

PLANNING BOARD
MEETING MINUTES
May 11, 2021

7:00PM

Remote Meeting

Members Present: Otto Lies, Mike Krikonis, Robert Ricker, Scott Carlson, Brynn Zawada, Nancy Kielinen and James Parker

Not Present:

Others present: Pam Harding, Director of Planning; Sara Flagg, Recording Secretary; Isabel McCauley, Holden DPW; Julian Votruba, NEED, Sunshine Ridge Estates; Randy Waterman, WA Design Group, Oak Hill Estates

S Carlson called the meeting to order at 7:05 pm.

**PUBLIC HEARING DEFINITIVE SUBDIVISION APPLICATION SUNSHINE RIDGE ESTATES – Bailey Road
Development 7 Lot cul de sac – 160 Bailey Road**

P Harding shared that the Holden DPW has reviewed all documents and signed off. She shared the plans.

S Carlson mentioned the sidewalk fund vs. the sidewalks on both sides of the road. R Ricker commented that he would go along with the sidewalk on both sides. O Lies commented he would be in favor of either and supports. M Krikonis is in support of 1 sidewalk assuming they would offer a contribution to the sidewalk fund.

P Harding said the equivalent for contribution would be \$5,400 and the applicant did request a waiver. Julian Votruba, NEED, said the \$5,400 contribution is acceptable to the developer James Soucy.

The Board asked how these funds are controlled and allocated. P Harding said she is working to get a total for what is currently in the fund and that some of it has been distributed by the Board for Brattle St. in the past.

I McCauley, provided insight that the \$5,400 is equal to 400' long of 5' wide gravel plus the cost of binder and topcoat. Price of material installed is how they estimate the cost of these.

O Lies asked who manages the sidewalk fund. P Harding said historically DPW comes to the Board with requests. I McCauley also commented that the roads and sidewalks that are repaired and maintained they have used Chapter 90 and the roadway maintenance budget rather than come to the Board and request any moneys from the Sidewalk Fund.

M Krikonis suggested that a Planning Effort for Sidewalks be developed. S Carlson shared that he would like to see some more information about how the fund is recorded and utilized.

P Harding explained that the discussion is in relation to \$5,400 dollars from this project and that approximately \$200,000 would be needed for Bailey Rd sidewalk construction.

R Ricker said that until they have more discussion on it that the Board should stick to the by-laws.

P Harding shared the draft of conditions.

Motion by R Ricker, seconded by M Krikonis to CLOSE THE PUBLIC HEARING DEFINITIVE SUBDIVISION APPLICATION SUNSHINE RIDGE ESTATES. Approved by a 6-0-1 vote (B Zawada abstained)

I move to approve the Definitive Subdivision Plan for Sunshine Estates in accordance with the following information;

- ***Definitive Subdivision Plans – Sunshine Ridge located on Bailey Road. Owned and Prepared for Bailey Road Development, Inc. consisting of Sheets S-01 and S-03, EC-01, X-01 and D-01 to D-05 with a date of December 3, 2020 and a revision date of February 22, 2021***
Sheets S-02, P-01 with a revision date of April 22, 2021
Sheets C-01, with a revision date of May 3, 2021
- **Sunshine Ridge Bailey Road Holden, MA Stormwater Report Prepared for Bailey Road Development Inc. with a date of December 3, 2020, Revised February 22, 2021**

WAIVER REQUESTS

1. **REQUESTED WAIVER From Section V.A.4. (e)** to waive the requirement for the construction of a permanent island within the cul de sac.

GRANTED The Town of Holden requested the island be removed to avoid future maintenance and plowing issues.

2. **REQUESTED: WAIVER Appendix A Typical Roadway Section:** Requires sidewalk construction on both sides of roadways, the applicant is requesting relief for construction of the sidewalk on one side of the roadway.

GRANTED The sidewalk for a cul de sac will be minimally utilized due to extremely low traffic volumes. The applicant must contribute the monetary value equal to the ENR construction index established for the area waived as calculated by the Department of Public Works when the project security is calculated for purposes of setting inspection fees. The current estimated cost of this waiver will consist of approximately \$5,400.

3. **REQUESTED WAIVER from Section V.A.2.a.** Requiring 28' width of pavement to allow for 24'.

GRANTED This waiver is granted in accordance with a recommendation from the department of Public Works as the Town is in the process of developing new design standards that will decrease impervious area and long term maintenance costs associated with wide pavements widths.

GENERAL CONDITIONS

1. This subdivision approval is given based upon the following documents;
2. The Board will not consider any revisions or modifications to the approved plans not associated with the requirements of this decision. If the proponent wishes to modify or revise the plans the proponent must follow the provisions of the Holden Subdivision Control Regulations relating to the submission of a Definitive Plan. A new public hearing shall be required.
3. The plan is approved subject to receipt of proper and acceptable security for the installation of all municipal services which shall be completed in accordance with the Holden Subdivision Control Regulations and M.G.L. Chapter 41, Section 81U.
4. The proponent is responsible for the subdivision roadway and infrastructure inspection fee of 2.5% of the bond amount as outlined in the Holden Subdivision Control Regulations. The proponent will provide the 1.5% of the bond amount prior to the start of construction.
5. Failure to complete construction in accordance with the provisions of the Holden Subdivision Regulations within thirty-six (36) months from the day of approval shall result in an automatic rescission of approval by the Planning Board.
6. During construction all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The proponent shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Hours of operation for all construction activities are 7:00 a.m. - 7:00 p.m., Monday to Friday and 7:00 a.m. - 5:00 p.m. on Saturday.
7. A minimum of 48 hours prior to the start of work, a preconstruction meeting must be conducted with the Town of Holden Staff.

WATER/SEWER

8. The water and sewer mains may be built in phases. No building permit shall be issued for a particular lot until there is a water and sewer main in front of said lot and it has been acceptably tested.
9. The developer must provide for the health, safety and wellbeing of future homeowners by connecting all buildable lots to the Town of Holden Sewer System.
10. **Any private ejector pumps, shut off valves and forced mains must be located outside of the public right of way and deeded to the property owners of the lots they serve. The Town of Holden will, under no circumstances, accept this responsibility. The lots with ejector pumps must disclose**

the homeowners responsibility within the deed. A draft of this language must be presented prior to the Release of Covenant

ROADS/SIDEWALKS

11. The developer is responsible for maintaining all roads (including sweeping, snow plowing, sanding, etc.) in passable condition at their own expense until the roads are accepted by the Town of Holden.

12. Any and all testing of the soils and effectiveness of compaction methods related to roadway construction shall be at the sole expense of the Developer where and as required by the Holden DPW.

LIGHTING

13. **The final lighting plan and fixtures shall be subject to the approval of the Holden Municipal Light Department.**

FIRE PROTECTION

14. Fire Hydrants must be installed as shown on the plan with the required pressure. Final locations must receive approval from the Holden Fire Chief.

DRAINAGE

15. The Town of Holden will not accept easements, ownership nor responsibility for maintenance of the drainage facilities, outflow pipe or the scour pads

16. The required maintenance of system must be outlined in the Homeownership Association documents. The developer must form an association to maintain ponds on a yearly basis in accordance with *The Stormwater Management Handbook* published by the Department of Environmental Protection, dated March 1997. The Homeownership Association documents must reference the Operation and Maintenance plan. The documents must be submitted to the Planning Department prior to the release of Covenant.

17. **The Applicant will be responsible for maintenance of the stormwater system until the roadways are accepted by the Town of Holden.**

18. **The Operation and Maintenance plan must require yearly inspections be conducted and a written report be submitted to the Department of Public Works, Engineering Office and the Town Planning Office.**

19. **The transfer of property must allow for a fee per dwelling unit to be placed into an escrow account for the purpose of maintaining the stormwater treatment within the subdivision, this account will be transferred to the Homeownership Association upon acceptance and be sufficient to pay for three years of maintenance costs. This fee shall be established by the maintenance**

schedule submitted as part of the Operation and Maintenance Plan divided by the number of lots (seven). A copy of the annual maintenance activities performed shall be submitted to the Town Planning Office.

20. The Homeownership Association documents must provide the Town ability to place liens on the property should the lot owner default on responsibilities of maintaining the effective operation of the stormwater facilities.

21. The stormwater system must function as designed prior to street acceptance by the Town of Holden.

22. Prior to street acceptance the homeownership must provide documentation there is an established contract with a qualified professional entity to manage the stormwater system in accordance with the Operation and Maintenance Plan

23. The stormwater ponds shall be enclosed by a secure fence. The style of the fence must be at a minimum black chain link. A more aesthetic style may be utilized upon approval of the Planning Board. This requirement may be waived if it is witnessed and determined by the Planning Board that a fence is not needed after the pond is operational.

24. The stormwater system must function as designed prior to street acceptance by the Town of Holden. The design engineer shall provide a certificate of compliance and performance in accordance with the approved design.

25. The Developer must sweep the streets and clean the catch basins twice per year until the streets are accepted as a public way. More frequent sweepings and cleaning may be required at the request of the DPW if conditions warrant.

EASEMENTS

26. All retaining walls must be constructed outside of the right of way.

27. The developer shall keep all easements as shown on the definitive subdivision plan in a condition passable to Town of Holden Department of Public Works vehicles. Section V. Subsection B. 1. requires that all easements shall be graded such that they are passable to DPW vehicles. Grades must meet DPW guidelines not to exceed a maximum grade of 10%.

28. Easements for all utilities shall be provided as required by Section V.B.1.

CONSERVATION ISSUES

29. Any and all plans which may be approved by the Conservation Commission, the Department of Conservation and Recreation (DCR) or under the Massachusetts Environmental Protection Act (MEPA) relevant to this definitive plan shall be in agreement with this approved definitive plan. If there is any inconsistency between the submitted approved subdivision plan and the plans as may be approved by the Conservation Commission, DCR, or under MEPA, the applicant shall submit a revised plan and will be subject to the review process as outlined in condition number one of this decision.

30. Vegetation shall be preserved to the greatest extent possible as may be necessary or appropriate for the purposes of water conservation, decreasing erosion, preserving water quality, buffering and aesthetics.

31. The limit of work as outlined on the Buildout Plan shall be followed, all vegetation represented on the plans must remain unaltered. All limit of work must be marked with construction fencing and approved by the Town Planner prior to the site preparation for any lots.

32. A copy of the EPA NPDES, Construction General Permit Notice of Intent, SWPPP and the BRP WM09 Permit from DEP, must be submitted to the Town prior to the start of construction.

EROSION CONTROLS:

33. Erosion controls must be installed around the perimeter of all building lots at the lowest grade while under construction and/or unstable. The erosion controls shall consist of double staked haybales and silt fencing trenched at six inches.

34. Additional erosion controls may be required by Town staff and will depend on exposed areas and weather conditions and may entail, but not be limited to, temporary settling pond and the use of calcium chloride to prevent dust.

35. Earth material stockpiles shall not be permitted within twenty feet around the project perimeter. If stockpiles exist over twenty days the stockpile shall be stabilized and enclosed by a siltation fence or hay bales.

36. All catch basins within the subdivision must contain silt sacs, all sacs must be inspected and replaced on a regular basis.

37. Burial of any stumps or debris onsite is expressly prohibited.

38. A copy of the NPDES and SWPPP must be submitted to the Town prior to the start of construction.

MISCELLANEOUS

39. **Parcel – A must be transferred to the owner of 160 Bailey Road, N/F Lafratta and Tiffany Gallo prior to the release of Covenant.**

40. Lots will not be released from the covenant until a binder is installed for the entire length of the frontage.

41. An electronic, AutoCad file, a PDF and two complete hard copy sets of plans 24” x 36” and three sets of 11” x 17” incorporating all revisions must be submitted to the Planning Office within 30 days of the recording date of this decision with the Town Clerk’s Office.

42. The Applicant must provide a copy of as-builts 24”x36”and in an electronic format acceptable to the Department of Public Works, Engineering Division.

Motion by M Krikonis, seconded by R Ricker to APPROVE THE DEFINITIVE SUBDIVISION APPLICATION SUNSHINE RIDGE ESTATES WITH CONDITIONS AND WAIVERS AS ATTACHED. Approved by a 6-0-1 vote (B Zawada abstained)

ZONING BOARD OF APPEALS RECOMMENDATION – VARIANCE – R-40- 103 GENERAL HOBBS ROAD – Stuart Cain and Kristine Yont – Relief for side yard setback requirement

P Harding shared the plans and summarized that this would be an addition to an existing home and requesting 9’ of relief from the side yard setback requirement.

The Board does not see any Planning Board significance.

APPROVAL NOT REQUIRED PLANS

95 Mixter Road – Paul and Amy Kelleher – R-40 Zoning District – Creation of Parcel A, annexed to abutting

P Harding shared the plans. Parcel A would be annexed to the Galli/Goodrich lot. The lot on Mixter Rd is selling and they wished to add to the land prior to the property being sold.

Motion by R Ricker, seconded by M Krikonis that plan is entitled to endorsement by the Planning Board. Approved by a 7-0 vote

STREET ACCEPTANCE –Planning Board Recommendation for Town Meeting

Definitive Subdivision – Parson’s Rest – Shay’s Lane

Definitive Subdivision - Oak Hill Estates-Jordan Road

N Kielinen recused herself from Shay's Lane

P Harding shared that Shay's Lane has petitioned for street acceptance. Only minor issue is a sewer coupling on Salisbury St. and cleaning of catch basin which is scheduled for tomorrow afternoon. Oak Hill is in the process of expanding easement with White Oak Land Trust. Catch basins are scheduled to be cleaned as well.

Randy Waterman, WA Design Group for Oak Hill, has been working with Pam and the Town Engineer to work through the punch list from the Town and have completed 99%. Hydroseeding is scheduled for Thursday and White Oak meeting in regards to the easement on Thursday as well.

Motion by R Ricker, seconded by M Krikonis to CONTINUE STREET ACCEPTANCE FOR SHAY'S LANE AND JORDAN ROAD TO A VIRTUAL MEETING ON MONDAY MAY 17, 2021 AT 5:30PM. Approved by a 7-0 Vote.

DISCUSSION OF MEETING PROCEDURES AND POLICIES

P Harding explained that there has been some concern regarding the repetitiveness at meetings. For example the traffic concerns from the public on the Jefferson Mills project. Some other communities limit the repetitive comments or impose a time limit.

N Kielinen commented she feels that there are sometimes rabbit holes that develop with little resolution on some topics. R Ricker and M Krikonis show support for public comment and suggest if there is repetitiveness it be capped. M Krikonis is in favor of imposing a time limit for public comment. J Parker commented that the public does have a right in a public hearing to make a comment and it would be up to the Planning Board to make sure to keep the meeting on track. O Lies agrees that the public should be allowed to comment and is in favor of imposing a time limit to help control the time. B Zawada commented that she likes the idea of streamlining the meeting and expressed concern that dictating what is repetitiveness could be very subjective but is in agreement with a time limit to help streamline. S Carlson commented that the Developers should be held accountable to submit their information with enough time for the Planning Board to review prior to the meeting which would allow for streamlining. O Lies stated that there was a policy from the Board that there was a specific time frame to receive comment from developers however it is not being strictly enforced anymore. P Harding suggested that the Board continue the meeting if they have not had time to review the materials ahead of time.

Motion by R Ricker, seconded by O Lies to MAKE A POLICY THAT ANYTHING REQUIRING REVIEW BY THE PLANNING BOARD MUST BE SUBMITTED TO THE TOWN PLANNER 6 DAYS PRIOR TO THE SCHEDULED MEETING.

APPROVAL OF MEETING MINUTES

April 13, 2021

Motion by J Parker, seconded by N Kielinen TO ACCEPT THE MINUTES FOR THE APRIL 13, 2021 MEETING. APPROVED BY A VOTE OF 6-0-1 (B Zawada not present).

OTHER BUSINESS

O Lies signed a settlement agreement for Fisher Rd. P Harding stated that this is an agenda item on the May 25, 2021 meeting.

Motion by O Lies, seconded by R Ricker TO ADJOURN THE APRIL 27, 2021 MEETING AT 8:42 pm. Approved by a vote 7-0.