

**Planning Board Minutes**  
**August 11, 2005**

1. The meeting convened at 6:32 p.m. with the following members present: John MacMillan, Chair; Rich Wright, Joe Kalagher, Bob MacLeod, Associate Member Gary Howland, Town Planner Eric Smith and Land Use Administrator Susan Dembek. Absent was Bob Salo.
2. John read agenda and agenda was approved.
3. John ~~updated the Board on a 40B meeting for Mark Dymek which he attended and~~ advised the Board that the House Numbering Bylaw had been approved by the Attorney General, and that we will need to work on creating Rules & Regulations as outlined in the bylaw.
4. Motion by Bob to accept the minutes of 7/28/05, seconded by Rich. All in favor, 4-0.
5. A voucher for Viking Office Products in the amount of \$64.42 was approved.
6. Correspondence was reviewed (see agenda).
7. Athol Savings Bank Site Plan Review – the ZBA approved a Special Permit without conditions on 8/3/05. The Board reviewed the draft site plan approval for Athol Savings Bank.

Steve Madaus was present for the applicant in regards to the review. He stated the Bank is concerned about the onsite conditions. They may not pursue this project if some of these conditions ensue.

He mentioned the right of way direction and it was noted that it is already one way.

Mr. Madaus presented the Board with his list of revisions to #3 & #4. In #3, they object to (v.) striping all remaining spaces. Rich stated in regards to this item when he spoke with Lori the Bank had no problems with the striping or the drainage issue.

John stated your current parking is being eliminated for the new drive-up and there is no other parking.

Rich stated you must be responsible for at least dedicated parking maintenance. The abutters have been against eliminating the parking from the beginning.

Joe noted that if the striping is not maintained ~~it will~~ the traffic flow will be hindered. Again, Rich emphasized that Lori had no problems with the striping.

John stated he believed that originally the Bank had striped the whole lot. You could seek contributions from the Ashburnham Market and Ashburnham Wine & Spirits towards maintaining the lot. John stated the Town could be asked to maintain the public sidewalk.

Rich stated everyone is fine with the drainage fix.

Eric will rewrite draft with changes and forward to the members for review. Continued to the meeting of 8/25 for vote on decision.

8. Open discussion:

Brian & Kelly Connaughton had some questions in regards to combining their lots on Lakeshore Drive. They will told by the Board to file an ANR.

Geoff Evancic spoke with the Board regarding his common driveway application for Lot 9, Hay Road. John noted they had just received comments from Rizzo Associates and needed to discuss the comments with him. John is still concerned about water draining from the site and where it will end up.

9. Design with Nature – OSRD – Rindge State Road

Discuss the draft decision. John discussed the draft decision, conditions and waivers.

Debbie was very concerned about 5.138.5 that the Board would not be protected. Eric then wrote Section 3 into draft. Gary did note that the Town should hold the Conservation Restriction (CR) on it.

The Planning Board makes a finding that under Section 5.142 (Waiver of Compliance) it is within their authority to allow this OSRD in the G-B Zone as it is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section. This Waiver is supported by the fact that single-family dwellings are allowed by-right in the G-B Zoning District under Section 3.22(a) of the Ashburnham Zoning Bylaw and the public is served by having one (1) curb cut onto Rindge State Road (Route 119), which is a public road, versus three (3) individual driveways. This Finding and Waiver are further supported given that the dimensional requirements for the G-B Zoning District are similar to the R-B Zoning District, except that the G-B Zone allows for buildings to be five (5) feet higher. Rich so moved to waive section 5.131, 2<sup>nd</sup> by Joe. All in favor, 4-0.

The Planning Board hereby votes 4 to 0 to waive strict compliance with Section 5.134.2 of the Ashburnham Zoning Bylaw pertaining to the requirement that at least seventy (70%) percent of the Common Open Space shall be Contiguous Open Space. Motion by Rich, 2<sup>nd</sup> by Bob.

Motion to grant approval of the Rindge State Road Open Space Residential Development (OSRD) Special Permit 2005-01, Prepared for Design with Nature, Inc. so moved by John, 2<sup>nd</sup> by Rich. All in favor, 4-0.

10. John updated the Board on a 40B meeting he attended Wednesday, August 10<sup>th</sup>. Also in attendance were Town Planner Eric Smith, Building Commissioner Michael Gallant, ZBA Chair David Perry, ~~Fire Chief, Police Chief~~, Town Administrator Kevin Paicos, Lorraine DeSuza, Conservation Commission and Mark Dymek with his attorney and engineer.

Discussed two (2) separate plans. The 40B process was discussed. John did mention the possibility of an OSRD and Mark said he would look into the matter. Mark stated that he should be back within 1-2 months. Kevin Paicos is requesting that 2 Planning Board members sit with the Zoning Board during the hearing for input only. The Planning Board members would have no vote. It is also imperative that the Board of Health and Conservation Commission also work very close in regards to this project. David Perry is anxious to work with the Planning Board.

Water/Sewer Commission stated Mark was told by Gardner that the sewer connections would be accepted with conditions. (4-1 payback) Mark thought it was workable, but that there are a few problems.

11. John introduced Dave Pelegri of Rizzo Associates. Dave spoke on the Evancic common drive report for Lot 9, Hay Road. Dave stated that the infiltration will handle above and beyond typical driveway. There are no regulations against that. It was noted that there is a General Bylaw that no water be passed into the street. A possibility that a catch basin would have to be placed at the end of the driveway. Addendum to comments from Rizzo will follow.

12. 7:30 PM Public Hearing -Design with Nature – Lakeside Condos – OSRD/Definitive Subdivision.

\* This is a Definitive Subdivision & Special Permit for OSRD.

- Joe read official hearing notice.
- John reviewed the procedures for the running of a hearing.
- Applicant agreed to a 4 member Board.
- Note – meeting is being taped.
- First will be the presentation of the applicant, questions, department comments, abutter questions. It was asked that all abutters state their names.
- The hearing will be continued with no further notification. The continuation date at this meeting is your continuation notice.

Steve Aldrich, Engineer for the applicant and Denis D'Amore presented the proposed OSRD for 55 and over. Revised plans were presented to the Board. They revised the stormwater management and watershed analysis report. Comments suggested in the Rizzo reports.

Refined original proposal – detention basin and septic on one lot and open space one lot.

Reviewed overall site plan. Nothing material with regards to consultants changes.

John stated it was for 11 duplex units and they had been granted a special permit from the ZBA for the build out with conditions. One of the duplexes had to provide for low to moderate income housing.

John asked if there were any comments or questions from any Boards. No comments were made by the Planning Board or other Boards.

John read Police Department comment stating they had no concerns.

John noted they had received a packet from Rizzo Associates which is currently under review.

Eric gave staff review.

John read a letter from Mike Hannon received on August 4<sup>th</sup> for a waiver request to the side line requirement. This request will be reviewed during the deliberation process.

Received environmental impact statement.  
Received Watershed Management report.

Read letter from the Board of Health – they have concerns in regards to the septic system (see folder).

Abutter's questions:

Paul LeBlanc questioned the use of the beaches – ZBA decision noted no parking on lake lot. He was also concerned with the erosion situation. Hunter Gelinis asked about limiting boat access? John stated no motor boats allowed.

Eric stated that the lot is now staked. There are a couple of large hemlocks within row and it would be nice to save these trees. It will help the buffer. Steve stated they could probably be saved. Joe did note the trees were not on the plans. Steve said the calculations were on the plan. (35 trees over 6" dia.) They will be a total of 192 trees to be removed.

Steve Aldrich mentioned the stop sign and he was told he needs to obtain the permission of the Board of Selectmen.

John asked if there were any other comments.

Joe stated the Fire Chief needed to sign off on the hydrant locations.  
John explained the decision process.

John made a motion to continue the hearing to 8/25 at 7:30 p.m., 2<sup>nd</sup> by Rich.  
All in favor.

13. Michael Hannon – ANR – Sherbert Road.  
Lot line changes only. Motion by Bob to approve, 2<sup>nd</sup> by Rich. All in favor, 4-0.
14. 8:00 PM Public Hearing - Waterman/BNE – Lakeview Estates – Definitive Subdivision.
  - John passed sign-in sheet around for those present to sign.
  - Opened public hearing for Lakeview Estates – Joe read hearing notice.
  - John read rules (John, Joe, Bob & Rich were members in attendance).
  - Applicant made brief presentation.

Wayne Belec of Waterman Designs and Geoff Evancic were in attendance.

Wayne explained the ConCom process they are now proceeding through and gave an overview.

John found need to go into existing conditions.  
Bordering wetland in center of project. Elevation 1130 --- to high 1240.  
Variable area. Mid-State Trail goes through the property. There are existing telephone and utility poles on the 80 acre site, 15% open space (6.9 ac).  
Will be private wells, onsite septic, fire pond and vegetative basins.

John commented that the Board walked the property and the road was staked. Correspondence received from Fire Chief, an abutter, Diane Limber, had for review the Town Planner staff report, a packet from Maureen Gallagher, a letter from Leland Ross of the Stodgemeadow Association and the report from Rizzo Associates. Also had Environmental Statement, Stormwater Management Plan and a Traffic Analysis.

John asked for comments from the Board:

- Bob MacLeod stated he was concerned with clear cutting.
- Joe asked about the guardrail detail – none on plans. Ridge being cut 17 points, where are the rails.
- Wayne stated they are on the plans – grading plans.

- John made a comment on the steep road cut – trees/erosion could be problem. How steep are the grades?
- Wayne 2/1 slope stabilization (blanket material). Tree clearing – staked limits of clearing. Lot clearing – limits of clearing staked on lots or roadway.
- John asked if they could get a rendering from the landscape architect (a 3D look).
- John asked about the ROW (road B) going down through ANR lots 9 & 11A (purpose) how will affect the ANR?
- Wayne stated he had no answer and would have to check.
- John wanted to know the intention of the ROW.
- Geoff stated none.
- Joe said the shorter road (road A) bottom side of Holt Road. Station stakes (orange reddish). What's the change, which stakes are right?
- Geoff stated he would check the stakes and remove the old ones.
- Gary made comments in regards to the Mid State Trail and the southern parcel edge. The Young's have it posted "closed". They are trying to resolve this issue to go through the Boy Scout Camp.
- John asked why not an OSRD?
- Wayne said because of the public/private issue?
- Dave Pelegri asked what the status of the NOI was?
- Wayne stated it was continued to 8/18.
- Eric asked about the Stormwater Pollution Plan.
- Wayne stated they usually do that prior to construction, but they could give him a draft.
- Bob asked how many gallons of water to detention basin. Wayne stated it is in the report.
- Joe asked the estimated cost of the road?
- Geoff said pricing still coming back.
- Joe asked about the cuts of fill.
- Geoff no final balancing yet.
- Wayne stated it would not be used as base for the roadway.
- Joe asked about truck traffic.
- Wayne stated there would be dust control and traffic pads.
- Bob asked how many detention basins?
- Wayne said 5. Will get water from every direction.

John asked if there were comments from any other Department/Boards:

- Kelly from the ConCom stated there is no indication of retaining walls, overflow, road salt.
- Wayne stated they will look into retaining walls, didn't recall- showed on plan. Will provide the ConCom with the information.
- John told ConCom to request copies of what they would like in writing and the Board would get them copies.

John asked if there were abutters with questions:

- Carmine Antobeli was concerned with water diversion and where the water would go.
- Michelle Kerins commented on the steep slope, clear cutting concerns and land slide of area.
- Wayne stated that flows, perc rate meet the runoff rates.
- Bud Gingras, representative of the SMA address the Mass Policy Act for the Environmental Impact Statement and the violation segmentation.
- John stated you need a State Agency to be involved for that to kick in.
- Dr. Gilley submitted statement to the Board. Mr. Gilley stated at the meeting of 5/13/04 the Board denied Log Cabin Road access. Buffer zone lots & Log Cabin Road. He wants to make sure this decision stands and these lots are not used for access of any kind.
- Jean Haenisch asked if the Board considered an Intention Bond?
- John stated posting a bond is State Law. The applicant has a choice between a bond and a covenant. It is a concern of the Board if something happens in the covenant stage and the Board is looking into a way to do a bond.
- Dave Baron of 22 Log Cabin Rd. – flat land with wetland behind his lot. Wetland goes into lake. Concerned about further runoff affecting well.
- Wayne stated that would be the jurisdiction of the ConCom. In regards to the well, they would have to meet the BOH regulations.
- Mike Robichaud brought up the drainage issue on Lots 5/6 Holt Road.
- John told him it was not part of the project in discussion.
- Atty. Aveni made comments regarding a road at the bottom of road B. Wanted to know what it was going to be utilized for?
- Wayne stated it is not a road, it's a ROW.
- John stated it's not a building lot.
- Gary Kerins asked about the private septic/wells in regards to the catch basins/stormwater drains. Because of past performance, they are not happy. Will their quality of life be threatened?
- John explained that with an ANR the Planning Board loses control once it is signed. With subdivision they have full control.
- Sandra from Stodge Drive asked about maintenance to the road.
- Wayne stated when the Town accepts the road, they then accept responsibility for its maintenance.
- Joe Kalagher noted that the Town Engineer does inspect the road during construction.
- John will look into the fire/safety concerns in regards to Log Cabin Road.??
- Bob Allen is concerned with blasting.
- Dave Pelegri stated that would be a Fire Department issue and Geoff stated they would take pictures of the current conditions.
- Jim Elder was concerned blasting would cause damage to hand dug wells.

- Joe commented that there is a set period of time to file claims. Geoff stated the blaster carries a blasting bond.
- Eric Niehaus asked about the water to be used and where will it come from?
- John stated that was a Board of Health question.
- Richard Paradis of 198 Ashby Road was concerned about blasting near wells. Concerned about second phase of project as well.
- Wayne explained the second phase concept sketches are not as dense as this phase.
- Mr. Gingras commented on the 90 days to make a decision and asked if the ConCom decision was appealed would this affect the decision deadline.
- John stated they cannot make their decision based on ConCom's decision.
- Matt Moreau again brought up the Mass. Environmental Policy Act in regards to Subdivision Control.

Motion by John to continue hearing to 8/25 at 8:00 p.m., 2<sup>nd</sup> by Bob. All in favor, 4-0.

15. Meeting adjourned at 9:30 p.m.

Respectfully submitted,  
Susan Dembek  
Land Use Administrator