

PLANNING BOARD
MEETING MINUTES
June 12, 2018

7:00PM

Memorial Hall

Members Present: John Michalak, Rob Ricker, Scott Carlson, Otto Lies, Tina Stratis

Members Not Present: Jeff Head, Mike Krikonis

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

J. Michalak called the meeting to order at 7:09PM.

PUBLIC HEARING – DEFINITIVE SUBDIVISION- DANIELLE LANE- LEAD THE WAY DEVELOPMENT- 1495 WACHUSETT STREET

P. Harding stated that there were comments from DPW that were received today and there had not been enough time to review everything. She stated that they asked to continue to the June 26, 2018 meeting. She stated that there were minor comments to address but most of it was drainage related.

Motion by O. Lies, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO CONTINUE THE PUBLIC HEARING FOR DEFINITIVE SUBDIVISION/ DANIELLE LANE/ LEAD THE WAY DEVELOPMENT 1495 WACHUSETT STREET TO JUNE 26, 2018

PUBLIC HEARING –DEFINITIVE SUBDIVISION-GREENWOOD ESTATES- JACKSON WOODS INVESTMENT- UNION STREET

Cle Blair was present at the meeting. He stated that they had received comments and submitted everything back and to the best of his knowledge everything was resolved. He stated that they were just waiting to hear as to whether or not everything was resolved.

J. Michalak opened it up for public comment.

Denise Chassey, 21 Bayer Circle was present. She stated that she lived adjacent to the properties and owns a house that Blair built. She stated that she saw the current layout and there was a buffer of trees in between her property and the adjacent property and from her understanding they were intending on keeping. She stated that this was going to be a very large development that will change the character of the area and she wanted to know if they were able to do something more with the buffer. She also asked when the project would begin.

C. Blair showed the Board the location of the abutters home. He stated that they intend to maintain the buffer but he can not say for certain what the grading was going to do.

D. Chassey stated that the area was very hilly and there was a lot of issues with erosion. She stated that it was Mr. Blairs intention and their desire to have the 20-30feet of buffer. She asked with that being said could they make it a requirement rather than intention.

J. Michalak asked if they had a previous subdivision that they had implemented a no cut easement for.

P. Harding replied they did but it was for abutting Open Space.

J. Michalak asked if that was the Towns requirement.

P. Harding replied it was required by White Oak.

R. Ricker stated that there was a tremendous amount of contours for this subdivision with a lot of cuts and fills; he asked if that could even be done.

C. Blair replied that it was his intention to leave the buffer there, he thinks it is important and does not want to wipe out the trees but he will not know for certain until he is in the field about the grade or the tree line.

R. Ricker replied looking at it he was not sure if it could be done.

D. Chassey stated that she was hearing both 40feet of buffer and also that it couldn't be done. She asked which one it was.

R. Ricker stated that according to the plan the extensive ups and downs in the area he was unsure if it could be maintained based on the cuts and fills. He stated he did not want to give her false hope.

D. Chassey replied that she was not looking for hope she was asking for the Planning Board to make it a requirement that he needed to maintain a buffer of 20-30feet. She stated that she did not feel like this was a huge request with the amount of houses that were going in.

C. Blair stated that he wanted to keep it but that he wanted his options to be left open. He stated that if they restricted him he could end up needed to add a wall because of the grading.

J. Michalak stated that he did not think that the Board could require him to do something like that on his own property. He asked the Boards comments.

P. Harding stated that they had required buffers in the past.

R. Ricker stated that the needed to look at the plan. He stated that there were a lot of redlines that showed steep grades.

J. Michalak stated that the plan showed that the land did not need to be disturbed. He suggested having the contours 40feet from the property line.

P. Harding stated that they should be able to get 20feet of buffer.

C. Blair stated that he did not mind that with the caveat being that he does not want to be held to something if it meant that he was unable to build an additional home.

J. Michalak asked what the slope was.

I McCauley replied it was 2:1 as he had presented it to the Board.

C. Blair replied that it was his intention and it usually worked out but he did not want to say that it was a guarantee.

P. Harding stated that this has been in process for two years and she thinks it is late in the game for a request for a restrictive easement.

D. Chassey stated that she understands that he has buildings and a business to run but she is hopeful that they can balance it out. She stated she is hearing two things, that it is his intention to maintain the buffer and then that he probably do it and others saying it doesn't look possible. She stated that she doesn't feel great about this and that she hopes the Board has everyone's best interest in mind.

J. Michalak asked P. Harding to tell them about the sewer; he asked if all items were addressed.

P. Harding stated that they received the revisions today with the details of the housing unit for the pump station.

R. Ricker asked if all 23 outstanding items were addressed.

P. Harding replied that he was responding to things but she could not say if everything had been addressed.

J. Michalak asked if everything had gone back to Weston and Sampson at this point.

P. Harding replied it had.

J. Michalak asked if it would be another 2 / 3 weeks for them to review the updates.

P. Harding replied that it should be less because the comments were all narrowed down at this point.

R. Ricker asked about the environmental report.

P. Harding stated that with regards to the Environmental Notification Form, something was different in the submission. She stated that there were 34 gravel driveways proposed and that the Town would not support that. She stated that at this pitch they would want the driveways to be paved. She stated that they also do not support driveways that don't connect to the home and that the Fire Department has voiced numerous concerns.

R. Ricker asked how long the traverse was to the house.

P. Harding replied it was not far but it was on a steep slope.

R. Ricker asked if the Town could require them to put blacktop in.

P. Harding stated that because it was abutting a public way and they felt it would be impacted by run off they could require it.

J. Michalak asked what the process was to fill out the environmental forms.

P. Harding replied that an ENF gets submitted to MEPA and then the Town has time to respond. She stated that this was slightly different than what was originally submitted including differing stormwater calculations that had paved driveways. She stated that was submitted last week.

R. Ricker asked if there were any other issues.

P. Harding stated the driveways to the house was another concern as well as the width of one of the roadways that the fire department was concerned with.

J. Michalak asked if that was the only thing outstanding for the ENF.

P. Harding replied that she had not gone into it in great detail but that the above was what they noticed was different.

R. Ricker asked how the applicant was going to move forward with this.

C. Blair stated that the MEPA process says that if there is over 10 acres of impervious something else gets triggered. He stated that if the Board allowed him to remove a sidewalk on one side of the road it would take care of the issue. He stated that this had already been reviewed by Con Com but if they have to submit it to MEPA it would be a different environmental submission that would require them to go to the state for permits. He stated his other alternative was to do a permeable pavement that way it worked as pavement not gravel. He stated that he understands no one wanted a gravel driveway and he did not want to do that but he asked if they could consider removing the one sidewalk to aid his calculations.

T. Stratis asked if the roadway was 24 feet with two sidewalks.

R. Ricker asked if that was a discussion that the Board wished to have; eliminating a sidewalk.

S. Carlson stated that he thought that the Board wanted to have the sidewalks because of the road contours.

P. Harding stated that was what they had initially discussed.

T. Stratis asked for the breakdown of the road, grass, and sidewalks.

I McCauley replied she believed the berm was 1 foot and the grass was 6 feet and the sidewalk was 5 feet.

J. Michalak stated that this was a big submission so there was a lot of impervious to contend with.

R. Ricker stated that there would be a lot of kids with 84 houses.

J. Michalak stated that there was a winding road too.

C. Blair stated that he spends a lot of time in subdivisions and kids don't ride bikes on sidewalks or really use them. He stated he will give the Board what they were looking for he just wanted them to know if they eliminated them it would be one way to lesson the impervious materials. He stated he did not mind making it grass instead of sidewalks he just wanted the Board to think about it. He stated that he will do what he needs to if they decide against it.

T. Stratis asked if they could make the road wider.

R. Ricker replied they couldn't; but that it needs to be two sidewalks. He stated that 84 homes will cause a lot of traffic and he doesn't think there is a lot of hope to getting one sidewalk eliminated.

C. Blair thanked the Board for considering it.

S. Carlson asked if there were additional comments from DPW.

I McCauley stated that with regards to the sewer they had received all the material electronically and they were waiting on the hard copies that they had requested. She stated that the process would be to have it go back to Weston and Sampson and have them. She stated that they had also requested that the applicant submit samples for the pump station building.

She stated that the Town was going with Weston and Sampson's recommendation which was the most conservative calculations, so upgrades would need to be done to some of the pipe sizes to ensure there was enough capacity to accommodate the new flow. She stated that was all being worked out.

I McCauley stated that as far as the offsite improvements went, the comments were addressed and they received the new plans so they were good with those.

I McCauley stated that with regards to the drainage questions, they had a few questions regarding the catch basins to make sure those could be constructed and the information was provided for that and addressed. She stated that there was also a pipe size on site that was not standard that they had that changed to standard size as well.

I McCauley stated that with regards to the ENF comments for driveways; they do have driveway rules and regulations that need to be followed. She stated that there is a maximum slope for driveways, 14% and that needs to be met. She stated additionally, they needed driveways to be attached to the buildings and they did not want gravel driveways for many reasons. She stated that in addition to the reasons listed, DPW had concerns with steep slopes with gravel that was not maintained and additionally the plowing of those surfaces running off to the street could cause an unsafe condition so they had those concerns as well.

R. Ricker asked if they had more comfort with the letter that was issued.

I McCauley stated that there was some back and forth and some question about the sequence of operations. She stated that the plan was to send the flow to the new system and have that pump station serve some of the existing homes in addition to the new ones. She stated that they needed to discuss how the connection and the temporary bypass would work and include all of those details so the Board could condition their approval.

S. Carlson asked if the pump station failed, what the backflow to the low lying properties would be.

I McCauley replied that the pump stations had storage capacity and an overflow valve as well. She stated that the foremain was a separate system and they were on gravity.

J. Michalak stated that they had mentioned that they were looking at the constructability. He asked if Weston and Sampson was comfortable with it without impacting the private property owners with regards to the extent of the cuts. He asked if they had looked at how it was going to be built or just how it would look when its done.

I McCauley stated that the scope of the work that they were doing was the sewer and the constructability of the sewer.

J. Michalak asked how many roads would be effected by the sewer excavation.

I McCauley replied it would be Highland Ave, Highland Street, and she thought two others, so four.

J. Michalak asked if the roads would need to be close for the sewer lines.

I McCauley replied that they were back roads and a trench would be dug. She stated that if they needed to be closed they could but it would be one side of the road.

C. Blair stated that he thought the force main was offsite.

I McCauley replied that it was in the roadway.

J. Michalak asked how long the process of the reviewing would take.

R. Ricker asked if Quinn Engineering was done.

P. Harding replied that they were sent all the revised sewer information to ensure that all the comments submitted by the applicant lined up and were addressed. She stated there were still a few revisions that everyone needed to see.

R. Ricker stated that Highland Ave was recently paved, he asked if they were coming under the 5 year moratorium.

I McCauley replied that she was not sure if the street was part of this project but in the past they have worked with the developer and had them mill curb to curb. She stated that she would look into it.

C. Blair stated that he had submitted everything yesterday (June 11, 2018) and they have the review from Weston and Sampson on June 1, 2018. He stated that there is a little clean up to do; but not a lot and he feels that this can be completed in two weeks.

J. Michalak asked about the changes for the ENF.

C. Blair replied that he was not changing anything. He stated that he made the changes to get under the 10 acres of impervious but if push came to shove he would do a permeable asphalt and be done with it

for the driveways. He stated that MEPA was a difficult process and the EIR part was very expensive and long and he did not intend to do it. He stated that he knows that people will not buy homes with gravel driveways and he will do something to make it right.

S. Carlson stated that without the EIR he could not have the development.

C. Blair replied that he did not need the EIR; he had the ENF. He stated that there was a state permit for DPE for a 401 water quality cert that he would need MEPA for but once he was through the MEPA process it would be dealing only with DEP. He stated that he submitted to DEP and Con Com has approved it. He stated once I McCauley reviews it he thinks it will satisfy DPW and then he would only need permits for the front crossing and a MEPA cert.

S. Carlson asked if two weeks was realistic.

The Board discussed the summer schedule.

Motion by R. Ricker, seconded by O. Lies, it was UNANIMOUSLY VOTED TO CONTINUE THE PUBLIC HEARING FOR DEFINITIVE SUBDIVISION GREENWOOD ESTATES- JACKSON WOODS INVESTMENT- UNION STREET TO JULY 17, 2018 WITH A DATE TO FILE TO JULY 31, 2018.

TOWN MEETING ZONING ARTICLES

P. Harding told the Board that the Warrant Article pertaining to the Marijuana Bylaw passed but was close, the Warrant Article for the Sheds passed and the Warrant Article for the in-law apartments passed.

ZONING BOARD OF APPEALS RECOMMENDATION

Variance – 18 Avery Heights Drive- Michael and Jean Conway/ Frontage and Area relief to create a buildable lot in the R-1 Zoning District

P. Harding stated that these lots are in common ownership and were considered merged because they existing in common five years. She stated the applicant was trying to now recreate a building lot.

J. Michalak asked if they were grandfathered.

R. Ricker stated that all the pertinent properties were sent letters that indicated they had five years to fix it. He stated that he thinks they should recommend against this as the owners had five years written notice to fix it. He stated that the Boards took the time to notify everyone and did research surrounding it and that it was the same owners as when the notification went out. He stated they just didn't want to pay the fees and taxes. He stated that the Town took the time to explain how to protect themselves and grandfather it and despite having the information and options to do it they decided not to.

J. Michalak asked if they had frontage on Avery Road.

T. Stratis stated these were the same people that got notified.

T. Stratis asked if there was proof of notification from the Town.

Motion by R. Ricker, seconded by T. Stratis, it was UNANIMOUSLY VOTED RECOMMEND TO ZBA TO DENY THE VARIANCE FOR 18 AVERY HEIGHTS DRIVE/ MICHAEL AND JEAN CONWAY/ FRONTGAGE AND AREA RELIEF TO CREATE A BUILDABLE LOT IN THE R-1 ZONING DISTRICT ON THE PREMISE THAT THE LOT WAS NO LONGER GRANDFATHERED AFTER THE INITIAL 5 YEAR TERM EXPIRED AND THE OWNERS WERE NOTIFIED OF THE FIVE YEAR WINDOW THEY HAD TO GRANDFATHER THEMSELVES.

Variance- 139 Twinbrooke Drive- Lawrence and Patricia Popple, Variance to create a building lot in the R-1 Zoning District

P. Harding stated that the lot line went through part of the home but the owner was again the same person.

R. Ricker stated that they had 24k sq feet; he asked if the zoning at that location was 40k sq feet.

P. Harding replied it was now.

R. Ricker stated that they were making a non conforming lot less conforming.

J. Michalak stated that he did not think that they did not grandfather for the same reason as above.

P. Harding replied they would need to come forward as a subdivision now because they were moving lot lines. She stated that every other lot in the neighborhood was about this size.

J. Michalak asked when it was built.

P. Harding replied it was built before the zoning change and they acquired two parcels. She stated that for whatever reason they did not realize the house was through one of them.

R. Ricker stated that the argument was still that they had five years to grandfather themselves and then didn't

S. Carlson agreed.

Motion by R. Ricker, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO RECOMMEND TO ZBA TO DENY THE VARIANCE FOR 139 TWINBROOKE DRIVE / LAWRENCE AND PATRICIA POPPLE TO CREATE A BUILDING LOT IN THE R-1 ZONING DISTRICT BASED ON THE FACT THAT THE LOTS WERE COMBINED AND THEY HAD A 5 YEAR WINDOW TO GRANDFATHER THE PROPERTIES.

Variance- 180 Parker Avenue- Anne and Cynthia Leanult- Relief from sideyard setback requirements for the construction of a pool- R-2 Zoning District

Motion by S. Carlson, seconded by R. Ricker, it was UNANIMOSULY VOTED THAT THERE WAS NO PLANNING SIGNIFICANCE FOR 180 PARKER AVE/ RELIEF FROM SIDEYWARD SETBACK REQUIRMENTS FOR THE CONSTRUCTION OF A POOL.

Special Permit- 7 Shays Lane- Daniel and Kelly Doherty- Accessory Apartment- R-1 Zoning District

P. Harding stated that even though this went through Town Meeting, they still needed a Special Permit.

J. Michalak stated that it met all the necessary requirements.

Motion by O. Lies, seconded by S. Carlson, it was UNANIMOUSLY VOTED THAT THERE WAS NO PLANNING SIGNIFICANCE AND THAT THE PLANNING BOARD HAD NO COMMENT FOR 7 SHAYS LANE/ DANIEL AND KELLY DOHERTY/ ACCESSORY APARTMENT R-1 ZONING DISTRICT.

MASTER PLAN UPDATE STEERING COMMITTEE- STATUS

P. Harding stated that the Committee would be in front of the Board of Selectmen on June 18, 2018 to announce and update and announce the start of the online survey.

PLANNING BOARD MINUTES

Motion by S. Carlson, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO APPROVE THE APRIL 24, 2018 PLANNING BOARD MEETING MINUTES AS PRESENTED.

Motion by S. Carlson, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO APPROVE THE MAY 15, 2018 PLANNING BOARD MEETING AS PRESENTED.

Misc

S. Carlson asked if they could make the build out matrix for the Master Plan more useable. He stated that it was currently just numbers but he wanted to know if they could break it down by pod or zone.

P. Harding replied it was broken down by zoning and school. She stated that it took the buildable area and takes out wetlands, streams, buffer, and slopes and takes into consideration the buildability factors. She stated that they then work backwards for lots the same way they did last time the report was completed.

S. Carlson stated that he has the report for the buildout of the sewers and it was done by zones.

P. Harding replied that the sewer buildout was individually looking at each lot and evaluating where the sewer could be expanded and where it was at capacity.

S. Carlson stated that if he looked at this report he would be confused; he asked how you would take this report and define it.

P. Harding stated that it was not done by lot. She stated that it was being done the same way that it was last time in 2000.

S. Carlson stated that as a town they were trying to plan for the future. He stated that there will be infrastructure problem in town and that if they don't have the right information then you can't get to the thought behind it.

P. Harding stated that it would be done showing zoning and schools and then a map to show developable areas.

R. Ricker stated that it sounded like a tool for developers.

P. Harding stated that it indicated 15,000 additional people at complete buildout. She stated that if every piece of land in the Town was subdivided there would be an additional 15,000 people, not homes. She stated it equaled about 5000 additional homes and it takes watershed and wetland protected area out and did not consider ANR lots.

J. Michalak stated it sounded like they looked at buildable space.

S. Carlson stated that they needed to make it so the average person could look at it and understand it. He asked how they could get the report to the next level with more meat on it.

P. Harding replied that it would be very expensive to do that.

S. Carlson asked how to make it more visual.

P. Harding replied the maps would do that.

T. Stratis asked if there was any potential locations for additional schools in Town.

P. Harding replied that there was not but that Salisbury was showing the high growth potential so schools could be redistricted if needed.

S. Carlson stated that the schools did some planning when they were built and all the mechanicals were at Mayo and Davis Hill to be able to expand if need be.

P. Harding stated that the Town is right where they projected us to be from the previous report. She stated there were no surprises and no high rate of growth.

Motion by T. Stratis, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO ADJOURN THE JUNE 12, 2018 PLANNING BOARD MEETING AT 8:54PM.

APPROVED:_____