

PLANNING BOARD
MEETING MINUTES
November 26, 2019

7:00PM

1130 Holden Senior Center

Members Present: Scott Carlson, Otto Lies, Michael Krikonis, Nancy Kielinen, Robert Ricker and John Michalak

Others present: Pam Harding, Director of Planning; Alisha Pollinger, Recording Secretary; Bill George, Wingspan Properties.

John Michalak called the meeting to order at 7:03PM

**PUBLIC HEARING DEFINITIVE SUBDIVISION – EXTENSION OF TIME
PARSON’S REST – WINGSPAN PROPERTIES**

J Michalak read the public hearing notice into record. : In accordance with Mass General Law Chapter 31 Section 81U the Holden Planning Board will hold a public hearing on Tuesday November 12th 2019 at 7pm continued to November 26th at the Holden Senior Center 1130 Main Street Holden, MA on the application of Wingspan Properties, LLC for the extension of time for the definitive subdivision approval referred to as Parson’s Rest, Shay’s Lane consisting of 6 lots located between 665 and 683 Salisbury Street on assessing map 234 parcel one. Plans are available for review at the department of planning and community development at the Town Clerks office both located at 1196 Main Street Holden, MA, any person interested or wishing to be heard regarding the proposed plan should appear at the designated time and place. The notice was posted in the Worcester Telegram on October needs to come in person.

P Harding: Nancy Kielinen recused herself since because she is a property owner within the subdivision. All the building permits for the lots have been pulled and everything pretty much done. There is basecoat down and the sidewalks have been fully installed, everything is pretty much done except for the top coat and the street lights are in. Approval expired last month, he requested 6 months and I suggested another year in case items aren’t complete for the May Town meeting,. I am suggesting an extension until June of 2021. S Carlson: Our objective is to try and pass the road and have it in the town meeting next year. P Harding: Yes, this May 2020. People moved into their homes and one of the house lots did not want the trees and is requesting a waiver for the planting of 2 trees on lot 3. Then a drainage easement was a little excessive on lot 3 as well, now that it is in we see that it doesn’t have to be so far out, we are requesting the Board approve an amendment for the drainage easement. We do not have a revised plan yet, once it’s received I put that it can be conditional upon the DPW engineering review and approval. S Carlson: It will be a defined plan that you are changing to? P Harding: Yes. J Michalak: Has the easement already been recorded, the original? P Harding: The original subdivision plan. Bill George: We have to relocate one of the concrete bounds and put it close to the detention basin and get the engineering has to revise the plan, redo the plan, record that and get the engineering departments approval. P Harding: Addition to that there is an existing bond of \$95K, the applicant requested a reduction, DPW calculated suggested bond amount that was distributed to the board. That was received from DPW today and we are requesting to approve that reduction as well. The existing bond is about \$95K and she is suggesting a reduction to \$38,613.58.

R Ricker made the motion to approve the extension for Parson's Rest for the subdivision, would be a wiver from from section six one for relief of planting of two tree lots 13 as presented in the proposed plan on 3 Shady Lane. Condition #5 shall be amended to read failure to complete construction in accordance with the subdivision regulations by July 21, 2021 will result in an automatic rescission of approval by the Planning Board. Condition #40 should be added the north east line of the drainage easement may be relocated out of the patio area, the new location must be approved by the town engineer and a revised plan presented to the Planning Board for final approval. M Krikonis seconded the motion, . All in favor. 5-0.

Ricker made the motion to reduce the bond amount down to the figure of \$38,613.58 on the Parson's Rest subdivision. M. Krikonis seconded the motion, all in favor. 5-0 Unanimous.

TRAFFIC STUDY ORIOLE HEALTH CARE FACILITY

P Harding: A few months ago I distributed a follow up to the Oriole Health Care Facility, the original conditions required the traffic be evaluated when the building was 75% full, they submitted a revised traffic study from Muller and Assoc. DPW reviewed the revisions and submitted the letter that I distributed, stating that the peak traffic volumes were lower than projected than the original traffic study predicted and they don't feel any follow up is necessary. R Ricker: Do we need to act on this? P Harding: I want to provide evidence to Oriole that we reviewed it and we don't find follow up necessary because it was a condition of the site plan special permit. R Ricker: Let them know that we reviewed it and we accepted the comments from the DPW. S Carlson: Does this get looked at again if he does another building? P Harding: If he does another building he will have to refile a new application. S Carlson: That will protect us if we pass the other development. P Harding: This is just is reflective for what they already built. N Kielinen: When it was 75% was supposed to be done, it didn't happen until now? So if they found that it was repeating all the traffic, is there something that would have been done? P Harding: There was discussion about a traffic light at the intersection Boyden and Main Street study, at the time when they did the traffic study for the proposed building it didn't trigger the criteria. People were still nervous that the use would generate more traffic than anticipated. They requested that they revise after a certain percentage of the new building was occupied. They permitted it as medical office, they didn't have specifics as to what would be located in there. M Krikonis: The 75% threshold was met when? P Harding: Last year when they filled the 2nd floor.

R Ricker made motion to accept the findings of the traffic study and no further information is required. N. Kielinen seconded the motion. All in favor, 5-0. Unanimous

APPROVAL NOT REQUIRED – R-1 - 139 TWINBROOKE DRIVE LAWRENCE AND PATRICIA POPPLE

P Harding: This is lot merger case, provided the ANR to divide the property and resubmitted a special permit under the new zoning bylaw and it was approved. S Carlson: We're approving it to make an ANR? That's our objective to make this an ANR? P Harding: You are endorsing the ANR, approval is not required. P Harding: They are presenting the lot revision through the ANR process to divide the property. This meets zoning because of the special permit that was issued by the Zoning Board of Appeals. The ZBA approved the special permit and lot line amendment which allows them to submit the ANR. The Planning Board is the only authority that could record lot lines.

R Ricker made motion to endorse the Approval Not Required plan, S. Carlson seconded . Seconded the motion S Carlson. All in favor. Unanimous.

NOTICE OF APPEAL – ANR – FISHER ROAD – STRIAR DEVELOPMENT

P Harding: There was a proposal to divide four lots on Fisher Road down towards the private portion and the lot width was only 14ft with a lot of divots and we did not feel it was safe to keep dividing the property further down. The Planning Board denied it based on inadequate access and had a support letter from the Fire Department. We sent the letter denying the ANR and the land owner filed an appeal with land court. N Kielenen: I understand it's an existing way, how could they appeal that? It can be widened. P Harding: The private way is 60ft in width, there is plenty of room to do it. N Kielenen: What is the minimum width of a road? P Harding: current regulations required 24ft, but this is an existing way and it is private. There is certain criteria under 81P, which is the Approval Not Required statute. One of them is a way in existence prior to Subdivision Control Regulations, which this would qualify as but the way also has to provide adequate access to the property which is our argument that this 14ft gravel way does not provide adequate access for residential development. N Kielenen: Is there a way to amend the SCR for these kinds of situations and specify a minimum width ways would have to meet to be considered? You have to have a minimum, for this not to happen again? P Harding: We can't because of the state statute. J Michalak: Did the Fire Dept make a recommendation as to what minimum width they would like to see? P Harding: No they did not. S Carlson: When the Fire Dept makes a recommendation, can the Fire Dept provide an original signature on the letter? P Harding: Yes we can request that. S Carlson: I would like to see signature approval going forward. N Kielenen: We can request them to widen, but what is the minimum width, at least 16ft, 18 ft? . R Ricker: You don't want to change it because we have the flexibility by deciding whether it's good or not. If you put something in writing then they can go around it. It's up to the attorneys now. P Harding: Yes, unless we negotiate. S Carlson: We met the 20 day minimum? P Harding: Yes, our attorney filed the rights to represent the Planning Board.

Per Pam, Otto gave something to read, I will not be able to attend this meeting. I ask the board to reconsider the denial vote of this ANR. Years ago Fisher Road was an access to the Stone Hill house nursing home and frequently used by emergency vehicles. The road was maintained as a dirt road, with the closing of the nursing home the road fell into disrepair. The road private at the location is in poor condition but passible, but then becoming extremely poor. I believe that the parceling question would be divided into smaller parcels in the future. Construction along Fisher Road will continue, the board denial vote does not stop building nor should it. The applicants appeal will only incur legal expenses for the Town with nothing to gain if our denial vote should prevail. Also in the past the Planning Board has approved other ANR's on unapproved sections of Fisher Road. R Ricker: I disagree with Otto. J Michalak: Who recommended to widen the road, the Fire Dept? P Harding: Yes. I will have more information after I speak with Town Council. S Carlson: What is your opinion? P Harding: I asked DPW and Fire to concur on a width agreement and present it to them. Council thinks that we have a good case Because the roadway is a dead end with no turn around area, no shoulder for cars to bypass each other only accommodating one way traffic, and there is no public water or sewer, requiring the larger tank truck for Fire Dept. response.

VILLAGE DISTRICT BYLAW – LAND USE TABLE

P Harding: The ZBA was interested in updating the Land Use Table as well. This was distributed to the Zoning Board and the Agricultural Committee. I would like to have a meeting to discuss after the holidays. M Krikonis: On page 4, under agricultural. What is the astric for the Village Center District? Special Permit? P Harding: That might be a mistake, I will have to check the Village By law and make sure. M Krikonis: Number 8, under commercial for breweries, wineries and distilleries. Does number 8 that does prohibit potential uses? P Harding: It allows them by special permit. Seven Saws is going through the MEPA. M Krikonis: The new bylaw for the village center was that supposed to be permitted or special permit? P Harding: I will double check, I thinks its Special Permit. M Krikonis:

Page 9 #38 What is the distinction between that and a drive through for a bank? P Harding: Anything with a drive through, it triggers Site Plan/Special Permit currently.. M Krikonis: Page 10 #46 the laboratory research and testing facilities, would we like to allow it in Special Permit in the Business Office? P Harding: Yes we can do that. J Michalak: Page 6 #2 communication of TV towers and on Page 9 #37 communication and TV towers see section 17, one is not allowed and one is special permit. P Harding: #2 has to come out that is from the existing land use table, we have a whole by law that addresses cell towers and communications towers, I am going to delete #2 on page 6. J Michalak is it still allow by special permit in any area? P Harding: That is the way it is written. There is a whole telecommunications by laws that's allowed in any district. J Mickalak: Are they all big towers? Some towns are installing WIFI transmitters' on utility poles and light poles. P Harding: Booster WIFI. I will look into it, that is not in our existing bylaws. M Krikonis: not sure if they are called amplifiers. S Carlson: Your point if valid, we put all the ones on the water tower by my house and the ones that are more powerful in the center of town. R Ricker: Does that have to go before ZBA? S Carlson: No, it's just changing the devices. N Kielenen: Page 9, #37, if something did come up you could research. P Harding: This is just for towers and they are not towers. N Kielenen: Could you add boosters and give them a special permit? P Harding: We would need to change our whole communications bylaw.

S Carlson: Page 6 keeping enclosed chickens. P Harding: They are closing the holden business, they extract egg whites for the vaccination. It's a research facility. They have to be enclosed in a pen they cannot be free range. J Mickalak: Are there limits? P Harding: We can talk about it. J Mickalak: Can it be general all animals? R Ricker: You can have up to 6 chickens and 1 rooster. J Michalak: Used cars question. P Harding: Not allowed anywhere for commercial operation. You are allowed a new car sales associated with the used car lot. S Carlson: You have a lot of places for lease with a lot of frontage for a used car dealership. N Kielenen: Is there a limit for used car lots? R. Ricker: There is an example in Shrewsbury that you cannot limit if you have to allow it. M Krikonis: Do we want to prohibit, if they want a used car dealership they can do it in a tasteful way. R Ricker: We shouldn't prohibit it. N Kielenen: You can say yes but you cannot regulate how many used car dealerships there can be.. S Carlson: We will put the chickens and used car dealerships for another time. P Harding: There are a lot of enclosed pens for chickens that residents have. The neighbors call and complain. J Michalak: Confirm the number of chicken allowed, anything more than 6 should have a permit. And there is enough room and far enough from your neighbors. P Harding: Only allowed in R40, this will result in a lot of ZBA applications. R Ricker: Anyone that has chickens now are grandfathered in. J Michalak: Farm and agricultural make this decision? P Harding: They asked the farm agricultural.

SUBDIVISION CONTROL REGULATIONS

P Harding: It's not ready for distribution, I will bring to December meeting.

OTHER BUSINESS –

APPROVAL OF MINUTES

June 26th 2019 R Ricker made motion to approve the minutes of June 26, 2019, Mr. Krikonis seconded the motion, R. Ricker and Nancy Kielenen recused themselves All in favor 4-0. Unanimous.

July 16th 2019 P Harding to reword the minutes, wait until next meeting to approve minutes

S Carlson made the motion to adjourn at 8:44 PM, Seconded the motion R Ricker. All in favor. Unanimous 6-0

NEXT MEETING December 10, 2019

