

PLANNING BOARD
MEETING MINUTES
May 14, 2019

6:35PM

Memorial Hall

Members Present: John Michalak, Rob Ricker, Scott Carlson, Mike Krikonis, Jacquelyn Baum

Members Not Present: Otto Lies

Others Present: Pam Harding, Director of Planning
Pam Savage, Recording Secretary
Isabel McCauley DPW
Patrick Wood DPW

J Michalak called the meeting to order at 7:05PM.

REVIEW OF THE SUBDIVISION CONTROL REGULATIONS

P Harding said the Board was distributed the most current draft of Subdivision Control Regulations, incorporating comments forwarded by Jackie Baum and Mike Krikonis. Patrick Wood, who is present, completed most revisions and rewrote the version presented. In February, he outlined updates completed within a memo. Edits since that meeting are highlighted as comments in the change column.

P Wood said there was a version of subdivision regulations distributed last Thursday (May 9, 2019). This has updated changes since then, with edits tracked. Everything should be ironed out by end of May. He continued that he can highlight some of the edits which have been done. P Wood said that DPW had received comments from board members, reviewed them and incorporated revisions and also made changes from comments received from Graves Engineering. He continued they also met with Fire Department and had comments from them, looked at the fire cistern with them, rated the pipe sizing, and a couple of other things as far as cistern design. They also looked at the O&M and how that will be handled for the cistern going forward.

P Harding stated where there was no public water supply, it was difficult. There were not requirements for fire suppression. P Wood has been working with the Fire Department and came up with specific requirements for the development of cisterns in areas which are unable to install hydrants from the public water supply. P Harding continued, that Sean Smith, Assistant Deputy spent time going through the densities and increasing fire suppression based on densities and what size gallon cistern should be required. HOA requirements will be established to maintain those cisterns, potentially permitted through the Fire Department, so annual maintenance can be performed and tracked.

R Ricker recommended going one step further and have a company like Weston and Sampson to work with the town to keep an oversight on all cisterns.

I McCauley said the Fire Department has agree to perform annual inspections, because they want to make sure the cisterns are filled for their own usage and to make sure hoses are flushed, and connections and forces are functional. HOA maintenance would be for things like, a pipe break, or grass in the area needs maintenance. The Fire Department wants to be involved, to ensure cistern is full and operational.

S Carlson asked if requiring houses to have their own system/self-contained fire suppression system will no longer be an option.

P Harding answered houses cannot be required to have sprinklers, since it is a building code issue, but can be installed, through a permit through the fire department. She agreed to look into that.

P Wood asked if there were other questions. He continued that the fire cistern was the major topic of the last review held with the Fire Department. P Wood said he, John, Isabel, and Pam, have looked at the document and made edits. Definitions have been updated to include more specific references and, if they saw fit, called out certain sections, like the MS4 Permit. They would like developers to hone in on that. He continued, that a better look was taken of the culvert definition, to better define what a culvert is and using language the state has previously used, as in span, length, keeping it under 10 feet, bridges over 20 feet, which are not allowed. P Wood said other sections have been added, like the preconstruction meeting, which was previously done informally. A formal submittal process was added, so it can be received before anything is put into the ground. Also, lot identification, numbers provided by developers, to simplify identification after the road has been graded. He added there may be more annual contracts with HOA's so B&P's are maintained and fire cisterns also and stated this is accomplished by having them sign an annual contract with a landscaper, which certifies they are maintaining B&P required treatment.

R Ricker said it is critical, and with the exception of one, there has been no HOA to take responsibility.

I McCauley said the idea is to have the developer establish that contract. The intended language says, after a year of installation, whether B&P or the cistern system, a copy of contract should be provided to the town and every year thereafter, a document certifying the cistern was maintained properly.

R Ricker agreed and said that is what he is speaking referring to; the outsourcing of the cistern inspection annually. He stated that several years from now, the fire department can say they don't have the manpower. It's best to get the developer to arrange it all and complete the system inspection before they start selling houses.

I McCauley agreed that should be in the language and the developer is always asked to come up with cost estimates, so escrow account can be accurate. The money will be there, whether it's for a regular inspection or a larger item, and will not be a burden to homeowner since they are contributing to the escrow account. Isabella also said required language will be added to the deed so homeowners will understand the extra fee.

M Krikonis said that sounds great and positive. The reality is, the practice of the explanation of the HOA to the potential buyers is minimized and that is not really a space the town can step into because it is possible to be imposing a conversation between sales agent and buyer. That is where communication is lost and people gloss over it. A year later a letter is received from the town, there is an HOA and then optics are, that the town is at fault, because there is a lack of transparency in the transaction. M Krikonis asked if there was a way to impose a level of transparency in the transaction with the real estate agent who is negotiating with the buyer. He said this is where their failure is, because people don't read the deed.

P Harding said there is only so much to be done, but did include the developer send a note upon petitioning the town for street acceptance, and that they will now be responsible after they purchase the property.

R Ricker agreed by changing the Rules & Regulations, it may be a good idea to touch on it, thereby making it stronger and easier. Ultimately more responsibility on the homeowners is the goal, less on the town and as the town grows, let it grow efficiently.

J Michalak said it appears the issue is down the road. The problem is notwith the homeowner who buys it the first year it is when they sell the property.

R Ricker discussed treating each subdivision like a condo association. Before it can be transferred, they have to get a six d certificate (association dues paid in full) showing they paid their fees. Homeowners will be aware of it and the town will be the area collection agent. Transfer cannot take place until six d has been completed association. R Ricker continued that a certificate can be made at the town clerk's office. It can be documented but it doesn't have to be and can be simple certificate. A six d is generated by the trustees of the property and it protects the individual purchasing the property also.

P Harding said town doesn't collect those fees and they are privately collected. She said she needed to get more information about the topic from R Ricker.

P Wood asked if there any other questions.

S Carlson asked about 6.1 Low Impact Development (LID) and why there are only two lines on the topic.

P Wood said while LID may be there with two lines, but all the storm water management design and draining design is focused around the storm water handbook, which is part of the LID.

P Wood answered the only thing in the arsenal is a cluster design where they can reserve acres of undisturbed areas.

S Carlson recommended doing some true planning and look at how to preserve some of the town and how would that be done.

I McCauley said they didn't look at it from that perspective, and will take a closer look to see if there's anything they can add. What the referenced two paragraphs focus on is techniques and practices within the development and not necessarily restricting land for areas. She said they will definitely take a look at other towns and see if there is good language to incorporate.

S Carlson continued and referenced page 33, tab 6.10 (Open Space and Parks). He said there is difficulty understanding some of the verbiage regarding the use of land and what can be done with the land. He read, "No structures can be put on a park for three years". Why would they need a structure on a park?

P Harding said a structure like a building or clubhouse.

S Carlson read "There shall be no way, prohibit the gifting of such land to any public or private corporation or non-profit organization for recreational open space use..." Scott said he thought there had to be a plan on the open space before it before it was done. He said it reads that something can be done completely after the fact and it says land can be gifted, when you're setting up on space, to anybody and thought it had to be defined what was going to be done with it.

P Harding clarified his reference as an option and not a requirement, and the cluster open space bylaw is a requirement.

J Michalak asked a question regarding the comment, certification by registered civil engineer and/or land surveyor", and someone made a comment, "Does this mean title sheet should be stamped by a PE and PLS", and should he assume that mean yes.

P Wood said certification was nebulous and so it was changed to stamp. He also read page 13, “title sheet shall be stamped by registered civil engineer and/or land surveyor”, and will add Massachusetts in verbiage.

R Ricker recommended the next copy will highlight all changes. Generate going forward.

P Harding agreed.

I McCauley asked for clarification, if the board prefers to have revisions highlighted between now and the next time they look at it.

P Wood confirmed he will keep all revisions highlighted.

J Michalak asked if a goal is being considered to preserve a certain percentage of trees.

S Carlson said it depends on variables and how the ratios are worked out. He recommended to see what Westin, Duxbury, Sudbury did.

P Harding agreed that she would look into it and will verify if model from those towns was for an established lot or new roadways.

S Carlson brought up requiring switch backs for driveways over a certain length.

P Harding said that’s zoning or driveway regulations.

I McCauley said driveway regulations will only be within the right away so it wouldn’t really apply to it

S Carlson said all the ones approved that have long driveways are still reaching over 150 feet and need to switch back and causing erosion, and need to look at that.

I McCauley said through driveway permitting process, it is now required to meet the MS4 regulations to which the town must comply, which basically says no untreated discharges into the existing system, and also requesting infiltration on site, before it gets to the street.

P Harding said this goes into zoning.

J Michalak asked as part of the MS4 if there is a way to require any existing conditions to also get fixed.

I McCauley stated current language says, ___discharges, so a driveway runoff is not considered a ___ discharge. It does talk about new development, which does have a section for that, but not necessarily for a _____ discharge, People that discharge with sump pumps, those are permitted as long as it’s uncontaminated ground water and not creating unsafe conditions, but not for existing driveways.

S Carlson asked what the goal is for getting this on line.

P Harding answered, hopefully in June and thanked them for all of their hard work.

TOWN MEETING – CITIZEN ZONING PETITION

P Harding said the hearing was held and petitioner agreed to add some amendments which referenced the 2000 zone change. She said Mr. Conway owns two abutting lots which are 14,000 square feet each, he applied for a variance last year, and was denied. He wants to petition on the town meeting floor, to reduce that minimum that is referenced in the citizen petition to 14,000 square feet. No action needs to be taken, it was not advertised and nothing petitioned and is for informational purposes. She said town has petition, which was discussed at the hearing. He is proposing and submitted the letter (circulated) stating he will try and do an amendment on the town meeting floor.

P Harding continued, the original petition did not reference a minimum lot size, it stated anyone could apply for a special permit if their lots were undersized.

J Michalak said his understanding was it is based on the sizes before.

P Harding clarified that what was on the town warrant was what was added during the hearing. That is what prohibited Mr. Conway and a few others to have the ability to apply for that special permit. P Harding recommended these should be dealt with on a case by case basis and in her opinion, doesn't think it's worth fighting since it is one lot.

J Michalak said he will speak on behalf of the planning board who will state something along the lines of, "The Planning Board supports Mr. Leonardo's position because originally these lots were conforming lots", and the board is sympathetic to what happened to them and explain why they are in favor of his petition. Then when Mr. Conway says something different, we can say we are in favor of the original petition.

J Michalak said it could be left up to the town meeting.

S Carlson recommended making a statement conveying the lots were originally conforming.

P Harding reiterated the lots were conforming at that particular time, and they have been taxed as such.

J Michalak confirmed this is an FYI for everyone only.

APPROVAL NOT REQUIRED
R-2 Zoning District – 267 Brattle Street
Katherine Mangson

P Harding said they are still waiting for a revised, and will take this off of agenda.

R-10 Zoning District – 11 Alpha Road
JZ Enterprises, LLC & O'Brien Clard (locus added)

P Harding said this was denied because it didn't have a locus, so they added a locus. She said John came in and signed it (lot plans distributed, corner of Main and Alpha). Transferring shed, cutting out a little bit (referenced). Built shed on someone else's property. Homeowner is in a rush, because home is in escrow.

MOTION BY R RICKER, SECONDED BY M. KRIKONIS , that 11 ALPHA ROAD IS ENTITLED TO ENDORSEMENT, THE VOTE WAS UNANIMOUSLY TO APPROVE

MASTER PLAN UPDATE STEERING COMMITTEE-

STATUS REPORT

S Carlson said planning to have one more round of drafts will be sent on May 28th, and sent electronically with comments and is also being sent to the interested parties for one last redo. Scott asked what the goal is on timing.

P Harding answered, June.

P Harding continued to say, MASS GIS released the 2016 mapping information and are revising the maps, so they will be up to date. She received that email yesterday. Implementation tables went to all the town departments and stakeholders. Comments were due on May 10, 2019 and will incorporate those. Also, revisions of the chapter should be done on the 28th. Final implementation and chapter revisions will be distributed, along with mapping, for one last round of comments. Then it will present to the Planning Board. P Harding continued it has been a one year process, including build out and will distribute when next round comes.

ZONING BOARD OF APPEAL RECOMMENDATIONS

SPECIAL PERMIT – 16 Preservation Lane – Katie and Mark Stukowski accessory apartment for 16 Preservation Lane

P Harding said they are applying for an accessory apartment special permit that complies with bylaws, and did not ask for any relief.

R Ricker asked if it affects anyone.

P Harding said it is allowed. A covenant must be put in under the new bylaw. They do not need to be a relative, but owner has to reside in the house. This has been done and this will fall under this new regulation.

MOTION BY S CARLSON, SECONDED BY J MICHALAK, IT WAS UNANIMOUSLY VOTED THAT THERE WERE NO PLANNING SIGNIFICANCE FOR 16 PRESERVATION LANE//ACCESSORY APARTMENT.

VARIANCE – 277 – Holden Street – Derek and Jessica Fournier relief from the side yard setback

P Harding said homeowner is applying for a five foot setback for an addition to their home. The garage and family room is what they are proposing.

J Michalak asked if there is a neighbor on that side and shouldn't they have included that.

P Harding said the position of the other house is unknown and should have been included and believes it is the ZBA's case.

S Carlson agreed there is incomplete information and therefore cannot make a decision.

P. Harding stated that this was a request for variance for the placement of a shed. She stated that it was 5' from side yard setback.

MOTION BY S CARLSON, SECONDED BY R RICKER IT WAS UNANIMOUSLY VOTED THAT THERE WERE NO PLANNING SIGNIFICANCE FOR 277 HOLDENT STREET//VARIANCE FOR SIDEYARD SETBACK.

SPECIAL PERMIT -259 Main Street Chaffins Recreation Association Expansion or Change of a Non-conforming Use

P Harding said they received approval from the zoning board two years ago to install a third field and amend their parking area. As they were going through the permitting process with MASS HWY and DCR some revisions were required and the two year approval expired so they are resubmitting to add the third field and the parking.

S Carlson asked P Harding, by resubmitting they are in line with the current storm water management regulations. P Harding said yes.

J Michalak asked if one of the issues was the boat ramp.

P Harding said an outdoor association and is not sure if they are a formal association. Referenced plan and an existing 10 foot wide boat “ramp” to remain, but cars can no longer be driven up to it because of the position of the new field and that gives concern to the people who kayak and canoe on the lake.

R Ricker referenced proposed 10ft wide stone dust walkway and asked if that can be used.

P Harding answered, yes when baseball is not in season. CRA did not want to allow them access while kids were in the field, which seems reasonable. They can carry it, but cannot drive. It is s owned by Chaffins Recreation Association. The original plan from the new parking lot had a small Cul de sac, but DCR would not allow that so it was eliminated.

S Carlson asked if this is the only way to public access.

P Harding answered Gale Drive has an easement at end of cul-de-sac, but there is no parking except on the side of the street.

R Ricker understands CRA owns it and they don't want the liability.

Motion by R. Ricker and seconded by Scott Carlson that the proposal had no planning significance.

APPROVAL OF MINUTES

February 26, 2019

J Michalak said he was not present at the referenced meeting.

P Harding said to approve minutes submitted with one exception - to change John Michalak to Robert Ricker.

MOTION BY R. RICKER, SECONDED BY S CARLSON, IT WAS VOTED TO APPROVE THE FEBRUARY 26, 2019 PLANNING BOARD MEETING MINUTES BY A VOTE OF 5-0-1. (J Michalak: abstain)

Meeting adjourned at 8:40