

PLANNING BOARD
January 24, 2017
Memorial Hall

Members Present: John Michalak, Otto Lies, Jeff Head, Scott Carlson

Members Missing: William Ritter, Tina Stratis, Robert Ricker

Staff Present: Pam Harding, Director, Liz Fotos, Town Recorder

J. Michalak called the meeting to order at 7:03PM

SUBDIVISION CONTROL REGULATIONS SECTION I-VI

P. Harding stated that she would be keeping Subdivision Control Regulations as a long standing agenda item. She stated that DPW was working on the Design and Construction sections and the matter would be continued to the February meeting.

2017 PLANNING BOARD GOALS- Agenda Items

P. Harding stated that in previous meetings the Board had decided to prioritize the Open Space Residential Bylaw so she included a copy of the bylaw and information from the CMRPC for the Board's review. She stated she also highlighted some of the concern the Board had expressed with regards to the density bonus. She stated she redlined the dimensional table for review as well.

O. Lies stated that he reviewed it but he wondered if White Oak should be involved to join the conversation as they were one of the towns main beneficiary of land.

P. Harding replied that they could and that they were not the only land trust but one that was a likely candidate.

O. Lies stated they were very knowledgeable and as the Board reviews the bylaw it may be helpful to have them join in rather than wait for the public hearing to have their opinion. He asked how everyone else felt about that.

S. Carlson stated he thought it was a good idea and thought a joint meeting may be beneficial. He stated his concern was about how much land a land trust could be given without them taking care of it.

P. Harding asked which portion of land it was and if he was sure it was not DCR property. She stated they have a forest cutting plan on their property and selective tree clearing. She stated she believes the land in question was DCR land.

S. Carlson asked how often they received the forest cutting plan.

P. Harding replied they did receive one but not a comprehensive annual one.

J. Michalak asked the last time one was submitted.

P. Harding replied Conservation receives one every two or three months.

S. Carlson asked if there were checks and balances in place.

P. Harding replied that there were a lot of exemptions that had to be done. She stated a licensed forester had to go through everything and work with DEP.

J. Head asked if the changes that P. Harding had redlined were based off of previous discussion from the Board.

P. Harding replied they were based off of Board discussion in addition to the CMRPC plan that as completed. She stated that to the left of the margin the changes were identified.

J. Head asked what changes were made in section 1.B.

P. Harding replied that she highlighted it for discussion because she knew that density was a concern for the Oak Hill Subdivision.

J. Head stated that another concern that they wanted to look at was the issue with the land that was being set aside for open space was land that could not be used anyway.

P. Harding stated that all wetlands and slop in excess of 15% were not counted. She stated that has always been in they bylaw.

J. Michalak stated that what he found was that the state plan recommended a 30% or 50% and the Town caps at 20% which was what Oak Hill came in at. He asked if the Board had any opinions on the 20% max.

S. Carlson stated he thinks that the Town should maintain 20% max.

J. Head stated he did not think that they wanted to go below 20%.

J. Michalak stated that there were four different ways the developer could get a density bonus, trails, farmland, renewable energy, and forestry land. He asked if there would be a benefit to saying that the developer would only get the density bonus for one of them instead of adding them all up.

J. Head stated that they were still capped at 20%.

J. Michalak stated that for item 4.4, dwelling units using alternative renewable energy, he wondered if the developer should only receive the benefit of that if the entire subdivision was using the alternative energy.

S. Carlson stated that the government signed an act that would be changing solar energy shortly. He stated he thought the state was going to mandate more renewable energy shortly.

J. Michalak asked if the Board wanted to add something about low impact development techniques.

S. Carlson stated that it did not seem to be low impact because it did not stop the clear cutting from a development. He stated a true low impact would have left alone a percentage of land not just given the land back.

J. Michalak asked if the Board wanted to put something like that in.

P. Harding replied it already was.

P. Harding stated that if you prohibit it, the bylaw can't be used. She stated that the grades are so steep that they could not meet the subdivision control regulations unless a part of the land is cleared.

S. Carlson asked if that was for the low impact development.

P. Harding replied it was not just for the smaller lots it was on all subdivisions.

S. Carlson stated that with the density bonus and small lots with the grading, the developers were allowed to tare more land up.

P. Harding replied that sometimes it was required to meet the regulations for the right of way.

S. Carlson asked why during the review this did not come up to say that maybe the low impact development would not work for a certain piece of land.

P. Harding stated it would not matter. They would be concentrating the building/ clearing and then have the open space that was preserved.

S. Carlson stated that he had a different opinion.

J. Michalak asked if the same thing applied to a regular subdivision.

P. Harding replied a lot of times it did depending on the grading and fill. She stated that a lot of grading goes along with the road profiles. She stated she does not think that the cluster subdivision levels out land any more than a traditional subdivision.

S. Carlson stated that other towns are able to do it differently. He stated they work around trees and we don't. He stated that he thinks the Board needs to make it a little harder.

P. Harding stated that the Town requires developer to mark the cleared area and give a buildable plan that shows the limit of clearing.

J. Head asked if S. Carlson wanted a requirement that says the developer is required to preserve a percentage of trees.

S. Carlson stated that you were given the builder an option to build less with less cost and then they come in and clear it out. He stated they should have some integrity. He stated that he is not impressed with the subdivision on Salisbury Street and that in his opinion there is no character to it.

J. Michalak stated that landscaping seems like an afterthought. He asked if they could have any language that had the developer come up with a plan that they could preserve the land.

P. Harding stated that in general they require a clearing plan that shows the limit of clearing but there is no provision that it is spelled out like the cluster.

O. Lies asked if this was in the general design standards. P. Harding confirmed it was.

J. Michalak asked how the Board did a better job of encouraging the developer to leave the integrity of the land when they come in with a plan.

P. Harding stated that she thinks it is going to be a case by case basis. She stated if they want to put minimum clearance with allow ability of waivers that could be considered but she would not prohibit it because in some cases they couldn't.

S. Carlson asked if a developer came in could the Board turn them down for a cluster and say that it needed to go conventional.

P. Harding replied that they could but that the Board would need to give reasons and they would need to relate the denial to the design standards.

P. Harding stated that the Board could get more specific with a percentage but she recommended incorporating a waiver with it if they choose to go in that direction.

J. Michalak stated that he thinks that the language is there but it needs to be more on the Board to enforce it. He stated what it sounds like is the Board wants to see an effort made on design and construction and not just go in and clear out land to build.

P. Harding stated the only other thing they may want to address was the dimensional tables on page 2. O. Lies stated that a few towns have higher front yard setbacks and sideyard setbacks at 20FT. He stated that is very close and he would like to see those numbers increase he would like to see a minimum of 20 all around and maybe higher front yard setback.

P. Harding stated that 15 side yard setback is typical for conventional zoning.

J. Michalak asked if the front yard was 20.

P. Harding replied it was 30. She stated the R40 was a little more but that others are 30. She stated that for the next meeting she would do a conventional table versus this table to allow the Board to compare and contrast. She stated that her bigger concern was for multi-units. She stated the old cluster allowed for town homes.

J. Michalak stated another item he was looking at was the primary and secondary conservation areas. He asked if they wanted input from the Conservation Commission if they were defining a Conservation area in the bylaw.

P. Harding stated she thought that a lot of that could come out.

J. Michalak asked about the buffer zones.

P. Harding stated the 100FT was the buffer zone with a 25FT no disturb zone for the town. She stated streams were different.

J. Michalak asked if the builder was getting credit for an area that they were not allowed to build in.

P. Harding replied in a way they were. She stated to go into the 25FT buffer they needed the Conservation Commission's approval.

J. Michalak asked if they should look to include that in the wetlands. P. Harding replied they could.

J. Michalak asked about step 4, in the 4 step process that was outlined by CMRPC, the lot lines.

P. Harding replied that the developer always needed to show the lot lines.

J. Michalak asked if CMRPC's involvement was done at this point. P. Harding confirmed it was and the Board was using the information they gathered to evaluate the regulations.

J. Michalak stated the biggest thing the Board needed to tackle was the density bonus. He stated that the rest of the Board could review the minutes from this meeting and give their opinion.

P. Harding stated she would do a side by side comparison of conventional v cluster dimensional tables. She stated she will also change the 25FT buffer as part of the constrained land.

J. Michalak asked about inviting White Oak to a meeting for discussion.

P. Harding stated she would like to come to some sort of consensus with the Board first and then they could send White Oak a draft of the changes and invite them into a meeting in advance of the public hearing.

Update of Subdivision Control Regulations -Jefferson Village Zoning District

P. Harding stated that this was a goal of 2017 and would remain on the agenda as an ongoing item.

A Member of the audience asked what the goal for Jefferson Village was.

P. Harding replied that the Board had a walk through and felt that Jefferson Village my benefit from mixed use. She stated it was a general study and one of the goals of 2017 to explore further.

Recreational Marijuana

P. Harding stated that this was a goal of 2017 and would remain on the agenda as an ongoing item.

J. Michalak stated that Hopkinton also suggested a temporary moratorium.

P. Harding replied she did not think there was much of an option because they don't know what is being dealt with yet.

J. Michalak asked when they should do the public hearing for the moratorium.

P. Harding replied that place holders were due in March so they should hold a public hearing in April. She stated that they were still waiting on the model regulations because so many towns were doing the one year moratorium, all the communities were using the same one.

MASTER PLAN IMPLEMENTATION ITEMS

P. Harding stated that she had included a copy of the Master Plan so people could re familiarize themselves with it.

O. Lies stated that he thinks this is a good refresher since it had been about 9 years since it was approved. He stated that after this was approved by the Town there was an implementation committee that worked for some time. He stated that a subcommittee made up of members of the Planning Board and other Boards and towns people made up the Master Plan Committee in the past.

O. Lies stated that there were a lot of things suggested in the plan that had been done and a lot that had not. He stated that maybe the way it is approached is to get people involved in order to start the process. He stated that the Master Plan gets reviewed every 10 years so maybe it was time to start.

O. Lies asked if P. Harding was still the Conservation Agent. P. Harding replied she was not, that the Town hired a part time Conservation Agent.

J. Michalak stated that what he found interesting was the list of responsible parties. He stated he went through and highlighted where the Planning Board was the responsible party and he found that some items were discussed and others had not been addressed. He stated he was not sure if it was premature to set up a committee but that he thinks it should start to be reviewed.

P. Harding replied that it would cost money to set up a committee and review the plan so it would need to be budgeted.

J. Michalak stated that in the meantime they can look at all the items that were the Planning Boards responsibly ahead of next year.

O. Lies stated he did not feel that they needed to wait. He stated that the process should begin so that come 2018 it was an active project.

J. Michalak asked what the process was.

P. Harding stated the committee was appointed by the Town Manager.

J. Michalak asked if it was someone from each Board.

P. Harding replied that was what they tried to do.

J. Michalak asked the time frame for the Tow Manager's retirement.

P. Harding replied March 4, 2017 was her last day.

J. Michalak stated that they should not do anything prior to that. He asked about the cost.

P. Harding replied the report and consultant that prepared the master plan all cost money.

J. Michalak asked if that was how the update would be handled.

S. Carlson stated that it was mandated by the state.

P. Harding replied that it is an unfunded mandate to have one but that it is good planning process to have a 20 year plan that is updated every 10 years.

P. Harding stated that although they did not have funding yet, they could work on it and visit various items.

DISCUSSION OF CITIZEN PETITION TO PERMIT USED CAR SALES

P. Harding stated that there was a citizen petition to permit used car sales in Town. She stated that the Planning Board would need to hold a pubic hearing and make a recommendation at Town Meeting. She stated it was a general petition and that currently the town does not allow the sale of used cars without the new car dealership permit.

P. Harding stated the person that originated the petition was Mike Grishesy and it was signed by 10 registered voters.

J. Michalak asked if the Board wanted to let them know that they were looking for more specific details.

P. Harding replied that they could write them to let them know the Board has questions and would have it as an agenda item.

J. Head asked what was submitted.

P. Harding replied a petition to the Town to change the Zoning Bylaw to allow the sale of used cars. She stated that was all she received.

J. Michalak stated it was hard to move forward on this without knowing the intentions of the petitioner.

P. Harding stated they would hold the public hearing next month.

APPROVAL OF MINUTES

None

MISC

S. Carlson asked about the property that just passed, the 10 lots towards the Rutland line. He stated that it was his understanding that because they were not doing it as a development, but had separated it into parcels, the Town had to do water lines and electrical lines. He asked where it stopped that the town had to provide these amenities.

P. Harding replied that there is a provision that allows for the division of land on public ways without permission from the Boar if it is done in an ANR.

S. Carlson asked if that made the Town on the hook for the cost of the work.

P. Harding replied that there were other processes that the developer would need to go thought such as Water / Sewer and other regulations they must adhere to but the Board could not regulation the division of land if it has the required area and frontage. She stated that DPW would have to review that when the builder applies for water connection permits but the Planning Board had no review of that.

S. Carlson asked if they are substandard, is it a cost for the town to fix.

P. Harding replied she is not sure how DPW handles it but that on a recent one on Wachusett Street, they made the developer do a substation.

S. Carlson asked if the Planning Board had any jurisdiction over these lots. P. Harding replied they did not.

J. Michalak stated it sounded like some of the costs were passed right to the developer.

P. Harding agreed and stated that the Planning Board could not condition as it was not their place to do so. She stated that the ANR's are routed though DPW and that before the Planning Board receives an ANR it goes through Con Com, Building Commissioner, and DPW.

J. Michalak asked about the upcoming scheduled for the Board.

P. Harding stated that they had just received the check from Greenwood Estates to create the 53G account. She stated it should clear on Monday so they can move forward with the peer review. She stated that Westona and Sampson is doing the sewer, Cintac is doing the traffic study and Quinn Engineering is doing the control review.

S. Carlson asked if the matter was on for March 14, 2017 meeting. P. Harding confirmed it was.

P. Harding stated that he was required to give a status report on February 1, 2017.

S. Carlson asked about Stoneybrook.

P. Harding stated that they are still waiting on the easement and the homeowners is holding it for repairs to the foundation and warranty. She stated that the developer could not proceed until he has those land rights.

Motion by O. Lies, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO ADJORN THE JANUARY 24, 2017 PLANNING BOARD MEETING AT 8:12PM.

APPROVED AT THE MARCH 28, 2017 MEETING: _____