

PLANNING BOARD MEETING of July 9, 2013: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Kaisa Cripps, Rene Fleurent Jr., Jeffrey Lucas, Peter Nopper, Gary Staffon and Francis Budryk (arrived at 7:14 p.m.)

Absent: John Farrell, Jr

Planning Director William Roth was also in attendance.

Acceptance of Minutes:

Gary Staffon made a motion to accept the June 11, 2013, minutes and was seconded by Jeffrey Lucas. The motion passed unanimously.

Planning Board Bills:

1. **Staples** – Office Supplies - \$203.43

William Roth explained this was for year-end office supplies.

Gary Staffon made a motion to pay this bill to Staples and was seconded by Jeffrey Lucas. The motion passed unanimously.

II. CURRENT PLANNING:

Receipt of Plans:

None

Approval of Plans:

None.

Lot Releases:

1. Welcome Street

Del Martin, of Island Associates was present to request Lot # 7 to be released. He explained that they are ninety-nine percent done with the road. He also said he received a letter from Mr. Roth explaining there were a few things that still needed to be done, and they will have them done.

William Roth reviewed his Revised Memorandum with the Board. Mr. Roth stated he has spoke to Mr. Martin's engineer and he is on board with the final items that are required to be done prior to the final lots being released.

Wayne Hayward said he had been down to Welcome Street and was impressed with the pavement overlay.

Jeffrey Lucas made a motion to release Lot # 7 with the Special Conditions that are listed in the Town Planner, Mr. Roth's Revised Memorandum, and was seconded by Gary Staffon. The motion passed unanimously.

III. PUBLIC HEARING:

1. Def Subdivision – Mary Vander Pol – Earle Street

Before Chairperson Wayne Hayward opened the Public Hearing, Engineer Kenneth Ferreira for Ms. Vanderpol asked the Chairperson how many votes were needed for an approval.

Wayne Hayward said, "Five."

Mr. Ferreira was fine to proceed; he had thought it was seven, and that's why he was questioning it.

William Roth reviewed the Mullen Rule. Mr. Roth stated that if the two individuals that were absent wanted to review the minutes, tape and meet with the Chair to review the meeting; they could then do a certification to say they are comfortable in knowing the facts to vote on the project in the future.

William Roth was then asked to read the advertisement for the record; followed by Wayne Hayward introducing the Board.

Mr. Ferreira explained the project as a "2 lot subdivision technically." He explained the property was the old Vander Pol nursery property and that the remaining parcel of land, Earle Street was deeded in full to Mr. & Mrs. Vander Pol. He explained that was a grandfathered lot. He also said that the wetlands have not been confirmed by Conservation Commission. He said they were looking at triple seal pavement; he also discussed the proposed stormwater system and water table.

Wayne Hayward asked what revision Mr. Ferreira was reviewing.

William Roth stated that Mr. Ferreira emailed him this afternoon a new set of plans, but he only quickly reviewed it. Mr. Roth stated that the Board had the original plans in front of them.

Mr. Ferreira said he was trying to give the Board an over view of the plan, but also what changes may be reflected on the newer set of plans: deed restrictions, catch basin grates to be unscrewed, large maintenance schedule, suggesting well water and an extension of the road a little bit.

Wayne Hayward asked if they had filed with Conservation Commission as of yet.

Mr. Ferreira said they had not.

William Roth said he thought that the Planning Board needs to first decide if this is a 3 Lot Subdivision.

Mr. Ferreira said it is one lot dividing into two; he said that the across the street is a grandfathered lot.

William Roth reviewed his Memorandum on the current plans that were submitted to the Board. He shared his concerns, and also that of the other Departments in town, specifically that the Fire Chief called him directly to review that he is requiring a Fire Hydrant.

Mr. Roth expressed his concern that the applicant has not filed with Conservation Commission as of yet, and expressed to Mr. Ferreira that it may take him more time than he thinks to get into Conservation Commission, due to the quorum issues they are having.

Mr. Ferreira stated that he was going to file a RDA (Request for Determination) with Conservation soon.

William Roth stated the plans were scaled down and were very confusing and hard to read.

Mr. Ferreira agreed to blow up the plans on a fourth sheet to make it easier to read.

William Roth said that he had issues with the leaching basins and in general a detail maintenance schedule did not seem realistic for a home owner to accomplish. In addition, it was his belief that in the future a home owner would be asking the Town to take over maintenance because that has been his experience with these private systems.

Wayne Hayward asked the Board members if they had any questions or concerns.

Jeffrey Lucas asked about Lot 434, which is the grandfathered lot, what the status of that lot is.

Mr. Ferreira said that it was a separate lot conveyed to Vander Pol separately and separated by the street.

Wayne Hayward said they were essentially trying to get access for three lots.

Jeffrey Lucas asked who was using Earl Street.

Resident, Mark Armando uses that lane to get to his driveway.

Gary Staffon asked if this was a 3 lot or a 2 lot subdivision?

Mr. Ferreira said it's really semantics, the parcel lot is dividing into two lots and the remaining lot never had water or sewer. According to the Assessor's map, there is only 1 lot being divided, he said.

There was a brief discussion about the triple seal.

Wayne Hayward expressed that he had some issues with the water and sewer on Shaw & Jenney Street.

William Roth reported that the BPW did not have any comments regarding water and sewer.

Mr. Ferreira said they were not proposing water.

Wayne Hayward said the closest fire hydrant was on Pine Street; and there were no current fire hydrants in that area.

Kaisa Cripps read from the code that the Planning Board reserves the right to review storm water for subdivisions of three lots or less.

Wayne Hayward opened the Public Hearing out to the audience.

Resident, Mark Armando of 421 Huttleston Avenue asked who the surveyed company was in the past. He said that his house was never on that street, but that the surveyor advised him that 2' sticks out (the back of the house, West side). He said that he worries about flooding on Earle Street, and that it affects him and his family directly.

Resident, Shawn Higgins of 422 Huttleston Avenue also expressed concerns about flooding issues. He said that Earle Street was a paper street and that it impacts all of them.

Resident, Michelle Ventura of 417 Huttleston Avenue spoke regarding drainage issues. She said that she already lives with current flood issues.

Resident, Michael Gaj was also concerned about drainage issues; he has a lot at the end of Jenney Street, and it's all wetlands back there.

Mr. Ferreira explained that not all the property that was developed in the area is or was owned by Mary & Marinus Vander Pol; but the Vander Pol family. He said he just doesn't want people to point fingers that it

was Mr. & Mrs. Marinus Vander Pol that developed the subdivision to the south that has caused some of the drainage issues.

Resident, Joe Guard of 415 Huttleston Avenue said that although it's a 2 lot subdivision, we all know it's 3. He said around the corner from this property the property sold for \$30,000, and the pipes are prepared for a 5 house lot subdivision not 2.

Mr. Guard asked the Board to consider giving him a copy of the drainage plans so he could ask his son, who's a Real Estate Attorney and a private engineer to look at it, and then he could report back.

Wayne Hayward said, "I don't see that happening, you're a private abutter."

There was a discussion on copying plans, what was allowed. William Roth said he has allowed abutters to copy the plans, at their expense, as it is part of public record. Rene Fleurent, Jr. also agreed that it is public record.

Mr. Ferreira said that the two lot subdivision on Jenny Street was produced by Schneider, was approved by the Board at one time, but never signed.

There was more discussion from the residents regarding their concern about drainage issues.

Wayne Hayward said that this is an allowable in the code, and there are a list of waivers that are permissible. Some make sense.

Resident, Mr. Higgins said he would hope there's no preference because Mr. Vander Pol was on the Planning Board at one time.

Rene Fleurent, Jr. made a motion to continue the Public Hearing till 8/27/13, and was seconded by Gary Staffon. The motion passed unanimously.

Mr. Guard asked about the appeals process and was given the information by Mr. Roth.

2. Special Permit – **Brahmin Leather Works** - 77 Alden Road

William Roth stated that the Applicant may want to continue the project, whereas, they have significant Conservation Commission issues.

Engineer, John Keegan said that there was an extension of the parking lot that was going to straddle existing wetlands. He said they have had an on-site with the Conservation Commission (and their professional was not happy with it.) Mr. Keegan asked to continue the Public Hearing until they get the issues resolved with Conservation Commission. He asked for the date of 8/13/13.

Gary Staffon made a motion to continue the Public Hearing to August 13, 2013, and was seconded by Jeffrey Lucas. The motion passed unanimously.

IV. LONG RANGE PLANNING:

1. Zoning Reform Bill
2. Medical Marijuana Law

William Roth advised the Board he had no new information on either, but has kept on the agenda per the Chairperson.

V. CORRESPONDENCE:
NONE

VI. OTHER BUSINESS:

1. Chairman Signature on Planning Board FY 13 Encumbrances

William Roth advised that a motion needed to be in place for the Chairman to sign Encumbrances for a phone bill (leftover from Fiscal '13) and the current Staples Bill.

Gary Staffon made a motion for Chairperson, Wayne Hayward to sign Encumbrance Form with Rene Fleurent, Jr. seconding the motion. The motion passed unanimously.

2. Ribbon Cutting Ceremony, July 19, 2013 at 11:00 a.m. for the Town's Solar Project at the Landfill was discussed.

Kaisa Cripps made a motion to adjourn and was seconded by Francis Budryk. The motion passed unanimously.

The meeting was adjourned at 8:27 p.m.

Respectively submitted,

Patricia A Pacella
Recording Secretary