE can't require perennials and grasses, that was some of the discrepancy.

Vice-Chairman Strojny: What should have been there and what is there now.

Alec: The 2016 plan showed planting areas with 14 trees/shrubs. 140 plantings required, 142 proposed. Will be 24"-36" in height. If you approve this plan we agree to keep the area adjacent in a nice green manner. Getting double the landscape.

Vice-Chairman Strojny: Technically looking at a waiver because of the gas line.

Ms. Azarovitz: I've been to the site many times and met with Coreen. There is a very large difference of proposed/installed and what's proposed now. We agreed on relief against the gas line.

790 MacArthur Blvd. Cont'd:

Area #1 has 7 trees.

Ms. Azarovitz: Part of the intent is to add some vegetation along the highway, improve the quality for the town. There are other parts where you can put vegetation.

Meg: We have 14 trees and all the shrubs are planted except 2 from the approved plan. There are 12 perennials missing.

Coreen: There are 14 trees on the site.

Meg: All the trees meet the requirements. Dogwood and Leland Spruce. Said need to be native trees, that's what we did.

Ms. Azarovitz: I don't see it's a comparison. Looking at trees with a trunk and canopy. We want to see more vegetation in the area. Want a plan with everything as it exists on the site and against the building.

Meg: We have 140 shrubs in the ground now. All 14 trees are planted. Three died and will be replaced.

Vice-Chairman Strojny: What relief are you looking for?

Alec: I think the intent is met here.

Mr. Doucette: The gas line is now an issue. First time before us with plantings. Location and area #6 to make sure some shrubs in original plan to put some there to break up MacArthur Blvd view. Can't plant along that gas line, move away from and add some in area #6.

Vice-Chairman Strojny: Has NG put up a post column?

Meg: No, they want a sign installed.

Ms. Goldstein: Regulation values are very important. MacArthur Blvd, none at Battles, Chevy. Lot of grass and a lot of nothing. Does everybody have to look like Hamilton? Don't think so, not a fair comparison. The grassy area at Toyota has a nice look. Shrubs with red berries.

Ms. Azarovitz: Wanted trees planted with beds underneath.

Mr. Gendron: The applicant is under bank constraints. Can we condition that they do 4 trees and 10 shrubs in the #6 area and move forward?

Coreen: How give a final if can't plant? Need some guarantee it'll be done, maybe a bond.

Mr. Doucette: Come with a plan, if it meets Planning Dept. approval then give occupancy.

Alec: Approve with conditions and we are back in July to make sure it's done.

Ms. Azarovitz: I'd like to see it continued.

Meg: Why hasn't this been asked for before now?

Vice-Chairman Strojny: Suggest continue to the 25th.

Alec: Under the gun here. Can approve and put conditions on it? Come back in July. Have tree plan as planted, approved then reviewed in July. If anyone wants something added, speak now.

Meg: We built it to your wants, we don't want to go home worrying.

Ms. Goldstein: The trees along the fence, how close are they?

Meg: 4-5' maybe. More than half the grass in the front is on State property.

Alec: Everything else on the site is done. The bank is not happy at all.

Ms. Goldstein: Not sure the gas line is in the same place all along MacArthur Blvd.

Ms. Brown: Area #6 doesn't have to be devoid of any plantings.

Vice-Chairman Strojny: Put 4 trees in area #6 and waive other requirements with a 6 month review and look at it then. Retains our jurisdiction.

Mr. Doucette: Would that just be a site visit or come before us?

Vice-Chairman Strojny: Come before us.

790 MacArthur Blvd. Cont'd:

Arthur McKeen, 804 MacArthur Blvd: There are six boulders on the new entrance. They present a problem to people entering the property. The entrance was made 30% smaller.

Meg: That's the state curbcut.

Arthur: One boulder is on state property. Could be hit by a plow and knocked into the road. The ones closer to my property, if they could be moved more onto the grass. I'm happy with the shrubs.

Vice-Chairman Strojny: We want to create a plan that is sustainable and works for the Town.

Ms. Azarovitz made a MOTION to remove 4 trees from somewhere on the property and put in area #6, grant a waiver, come back in 6 months for a compliance review and issue the final occupancy permit now. The MOTION was seconded by Mr. Doucette.

Ms. Goldstein: Is that area a drainage swale? What was proposed? Proper for drainage, this won't affect it?

Mr. Gendron: MOTION to amend by putting 2 trees from the original plan there and 2 new trees. The MOTION was seconded by Mr. Doucette.

Roll call vote on the amendment:

Mr. Grant – abstain	Mr. Gendron – yes	Mr. Gallo – yes
Ms. Azarovitz – no	Ms. Goldstein – yes	Ms. Brown – yes
Mr. Doucette – yes	Mr. Strojny – yes	

Main Motion: to put 4 trees in as on the original plan, grant the waiver and issue the occupancy permit and a compliance review in 6 months. Native 3" caliper trees. Roll Call vote as follows:

Mr. Grant – abstain	Mr. Gendron – yes	Mr. Gallo – yes
Ms. Azarovitz – yes	Ms. Goldstein – yes	Ms. Brown – yes
Mr. Doucette – yes	Mr. Strojny – yes	

Public Hearing for Special Permit #06-2017: Cont'd from 12/14/17: 1077 County Rd. Rose Kozaryn Living Trust. For more than four horses, indoor riding arena and associated site work in a Water Resource District.

Mr. Grant made a MOTION to continue to 1/25/18. The MOTION was seconded by Mr. Gendron with 7 in favor, 1 abstention.

Discussion: Commercial Wastewater Management Sewer Allocation Policy. Planning Board preliminary project review.

Mr. Grant: The new policy has preliminary review by the Planning Board. They pay a fee and file for review and other requirements. Now has defined for preliminary review. Make sure people don't file and forget. Susceptible to overall development look at proposal. Checklist they'd need to meet from us. "this would work, keep going". The Town's professional staff keyed in the project. Need them to flag problems, fees will be paid. If we're good with it, present to the Sewer Commissioners, then refine based on comments. They'd sign off, we adopt it and it becomes part of our procedures, not a bylaw.

Mr. Strojny: A joint meeting?

Mr. Grant: Or individual.

Mr. Strojny: Fees for 35,000 gallons is this fee \$40,000?

Mr. Grant: I haven't done the math. We want them to be serious about it.

Mr. Strojny: Keystone – What if the initial 30,000 gallons and gave back \$5,000, do they get a credit?

Mr. Grant: Based on rooms, etc. Projected use. No one will want to build a project and run out of money.

Mr. Gendron: Is the fee rebated/refundable if the developer runs out of money?

Discussion Cont'd:

Mr. Strojny: Can he assign that allocation to someone else?

Mr. Grant: No, it goes with the property/project.

Mr. Gallo: Will need to have an engineered usage?

Mr. Grant: Keystone had a certain number of rooms and square footage. Financing was different before. They have to get through us to get approved.

Mr. Gallo: DEP tells you the use anyway.

Ms. Goldstein: Is wastewater the first step?

Mr. Grant: They go to the Planning Board with a specific project.

Ms. Goldstein: It's not just brainstorming?

Mr. Doucette: Keystone, how much was the building permit? (About \$30,000.) That and the sewer fee is a lot of money.

Mr. Grant: This is a procedure for the policy that's already in place.

Coreen: We defined what the Planning Board would do then you make a recommendation to the Sewer Commissioners. You can't say how much allocation it can have. Say viable project and that's it.

Jim Mulvey: A whole new area for the Planning Board to get into with fees involved as well. Architect going to design structure, that shouldn't be the purview of the Planning Board. Water shouldn't be in here, that's the Sewer Commissioners. Your business is the building and site.

Mr. Strojny: This discussion is relative to the policy and our part in it. Our jurisdiction is limited and we have nothing to do with sewer allocation.

Ms. Goldstein: We look at a building and approve. Is it possible the sewer commissioners won't approve it?

Coreen: You're making a recommendation that the conceptual plan meets guidelines and is a viable project.

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Ms. Goldstein with all in favor. With no further business before the Board, the meeting was adjourned at 8:52pm.

Respectfully submitted,
Ann Gutterson