

PLANNING BOARD
MEETING MINUTES
January 23, 2018

7:15PM

Memorial Hall

Members Present: John Michalak, Rob Ricker, Scott Carlson, Tina Straits, Otto Lies (7:19PM)

Members Not Present: Jeff Head

Others Present: Pam Harding, Director of Planning
Liz Fotos, Town Recorder

J. Michalak called the meeting to order at 7:15PM

ELECTION OF OFFICERS

J. Michalak suggested holding off on this until more members were present.

Motion by S. Carlson, seconded by T. Stratis, it was VOTED TO MOVE THE ELECTION OF OFFICERS TO A MEETING WHERE MORE MEMBERS WERE PRESENT BY A VOTE OF 3-0.

PUBLIC HEARING- DEFINITIVE SUBDIVISION- GREENWOOD ESTATES- JACKSON WOODS INVESTMENTS, LLC

J. Michalak stated that O. Lies was not at the meeting along with J. Head. P. Harding stated that everyone else was okay to participate.

C. Blair was present on behalf of Jackson Woods Investment.

C. Blair stated that he was going to ask for an extension. He stated that they were still working on the sewer lines.

Motion by R. Ricker, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO GRANT THE DEVELOPERS WRITTEN REQUEST FOR A TWO MONTH EXTENSION TO MARCH 27, 2018 WITH A DATE TO FILE TO APRIL 2, 2018.

MYLAR- HOLDEN YOUTH SOCCER

P. Harding stated that the appeal period was over and they needed to record the mylar at the registry. She asked the Board to sign it.

O. Lies entered the meeting at 7:19PM.

2018 PLANNING BOARD GOALS

-RECREATIONAL MARIJUANA-

P. Harding stated that this may change a little. She stated that it was before the Attorney General and they were supposed to have an opinion. She stated that when they received it Town Counsel will forward it.

J. Michalak asked the schedule for this matter.

P. Harding stated that the moratorium expired June 30, 2018.

R. Ricker asked if there were any medical marijuana dispensaries in Town. P. Harding replied there were not.

R. Ricker asked if there were any pending applications for them. P. Harding replied there were not. She stated that the Town could not prohibit medical marijuana but that they did have the by Special Permit in the Industrial Park.

-SUBDIVISION CONTROL REGULATIONS

P. Harding stated that they were going through this a chapter at a time and agreeing on the changes but that they would not technically be approved until the Public Hearing. She stated that it would be better to do the whole package with one hearing than multiple small ones.

P. Harding stated that DPW contracted with Graves Engineering to do a red line and once they review it they will meet with the Planning Board. She stated it would be an overhaul of the Subdivision Control Regulations and that they will also make recommendations.

O. Lies stated that over the last few years a few issues such as road width and cul de sacs came up often; he asked if that was all part of the changes.

P. Harding stated that as the Board agreed on changes, they were redlined in the Subdivision Control Regulations. She stated additionally, it will be engineering based profiles such as where utilities go, etc. that will be looked at.

T. Stratis stated that one of the things they discussed was making standard road width 24ft with one sidewalk. She asked if they were still going to do that or if they would be doing it case by case. She stated that Oak Hill seemed narrow and tight with the one sidewalk.

P. Harding stated that they had defined it by lots. She stated that 10 lots and up is 26ft and under that is 24ft. She stated that nothing had been approved yet, it was just the consensus that the Board had come to and could still be changed.

T. Stratis asked if this needed to go to Town Meeting.

P. Harding replied that this was a Public Hearing to change and did not require Town Meeting.

-ACCESSORY APARTMENT BYLAW-

P. Harding stated that she had included a redline version in the packet to show the changes. She stated that she will forward the changes to the ZBA and the Board can schedule a Public Hearing on the matter.

J. Michalak stated that in one section it sounded like Accessory Apartments would be Special Permit and shall be transferable with the sale. He stated that somewhere else it sounded as though they needed to reapply. He stated that it said “new covenant must be recorded”

P. Harding stated that it must be owner occupied and that it restricted the occupancy.

O. Lies stated that he read through this and he questioned why their needed to be a Special Permit. He stated he would like to see this by right. He stated that the Model Bylaw from the state proposed in the Zoning Regulations stated that this should be simplified for the Town and the applicant. He stated that rest he could go with but that he does not think it should be by Special Permit.

R. Ricker stated that he thinks until the state comes in with a new Zoning Act it should remain. He stated if you eliminate the Special Permit you can turn the whole town into two family zoning.

O. Lies stated that you would still need a permit just not a Special Permit. He stated the Town has a Building Inspector and the applicant needed to file and have certification done but that the ZBA could come out of the equation. He stated the Building Inspector could review if all the criteria has been met and issue a permit.

R. Ricker asked if O. Lies wanted to eliminate the checks and balances by the Boards.

O. Lies stated that the Building Inspector can review it and if everything is checked off he can sign the occupancy.

P. Harding stated that she likes the chain of record recorded at the registry as a Special Permit.

R. Ricker agreed and stated that he felt it maintained the integrity.

O. Lies stated that he thought they were making it more complicated.

S. Carlson stated that with a Special Permit the abutters were notified.

O. Lies stated that was a good point but he asked how the ZBA could refuse a permit.

R. Ricker stated that with Special Permit they could not say no but they can make sure it was done the way it was supposed to be done.

J. Michalak questioned that the ZBA could not say no to a Special Permit.

R. Ricker stated that if you deny a Special Permit and you do not have just cause, the appeal would be overturned. He stated that the Special Permit keeps things in order. He stated that they should not give a building commissioner all the power and eliminate boards jurisdiction. He stated that was the wrong thing to do.

J. Michalak asked if a Special Permit could be denied.

P. Harding stated that it could be but it would have to be an adverse effect for issuing the permit.

T. Stratis asked if it could be that abutters did not want it.

P. Harding replied that the abutters would have to show negative effect from it.

O. Lies stated that the Building Commissioner had the right to not issue a permit.

P. Harding stated she did not know if something like that would pass Town Meeting.

O. Lies stated that the ZBA had indicated that they wanted out of this.

R. Ricker disagreed. He stated that he felt they wanted it to be more consistent with continuity. He stated by eliminating the blood relative to having it by right you were doing that same thing.

O. Lies stated that they did not need the ZBA to do this; the Building Inspector could.

R. Ricker stated that they had differing opinions on that.

-VILLAGE DISTRICT BYLAW

P. Harding stated that the CMRPC would be coming to the February 13, 2018 meeting to present the final draft. She stated that she does not think this would be ready for this Town Meeting.

S. Carlson asked if Air BNB were out of the Town's jurisdiction.

P. Harding stated that they have a lodging bylaw that covers some of it. She stated that lodging needed to be permitted so an Air BNB would be a zoning violation.

R. Ricker asked if there were any currently in Town.

S. Carlson replied they were everywhere.

P. Harding stated that you would have to watch the internet to see if there were any. She stated she had looked and not seen anything but that did not mean anything.

S. Carlson asked if the could talk about common driveways in the future.

R. Ricker asked if that would be part of Subdivision Control Regulations.

P. Harding replied that it would depend on how they wanted to do it. She stated it was in Special Permit as a Zoning Bylaw.

R. Ricker stated that there was a lot of confusion about it in the application.

P. Harding stated that there should be no confusion; that it cannot be in an application.

J. Michalak stated that most of it was that someone wanted to do two lots and wetlands were there.

S. Carlson stated that impervious surfaces seemed to be the argument used a lot.

S. Carlson stated that he wanted to address high pitch roads as well. He stated that other towns after so many feet you need to have a switchback so not that much water goes onto the main roads.

J. Michalak stated that driveway length was another issue that would be addressed.

R. Ricker asked the time frame on Accessory Apartments.

P. Harding stated that they could be done in February or March.

O. Lies asked if ZBA would have the chance to weigh in on their opinions.

P. Harding stated that if everyone agrees she will send the Boards opinion to them.

O. Lies stated that he wanted ZBA to know that he is not in favor of Special Permit.

T. Stratis stated that she is favor of Special Permit; R. Ricker and S. Carlson agreed but thought that O. Lies point should be given as well.

R. Ricker stated that the majority of the Board felt Special Permit was fine but the minority did not.

S. Carlson asked what was going on with the wall that failed (Vista Circle).

P. Harding stated that the Town did not hire anyone to do anything. She stated that they did have a third party peer reviewer review the first repair. She stated that the applicant of the subdivision agreed to repair it and did building plans and the Building Commission did a peer review on that as well.

She stated that the applicant is not agreeing to repair the second failure.

S. Carlson asked if they had any jurisdiction.

P. Harding replied it was the Building Departments; not theirs and was not part of the public way.

S. Carlson asked if they needed to do anything about the retaining walls.

P. Harding stated that this was something that supported the houses not the roadways.

S. Carlson asked if they needed to tighten up the retaining walls in the Subdivision Control Regulations.

P. Harding replied that currently it cannot support a public way. She stated she is not sure how much control can be issued over housing lots.

S. Carlson asked if they could put in that they would lose yield so that would not be to their advantage.

P. Harding stated that it was regulated by Building Department and that they can't get into definitive design. She stated that particular wall was not part of the infrastructure so it is outside the Boards jurisdiction.

R. Ricker stated that one way to address it would be to not allow structure in a certain grade of setback and not allow a straight drop. He stated that if they required a 2:1 they maybe could do it through regulations.

P. Harding stated that it was something to look into.

R. Ricker stated that the Planning Board does land and the Building Department does buildings. He stated that they can't control the land. He stated that if a lot can't be built on then it can't be built on.

P. Harding stated they could look at a general height on a wall.

The Board discussed the various walls in Town that had issues in the past; retaining wall at Big Y, Oaks at Holden, Vista Circle, etc.

R. Ricker stated that gets back to the land left in Holden and that there are no good pieces of land so that they have to use walls as a way to build.

J. Michalak stated that there were right ways to design and build a wall though.

R. Ricker agreed and stated that they need to address them so that developers need to know what they are up against.

S. Carlson asked if there was any way for the Light Department to come up with a packet that could be attached to the plans so standards were included.

P. Harding stated that the Director of HMLD used to specify what he wanted but now it is indicated that the lights were subject to his approval.

R. Ricker stated the poles were subject to HMLD placement anyway.

P. Harding agreed and stated that they were about every 200ft.

S. Carlson added they need to be so many feet from an intersection as well.

P. Harding stated that the HMLD Director asked for the condition to be more general so they were able to change it as needed. She stated that they like to keep it uniform but that she can ask Mr. Robinson for some more detail.

J. Michalak stated that he thought it would be useful if they were having a Public Hearing to have a little more information.

P. Harding stated that it is largely a Light Department matter and that lighting could not be waived. She stated they in general do not get involved.

S. Carlson stated that 20% of the Town could not be done in LED lights because of the old fashion lighting.

J. Michalak asked how it worked on Main Street because it was a state road.

S. Carlson stated that the Town was responsible for it.

APPROVAL OF MINUTES

Motion by R. Ricker, seconded by O. Lies, it was UNANIMOUSLY VOTED TO APPROVE THE SEPTEMBER 26, 2017 PLANNING BOARD MEETING MINUTS AS PRESENTED.

Motion by S. Carlson, seconded by R. Ricker, it was VOTED TO APPROVE THE OCTOBER 24, 2017 PLANNING BOARD MEETING MINUES AS PRESENTED BY A VOTE OF 4-0-1 (T. Stratis: abstain).

Motion by R. Ricker, seconded by O. Lies, it was VOTED TO APPROVE THE NOVEMBER 28, 2017 PLANNING BOARD MEETING MINUTES UNANIMOUSLY WITH THE ABSTENTION OF T. STRATIS FROM THE WESTMINSTER PLACE MATTER.

The Board held the December 10, 2017 Planning Board Meeting Minutes.

MISC.

O. Lies stated that CMRPC had an interesting meeting about something that was similar to the 40B. He stated that it was to promote housing choices in connection with legislation. He read

the first two paragraphs to the Board. He stated that this encouraged municipalities to take action for housing choices. He stated that it has been said that there is no more good land left in Town and that this was interesting because it reduced dimensional constraints.

R. Ricker stated that it sounded like 40B.

O. Lies stated that it reduced dimensional requirements and encouraged mixed use. He stated that the main question that came up was why should communities be forced to create housing when the infrastructure was not there to begin with. O. Lies stated that he felt the Town should look and see if they wanted to act on it.

O. Lies stated that it was appropriate for other communities but he was not sure if it was appropriate for Holden. He stated that there was no legislation at this meeting but another one was being planned where legislation will be invited.

R. Ricker stated that related to Holden, we have a surplus of 40B.

S. Carlson stated that in this Town we have large lots because that is how the bylaws are written. He stated that the 10K SQFT is concerning because it does away with zoning and it does not have to be affordable, it is housing stock. He asked to be kept notified about the next meeting discussing this.

P. Harding stated that she could notify them about the CMRPC meeting.

Motion by T. Stratis, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO ADJOURN THE JANUARY 23, 2018 PLANNING BOARD MEETING AT 8:18PM.

APPROVED:_____