

**PLANNING BOARD**  
**MEETING MINUTES**  
**August 25, 2020**

**7:00PM**

**1130 Holden Senior Center**

**Members Present:** Scott Carlson, Otto Lies, Mike Krikonis, James Parker, Robert Ricker, John Michalak and Nancy Kielinen

**Others present:** Pam Harding, Director of Planning; Sara Flagg, Recording Secretary; George Kiritsy, Attorney for Blair Builders; Cle Blair, John Woodsmall, DPW;

S Carlson called the meeting to order at 7:03 PM Gov. Baker's order for remote meetings was read for the public.

**PUBLIC HEARING DEFINITIVE SUBDIVISION AMENDMENT – Greenwood Estates — Jackson Woods Investment, LLC**

Pam explained that there is still a pending application to amend the decision for Greenwood Estates. Town Counsel concurs we can act on the amendment as the lawsuit is against DPW regarding construction standards and sewer extensions not against the Planning Board.

George Kiritsy, Attorney for Blair Builders, stated conditions 15, 22, 24, 32, 53, and 79 are now withdrawn. Still requesting amendments to condition 5 and 84. Condition 5 they are requesting that the inspection fees follow the Planning Board's schedule for fees. Condition 84 be amended to remove security for snow removal in the bond.

John Woodsmall, DPW, stated that recommendation remains the same as their January 14<sup>th</sup> memo regarding amendment 5.

Pam shared the memo with the Town staff recommendations to control the inspection costs. The fees paid also included erosion control and stormwater conditions required in the Conservation Commission Order of Conditions.

M Krikonis asked about phrasing in the 2<sup>nd</sup> paragraph, the concerns from the applicant for the cost of 3<sup>rd</sup> party inspectors. What actions were taken to limit the amount of time that inspectors are on site?

John replied that this dates back to January but at that time in general inspectors were told by the applicant that work would follow a certain schedule but the work was not happening as indicated. Communication could have been improved between the developer and inspectors to limit the cost.

M Krikonis asked if these are things that DPW does these same measures with other sites?

John replied that yes if the DPW is inspecting the sites.

Cle Blair replied that they received a bill from Weston & Sampson due to Condition 14 and they have incurred over \$100,000 in inspection bills for the pump station. In comparison to his projects in other towns the charges range from free to \$10,000. He feels that they take advantage of the billable time by staying on site all day and doesn't feel that they have tried to control costs at all.

John replied that the costs come from a variety of project items. Construction of pump station, building of retaining wall, on site inspections, peer review of all design and submittals for these areas and others such as the wetland crossings. The costs are likely not based solely for on-site inspection costs. Full time inspection is required for any work done near utilities on a public way. Additionally comparison to other towns should not be considered.

George Kiritsy, Attorney for Blair, is asking for the Planning Board to follow their regulations as published by the Planning Board. The courts are clear that an application that conforms to the regulations must be approved.

S Carlson replied that the Board doesn't have control over the Town's requirements related to the public roads, sewer systems, etc.

George replied that the Planning Board decides what conditions to include on the subdivision plan. In the Planning Board Rules & Regulations there is a rule regarding the inspection fees. What the applicant believes happened is that the Town stated there was a lack of available inspectors so the applicant made an accommodation to allow a 3<sup>rd</sup> party inspection company on this project. However they do not feel that these inspectors have been reasonable in their fees and would like the Planning Board to restore their rules and regulations that should control these fees.

Motion by R Ricker, seconded by O Lies, TO CLOSE THE PUBLIC HEARING FOR DEFINITIVE SUBDIVISION AMENDMENT – GREENWOOD ESTATES – JACKSON WOODS INVESTMENTS. UNANIMOUSLY APPROVED BY A VOTE 7-0

Motion by R Ricker, Seconded by M Krikonis TO ACCEPT CONDITION #5 AS READ. UNANIMOUSLY APPROVED BY A VOTE 7-0

Motion by J Parker, Seconded by M Krikonis TO ACCEPT THE DECISION TO AMEND CONDITION # 84 and remove security requirements EMPHASIZING THE previous CONDITION WAS REQUIRED TO PREVENT PUBLIC SAFETY CONCERNS FROM OCCURRING WITH OCCUPIED HOMES AND THE PUMPING STATION NOT BEING ABLE TO BE PROPERLY ACCESSED BY EMERGENCY SERVICES DUE TO POOR SNOW AND ICE REMOVAL AND/OR ROADWAY MAINTENANCE PROCEDURES BY A DEVELOPER.

O Lies commented that it should be amended to read: IN ACCORDANCE WITH SUBDIVISION RULES AND REGULATIONS, SECTION VI.K, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING IN GOOD REPAIR ALL ROADS IN A SUBDIVISION UNTIL THEY ARE ACCEPTED BY TOWN MEETING. THE MAINTENANCE SHALL INCLUDE SNOW CLEARING, SANDING, SWEEPING, CLEANING OF CATCH BASINS, REPAIR OF ANY SETTLEMENTS OR CRACKING AND ADJUSTMENT OF CASTING WITH THE PAVEMENT. FAILURE TO DO SO WILL BE A VIOLATION OF THIS APPROVAL.

Motion by J Parker, Seconded by M Krikonis, TO ACCEPT THE DECISION AS AMENDED BY O LIES. APPROVED BY A VOTE 7-0.

Pam said that there is a request by the applicant to grant a waiver for the construction of four model homes prior to installation of pavement and utilities.

R Ricker commented that he has not heard of that type of waiver being granted before.

Pam replied that it was a covenant on a past project and it led to residents coming before the Planning Board asking for special waivers to get into their homes as well.

R Ricker made a motion, Seconded by O Lies TO DENY THE REQUEST TO GRANT A WAIVER FOR THE CONSTRUCTION OF FOUR MODEL HOMES PRIOR TO INSTALLATION OF PAVEMENT AND UTILITIES. THE MOTION WAS UNANIMOUSLY APPROVED BY A VOTE 7-0.

**SALISBURY PINE TREE ESTATES, Salisbury Street/Bailey Road 45 Lots, 101 units - Holden Pine Tree, LLC To be Continued**

Pam said they requested a continuance to the September 22<sup>nd</sup> meeting. They have not received any revised plans.

R Ricker asked if any information has been received regarding the width of the roadways.

O Lies mentioned he has been opposed to the 24' with 1 sidewalk that the board had previously discussed as an option.

Pam said there has been no determination on the sidewalk, it was left up in the air at the last meeting.

William Murray, confirmed they are requesting a continuance to the September 22<sup>nd</sup> meeting. They had some Covid related delays to the project.

Pam suggested the October 13<sup>th</sup> meeting.

William said that would be fine with him.

Motion by R Ricker, Seconded by O Lies TO CONTINUE THE PUBLIC HEARING FOR SALISBURY PINE TREE ESTATES TO OCTOBER 13<sup>TH</sup>. UNANIMOUSLY APPROVED BY A VOTE 7-0

**SECURITY REDUCTION**

Pam stated that DPW is recommending the existing security held for Parson's Rest be reduced from \$38,613.58 to \$4,093.37.

Motion by R Ricker, seconded by J Parker, TO REDUCE THE SECURITY HELD FOR PARSON'S REST TO \$4,093.37. IT WAS APPROVED (6-0-1) N Kielinen recused herself.

**APPROVAL NOT REQUIRED R-1 M.A. Elbag Building Contractors, 570 Wachusett Street**

Pam explained that there is an existing house that they will be removing and dividing one parcel of land into four house lots. All lots will have sufficient frontage and Town Water and Sewer.

Motion to by M Kirkonis, Seconded by O Lies, TO ENDORSE THE ANR FOR R-1, 570 WACHUSETT ST. IT WAS UNANIMOUSLY VOTED 7-0

**APPROVAL OF MINUTES**

**June 9, 2020**

Correction by J Parker – missing the word list in Punch List.

Correction by M Kirkonis – Approval of Minutes should say Robert Ricker who was not in attendance.

MOTION BY O LIES, SECONDED BY M KIRKONIS, UNANIMOUSLY APPROVED (7-0) THE JUNE 9, 2020 PLANNING BOARD MINUTES AS AMENDED.

## **OTHER BUSINESS-**

**None**

Motion by R Ricker, Seconded by O Lies, TO CLOSE THE PUBLIC HEARING AND ENTER EXECUTIVE SESSION. IT WAS APPROVED BY A UNANIMOUS VOTE 7-0

### **EXECUTIVE SESSION - DISCUSSION OF LITIGATION FISHER ROAD Approval Not Required**

Pam provided an update, 4 lots were denied due to limited width and the gravel roadway. Applicant asked if they would be open to negotiating out of court and Town said yes. There is a verbal agreement from the appellant to widen the roadway but no proposals have been received.

R Ricker asked if applicant is proposing any drainage or just gravel?

Pam said nothing has been submitted.

J Michalak suggested that the applicant just widen the roadway as the concerns for access and safety were already brought up and then come to the Board for approval.

R Ricker asked if there is any action to be done at this time.

Pam said not at this time. No litigation has happened due to courts being closed. Executive Session was called just because litigation matters are not usually discussed in Public Session.

Motion by R Ricker, seconded by J Michalak TO ADJOURN THE PLANNING BOARD MEETING AT 8:05PM. APPROVED BY A UNANIMOUS VOTE 7-0.

The August 25, 2020 meeting minutes were approved on October 13, 2020.