

PLANNING BOARD MEETING OF NOVEMBER 28, 2006

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present – Gary Staffon

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

James Holmes motioned to accept the minutes to the November 14, 2006 meeting. Timothy Cox seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills – None

D. Receipt of Plans – None

E. Approval of Plans – None

F. Other -

1.) Opinion on Division of Lot in Half on Spruce and Houle Streets, Map 23, Lot 101

William Roth - The owner was forwarded up to the Planning Department by the Building Commissioner. The owner is looking to divide his lot in half but does not have either the frontage or area to do so. I am looking for guidance from the Board on what process the owner can make such a request. I don't know what to tell him because I do not feel his request qualifies as either an ANR or Subdivision.

Wayne Hayward – I would say no. According to you, it would be the Bloom case.

William Roth – I don't think Bloom applies.

Chairman Fleurent – He could build on that lot because it met the requirements when it was legally created.

William Roth – I don't think it's a Form A and it's sketchy as to applying for a subdivision.

Chairman Fleurent – I don't think it's a subdivision. It's already cut up.

Marinus Vander Pol – The vast majority of the surrounding lots are well under 15,000 square feet. I think it needs more research. It's possible that a frontage waiver from the ZBA should be applied for? If a variance were granted, we might well do this under Form A.

William Roth – The building commissioner is sending them to us. He saying the ZBA won't entertain an application until the lot lines are created.

Marinus Vander Pol – It needs more research. It's the chicken or the egg syndrome.

Wayne Hayward – I think they should get legal opinion from their own counsel?

Chairman Fleurent – Yes.

Marinus Vander Pol – Did you look at the ANR handbook with this in mind?

William Roth – Yes and I didn't see anything relevant. I'll look into it further. I think he has a right to a process and I just don't know what it is.

Marinus Vander Pol – I think it needs more research to be brought up at the next meeting.

2.) Shannon Meadows Subdivision – Surety Reduction

William Roth – I didn't get the list from Tibbetts. So, I recommend you don't act on this.

II. PUBLIC HEARINGS

1.) Definitive Subdivision – Bouvier/Severence – 249/253 Main Street (continued from 10/24/06)

William Roth – I didn't get the revised plans until November 15. So, I did not have sufficient time to review and comment on this, I am recommending that they continue the Public Hearing to December 12, 2006.

James Holmes motioned to continue the Public Hearing to December 12, 2006. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

2.) Definitive Subdivision – Mariner Estates (2) – Welcome Street (continued from 11/14/06)

William Roth – The two main issues are stormwater and traffic. The applicant has addressed the stormwater by reducing the lots and providing a stormwater facility. One of the traffic issues identified was the potential for future development of Welcome Street to the north and the traffic impact on that. They have proposed eliminating that extension. I have reviewed this with the BPW and they have some minor issues that are outlined in the memo. I have summarized the requested waivers in the memo as well. Other departments have commented. Conservation needs them to re-file as soon as possible. The Police Chief still has some safety concerns but is encouraged by the changes made in the plan. I have presented several options. If the Board wishes to look at approval, there are a number of issues to look at. I think they need to continue until they file with Conservation or they risk having to re-file this application. I did make a condition that the applicant be responsible for establishing a homeowners association. I have a standard condition.

Attorney Michael Kehoe (for the applicant) – After the last meeting, the applicant dramatically revised this plan in the best interests of the town. We are looking at potentially nine homes. The traffic study was done and presented at the last hearing. We have tried very hard to address the Board's concerns.

Bob Forbes (Prime Engineering) – I spoke with Mr. Roth and we agree with all of the conditions. We do realize that traffic is a major concern. The traffic consultant couldn't make it tonight due to illness. Mr. Roth's synopsis was excellent. There is no more land available for another lot. This is it. As far as stormwater, we have kept the Vortechs Unit with a forebay for overflow. So, I think we have addressed that issue. The rate and volume of run-off is less than pre-development conditions. The traffic engineer wanted me to point out the reduction in traffic due to the reduction of lots and the prevention of developing the land in back. We are also eliminating the dirt road, which will decrease the total amount of traffic once it is blocked off.

Chairman Fleurent – What about Howard Street?

Bob Forbes – Howard Street will remain.

Ivan Ketchum (Abutter) – What are the lot sizes?

Chairman Fleurent – 15,000 or better.

Ivan Ketchum – Will it affect my lot?

Bob Forbes – No, it may help and get some of that water off your site.

Meg Swire (Abutter) – How will nobody be able to come from the land in back?

Attorney Michael Kehoe – In order to satisfy the requirements, we had to eliminate the road. It's gone. There's no road and no easement.

Beverly Pierce (Abutter) – Can there be a sign on Huttleston Ave. signifying a blind drive to slow them down?

Chairman Fleurent – It should be taken under advisement. But it is a state road.

Bob Forbes – Our traffic engineer recommended a sign. We would be happy to do it.

Wayne Hayward – This whole area will change very shortly. The traffic report is on file. I want to thank you for moving on this like you did. The Board of Health voted to deny this plan.

Attorney Michael Kehoe – I'm not sure it's in their jurisdiction.

Wayne Hayward – Their purview is safety and life. That's an elected board. You need the Board of Health approval. If traffic was their only concern, then it's been addressed. But, we haven't heard from them again.

Attorney Michael Kehoe – It's the first time I've ever seen a Board of Health address traffic. That's why we've addressed it so strenuously. There also was no detail in the Board of Health letter. There's been no communication. We just don't know.

Wayne Hayward – I'm also concerned about the issues with the Conservation Commission.

Bob Forbes- The wetlands line was fixed about two years ago. We have filed a notice of intent with them. They suggested we go through the process and go back to talk with them.

James Holmes – I met with the Board of Health and I asked about they're major concerns. Only one person had a traffic concern. If they saw this plan, they would probably be satisfied.

Chairman Fleurent – The Board of Health shouldn't comment on traffic. It's not their jurisdiction.

Marinus Vander Pol – I appreciate the changes made as well as the Police Chief's current concerns. I think Lot 3 is on top of wetlands.

Bob Forbes – They're unvegetated depressions.

Marinus Vander Pol – But that tells me you have building issues with Conservation. I think it should be worked out before we vote.

Bob Forbes – This was based on those depressions being filled in. They're fully aware of that. We filed a replication application. It's been withdrawn. There's no provision for that in the wetlands act. So, we don't know how to proceed. I need to talk with the building official.

Albert Borges – I'm concerned about what Mr. Vander Pol addressed as well.

Bob Forbes – We are stuck between a rock and a hard place. They wanted us to come before you before they did anything.

Chairman Fleurent – They meet pretty much all of the requirements. Although we may not like a plan, our main concerns are drainage and safety. This plan is a lot better than what it was. It's a good plan. But I don't think we should wait for Conservation before we approve this plan. We want to make sure it's done right.

Wayne Hayward – If we approve this, we're creating lot lines and Conservation will get this plan, not the one they've seen already.

William Roth – It's conditioned that you can endorse the plan and they have to get all of their Conservation approvals.

Bob Forbes – We've done similar things in other communities. We're familiar with the procedure.

Timothy Cox – Will the gravel road near the retention pond be blocked off?

Bob Forbes – Yes.

Cora Pierce – Will the houses on Welcome Street get sewer?

Bob Forbes – They'll get stubs to their property lines, but will not be connected up.

William Roth – There are a few conditions that aren't in the report. The traffic sign, the blocking off of the road and a condition indicating the sewer stubs. If you wanted to add those conditions, you can. You can also close the hearing, have the applicant revise the plan to address the report and come back with a reduced set of conditions.

Wayne Hayward motioned to close the hearing. Timothy Cox seconded.

Marinus Vander Pol – I'm not comfortable with the plans given the concerns. I will not vote positively as it exists now.

The vote was 6-1 in favor (Marinus Vander Pol opposed). The motion passed.

Marinus Vander Pol motioned for a 5-minute recess. James Holmes seconded. The vote was unanimous. The motion passed.

Wayne Hayward motioned to withdraw his motion to close the public hearing. Timothy Cox withdrew his second. The vote was unanimous. The motion passed.

Wayne Hayward motioned to continue the Public Hearing to February 27, 2007 to allow the applicant to address their conservation issues. Timothy Cox seconded. The vote was 6-1 (Chairman Fleurent opposed). The motion passed.

James Holmes motioned to give the applicant a vote of confidence to approve the plan. Timothy Cox seconded. The vote was 5-0 (Marinus Vander Pol and Wayne Hayward abstained). The motion passed.

Wayne Hayward motioned to adjourn. Timothy Cox seconded. The vote was unanimous. The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

James Pelland, Planning Board Secretary