

PLANNING BOARD
MEETING MINUTES
September 12, 2017

7:00PM

Senior Center

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

Members Not Present: Jeff Head

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

J. Michalak called the meeting to order at 7:04PM

PUBLIC ADDRESS

Mike Caroline, 301 Bullard Street was present at the meeting and asked to make a public address. He stated that he had spoken with Pam Harding already and his concern was with regards to Wachusett Valley Estates. He stated it was opposite his home and that the elevation looked high to him. He stated that he had spoken before about his concern for drainage and had also spoke to the developer. He stated that the developer was looking into the matter but that from his research it appeared that the road was at the elevation that the Board approved by the property elevation had been misrepresented. He stated that P. Harding had indicated that Engineering would go look at it but that he wanted the Board to be aware as well. He stated that he was very concerned about drainage.

P. Harding stated that the Town Inspector had asked for shots and grades to verify the information.

I McCauley, Senior Civil Engineering, DPW was preset at the meeting. She stated that they had noticed recently that the profile plans had a different elevation than the grading plans and that was what she believed they were referring to. She stated that the utilities and plans for the road were in the profile plan and that was consistent. She stated that they had asked the developer if there was any adverse effects to the property and they were waiting on confirmation of that.

J. Michalak asked if the contractor or the Town did the as builds.

I McCauley replied the contractor did.

S. Carlson asked what the difference was.

I McCauley replied that it was a difference of about 2ft.

S. Carlson asked the length.

I McCauley replied about 500ft.

PUBLIC HEARING DEFINITIVE SUBDIVISION- Union Street- Greenwood Estates II – Jackson Woods Investment, Inc.

George Kiritsy and Clea Blair were present at the meeting.

G. Kiritsy stated that over the last two years, the applicant had submitted several versions of the definitive subdivision plan for Greenwood Estates and had received comments from peer review firms as well. He stated that based on changes that were incorporated during the environmental review process with Con Com, the plans have been changed for the better and submitted. He stated that Quinn Engineering, the peer review firm, had a few comments remaining at their last submission and there was a Town review letters as well but at this point most items had been resolved.

G. Kiritsy stated that there were about 9 outstanding items that needed to be addressed and that there was a letter submitted today (September 12, 2017) with even less outstanding items. He stated there was a discrepancy with the plans but he had spoken with New England Environmental Design and Quinn Engineering and worked to ensure that everyone was in possession of the documents they needed. He stated that the missing document was passed to all parties and the changes made on the document were highlighted so that the change was easily identifiable.

G. Kiritsy stated that there was nothing substantive remaining. He stated that there were a few issues that were left to the Boards discretion such as street trees and waivers but those would be the Boards decisions. He stated one issue left open was street trees and that they were labeled on the plans with location but Quinn Engineering suggested changing the species; he stated that would be the Boards decision.

G. Kiritsy stated that regarding waivers, they were requesting 4 waivers, reducing the width of the road, a request for grade at an intersection of 5% which will allow the developer to reduce cuts and have the subdivision built without retaining walls by the wetlands. He stated that this would be on the down grade side of the intersection which is the safer side to do this on. He stated the third waiver was to remove the island in the cul de sac which is favored by Town. He stated that the fourth waiver was in the wetlands crossings, they requested a 1:1 slope in the right of way to accommodate grading and keep everything away from the wetlands.

G. Kiritsy stated that at this point there was not a blessing from Quinn Engineering but he would be happy to address any questions the Board may have.

P. Harding stated that the Town had received the letter today (September 12, 2017) and that they were still working with Weston & Sampson on their review. She stated that the Weston & Sampson review was the biggest outstanding item and that there were still common driveways being shown on the plans so the Town wanted to be clear that any sort of decision that may be approved was not the approval of the common driveways.

J. Michalak asked the applicant about the common driveways.

G. Kiritsy stated that when the applicant first presented there were several common driveways that did not comply with the zoning bylaws so they would not have qualified as presented. He stated the plan as it stands has the common driveway that meet the Town's criteria.

G. Kiritsy stated that the sewer facility had also been designed but where it was going after it left the pump station was still being decided.

P. Harding stated that they water needed to go through a pump station and the applicant had to do an analysis to see the capacity. She stated that the Wachusett pump station could not accommodate the flow so they needed a different flow.

C. Blair stated that it was determined that there were capacity issues with the pump station. He stated that the problem with the Quinapoxet pump station was that there were too many pump stations coming into it all at once. He stated that they asked Weston and Sampson and the Town to come up Highland to a manhole in front of Pioneer. He stated that they had done the calculations on that and that they believe they found away to address the concerns and he was hopeful they were past that issue soon. He stated that this would be a force main to Pioneer and then gravity the rest of the way. He stated that it was the way that J. Woodsmall had asked them to go originally however it was a different way to get there.

S. Carlson asked how many pump stations it was.

C. Blair replied one.

T. Stratis asked how many houses it was.

C. Blair replied 87

J. Michalak opened the matter up to the public for comment. No members of the public stepped forward.

R. Ricker asked for a list of outstanding items that still remained.

S. Carlson asked if the road access at Union to Highland was part of this.

P. Harding stated that it was reviewed by VHB, who was the peer review consultant for traffic. She stated that their response to Green International (the applicants traffic engineer) was in the packet.

J. Michalak asked if there were any unresolved traffic issues.

P. Harding stated that all the questions were answered and they were looking for a waiver regarding grading. She stated they requested VHB to look at the interior as well and they had run out of money for the peer review so that was delayed. She stated the applicant provided the additional funds and the report should be in any time now.

W. Ritter suggested having the Town give their recommendation on the waivers that were requested, he stated that the Board had already discussed the 24ft roadway. He stated the remaining ones were the

cul de sac, the 1:1 slope and the 5% grade issues. He suggested getting the Town's comments on each of those in order to pare down outstanding issues that they needed to resolve as a Board.

P. Harding stated that the elimination of the retaining walls was what created the request for waiver of the 1:1 ratios.

W. Ritter asked if that was something the Town favored.

P. Harding confirmed it was.

J. Michalak asked if that was because of conservation issues.

P. Harding replied it was not but the Town did not want the retaining walls maintained by the HOA when it supported a public way.

W. Ritter asked how long the sewer analysis would take.

C. Blair stated that they have all the information and they (applicant) were just waiting for them to complete the final review. He stated that they have to look at the capacity with the size of the pipes and that he could place a call to find out when the work should be completed.

I McCauley stated that the Town was just able to sign a contract to authorize VHB to do work because they needed the funds. She stated they just got the green light a few days ago. She stated regarding the other subject, the traffic on Union and Highland Street, most of those comments from VHB were resolved but one comment, the asking of alternative proposed improvements, was not addressed. She stated the developer responded that they had worked with previous administration in 2008 and that this was the offsite improvement that was wanted and they did not want to look at something different. She stated that DPW was going to have VHB do a conceptual design to see if a better layout was a better solution. She stated that what is proposed may be the best concept but it was a complicated intersection and a big change and they want to look at all alternatives because it had been a while since it was examined.

J. Michalak asked if she was speaking about the intersection at Union and Highland.

I McCauley replied she was.

G. Kiritsy stated that it was a significant change to the intersection and that the developer had acquired land in order to improve it. He stated that the intersection will come to a T and there will be a 90 degree angle. He stated that he does not suspect that this will be an issue.

C. Blair stated he was not sure what the purpose of reexamining this was. He stated a previous administrator had him purchase land. He stated that the ZBA gave him a variance in order to do this and that is why he responded the way he did. He stated he did not know any other way to fix the intersection and he thinks it will be confirmed that this is the best way.

J. Michalak asked if the Board could have a final set up plans because so many revisions had been done.

G. Kiritsy replied that they will get a full set to all parties.

P. Harding stated that she wanted the Board to be aware that some of the plans are showing buildable lots but not driveways that connect to the property.

C. Blair stated that the Town was making it difficult to work. He stated that you cannot have driveway access from other streets so they tried to show that it could be built under the Towns Zoning Regulations. He stated that in the end they may have to do something a little different.

W. Ritter asked if it was a Planning issue.

P. Harding replied that it did not violate any rule or regulation and that there was nothing saying that driveways needed to connect to the house.

R. Ricker stated that there was not a lot of good land left in Town and that this matter should probably be addressed in the future.

P. Harding agreed.

J. Michalak asked what the anticipated schedule was.

G. Kiritsy replied they were still waiting on Weston and Sampson and DPW for the sewer portion. He stated other than that there were a few revisions and labeling issues but that he thought they could get everything to Town quickly, within the month.

S. Carlson asked about lighting.

P. Harding stated street lights went in every 200ft and sometimes the light department adjusts them.

S. Carlson asked if they should be shown on the plan.

W. Ritter stated that the Board usually approves plans subject to working with HMLD for lighting.

R. Ricker stated that he was not comfortable approving anything that was not stamped okay by Water/Sewer. He stated that hopefully the work was done in a week but they would have to say yes before he would vote in favor of something.

S. Carlson stated that he also would request Weston and Sampson to come explain things as well. He stated that the applicant is saying that certain things were working and leaving only 2% capacity and he wished to understand that better.

J. Michalak asked if S. Carlson wanted someone to come to the meeting.

S. Carlson replied he did; someone from Weston and Sampson or J. Woodsmall or someone.

P. Harding asked C. Hultgren if there were any other issues.

C. Hultgren replied that it seemed as though everything was discussed but he was happy to answer any questions.

T. Stratis asked about sidewalks.

C. Hultgren replied they were on both sides.

The Board discussed a date to continue the hearing until.

Motion by W. Ritter, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO ACCEPT THE DEVELOPERS WRITTEN REQUEST FOR AN EXTENSION OF TIME FOR PUBLIC HEARING// DEFINITIVE SUBDIVISION- Union Street- Greenwood Estates II – Jackson Woods Investment, Inc. TO OCTOBER 24, 2017 WITH THE TIME PERIOD TO FILE THE DECISION TO NOVEMBER 10, 2017.

DEFINITIVE SUBDIVISION- BOND REDUCTION- STONEYBROOK ESTATES BOND REDUCTION

G. Kiritsy stated that he was present in order to follow up on a recent action where there was a reduction in the bond amount held for Stoney Brooks subdivision. He stated that in the spring the applicant tried to turn the street over to the Town to make it a public way. He stated that when the Town elected to not proceed with a warrant article to move the street to a public way, they (the applicant) submitted a request to have the bond reduced to zero.

G. Kiritsy stated that they requested the bond to zero and they had received the response from the Board and were here to ask the Board to reconsider. He stated that applying the top coat had been completed and that the money held for that should be reduced to zero.

P. Harding suggested that they applicant respond to the items.

G. Kiritsy replied that they would be happy to put it in writing but that they also wanted to let the Board know where they were coming from. He stated that the applicant and the Town do disagree as to what was completed. He stated that there are things that the applicant says the work is done and the Towns bond does not reflect the completion of work. He stated that if the work was complete, they wanted toe bond reduced to zero consistent with the subdivision control log.

G. Kiritsy stated that the second category that they needed to discuss was when work was completed and the Board release the money and was now re-adding it back in. He stated that this was a problem because the Board had authorized the funds to be released. He stated that this was in reference to the detention pond. He stated that this was completed and the bond was reduced to zero and the applicant reported to the bank. He stated that the funds were then dropped from the mortgage accordingly. He

stated the money is gone because the bank released it and now the Town is saying they want the funds back. He stated that is the second discrepancy.

G. Kiritsy stated that the third category that they need to discuss was when the Town added to the bond. He stated that the Town added, estimated plowing, sanding, salt, etc which is not a subdivision control expense and was not included in the bond. He stated he recently litigated this matter elsewhere and would be happy to share the outcome of that litigation with the town.

G. Kiritsy stated that the fourth category to discuss was the as builts. He stated the Town is saying that they are not complete but that they were submitted in April/ May. He stated the reduction should be made because the request was consistent with the subdivision control log.

G. Kiritsy stated that there was nothing in the subdivision control regulations that said that they can add back into the bond. He stated that he would be happy to address any outstanding issues but that it was their (applicants) belie that the bonds should be reduced.

J. Michalak stated that he would take comments from the Board but that he felt as though they needed this information in writing.

P. Harding stated that the detention pond was added back in because the as builts show incorrectly and that plowing was put in because the applicant is saying they will not do winter maintenance.

R. Ricker stated that he imagines that when this information is submitted in writing, they will have a better handle on it.

P. Harding stated that the sewer pump failed and DPW had to send employees in at 2am.

PRESERVATION LANE- BOND REDUCTION

Motion by W. Ritter, seconded by O. Lies, it was UNANIMOUSLY VOTED TO REDUCE PRESERVATION LANE BOND AS PRESENTED.

ST. MARY’S EXTENSION- RELEASE OF LETTER OF CREDIT

Motion by W. Ritter, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO RELEASE THE LETTER OF CREDIT FOR ST. MARY’S EXTENSION.

APPROVAL NOT REQUIRED- MALDEN ROAD KREG LLC R-40 Zoning District

Motion by R. Ricker, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO DISAPPROVE THE ANR FOR MALDEN ROAD/ KREG LLC R-40 ZONING DISTRICT AS SUBMITTED DUE TO THE LACK OF LOTUS.

ZONING BOARD OF APPEALS RECOMMENDATION SPEICAL PERMIT/ VARIANCE 198

Meadow Wood Drive- Dolak

Accessory Apartment- R-1 Zoning District

P. Harding stated that the applicant was requesting a variance for an accessory apartment that exceeded 700sq feet and a special permit for a pool within the setback requirements.

R. Ricker stated that the pool was about 6ft from the neighbors yard.

Motion by W. Ritter, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO TAKE NO ACTION ON THE ZBA RECOMMENDATION FOR SPECIAL PERMIT AND VARIANCE 198 MEADOWN WOOD DRIVE BUT TO CALL TO THE ATTENTION OF THE ZBA THAT THE POOL IS VERY CLOSE TO THE ABUTTERS PROPERTY AND SHOULD BE REVISED ACCORDINGLY.

**VARIANCE- 432 Quinapoxet Street- Chris and Nancy Erali
Relief from Sideyard setback R-10 Zoning District**

P. Harding stated that they applicant was requesting to construct a garage 7.9ft from the sideyard.

S. Carlson asked if it was a 2 car garage.

P. Harding replied it was for a one car garage with living space above.

J. Michalak asked if the abutter would be notified. P. Harding replied that they would be for the ZBA hearing.

Motion by R. Ricker, seconded by W. Ritter, it was UNANIMOUSLY VOTED TO MAKE NO RECOMMENDATION AS THERE WAS NO PLANNING SIGNIFICANCE FOR 432 QUINAPOXED STREET/ VARIANCE RELIEF OF SIDEYARD SETBACK FOR R-10 ZONING DISTRICT.

Request for Extension of Time- Variance Application 1665 Main Street Jefferson Mill- November 1, 2019

P. Harding stated that the applicant was intending to pull building permits.

R. Ricker asked if the Board could approve it for a one year extension.

P. Harding stated that work only needed to commence.

W. Ritter asked what the variance was.

P. Harding stated that it was multifamily use in the Village District.

W. Ritter asked if the work needed to be constructed in a certain amount of time to be compliant.

P. Harding replied that it was a two year time frame but there was new building codes. She stated that they would need to appear before the ZBA for an extension.

R. Ricker asked if they did not take action in two years they would need to come under the new energy codes.

P. Harding agreed and stated that they would need to meet current standards.

W. Ritter stated that the Board would not generally make a recommendation on matters that come before them and there was a good chance that the Planning Board would see this matter.

P. Harding told the Board that the Board of Selectmen voted to establish an Eagle Lake Dam Committee to evaluate what the Town should do with the lake and the surrounding area. She stated that she did not know who was on the committee yet.

J. Michalak asked about the ownership of the dam.

P. Harding replied that the Town did not own the dam, they owned the lake.

J. Michalak asked if the dam was drained would the Town own that land.

P. Harding replied that each deed was a little different and would need to be reviewed.

P. Harding stated that Con Com approved the draw down to start next may but that there was a hearing with DEP.

Motion by W. Ritter, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO TAKE NO ACTION ON REQUEST FOR EXTENSION OF TIME/ VARAICE APPLICATION 1665 MAIN STREET JEFFERSON MILL – NOVEMBER 1, 2019 AS THE SITE PLAN WAS APPROVED BY THE PLANNING BOARD AND THE MATTER MAY APPEAR BEFORE THE BOARD IN THE FUTURE.

APPOINTMENT OF CMRPC DELEGATES

P. Harding stated that O. Lies had been the Planning Board delegate for some time among others in Town. She stated that the Town needed another citizen volunteer for the appointments.

O. Lies stated that there were two open positions at CMRPC that were not filled and that the Town could still appoint two alternates. He stated that they should see if anyone was interesting in joining and check in with John Voice, the current citizen volunteer to make sure he was still interested in serving.

W. Ritter asked what the commitment for a member would be and how long the meetings went.

O. Lies replied they were about 1.5 hours depending on what the content was and that they met quarterly. He asked about how information was disseminated to the Board and other interested parties in Town.

P. Harding recommended that the Board put their emails on the distribution list so that they did not miss any topics of interest.

APPROVAL OF MINUTES

Motion by W. Ritter, seconded by T. Stratis, it was VOTED TO APPROVE THE APRIL 11, 2017 PLANNING BOARD MEETING MINUTES AS PRESENTED BY A VOTE OF 4-0-2. (Carlson: abstain; Lies: abstain).

Motion by T. Stratis, seconded by S. Carlson, it was VOTED TO APPROVE THE JUNE 13, 2017 PLANNING BOARD MEETING MINUTES AS PRESENTED BY A VOTE OF 4-0-2. (Ritter: abstain; Ricker: abstain).

Motion by T. Stratis, seconded by R. Ricker, it was VOTED TO APPROVE THE JULY 18, PLANNING BOARD MEETING MINUTES AS PRESENTED BY A VOTE OF 5-0-1. (Ritter: abstain).

MISC.

R. Ricker asked the status of the traffic study for the soccer fields.

P. Harding stated that she had not heard anything but there was an abutting subdivision, Wachusett Valley Estates, that had recently conducted one.

S. Carlson asked about the large solar panel site.

P. Harding replied that it would need a variance.

W. Ritter asked about the old Mario's Hair Dresser. P. Harding replied that it was going to be a Meolas.

W. Ritter asked if they needed anything from the Planning Board. P. Harding replied that they did not.

Motion by S. Carlson, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO ADJOURN THE SEPTEMBER 12, 2017 PLANNING BOARD MEETING AT 8:32PM.

APPROVED: _____