

PLANNING BOARD MEETING of February 25, 2014: Town Hall Banquet Room

**I. ADMINISTRATIVE BUSINESS:**

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm. Mr. Hayward indicated to the Board and Public that the meeting was being recorded.

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Vice Chairperson, Gary Staffon, Kaisa Cripps, John Farrell, Jr., Rene Fleurent, Jr. and Peter Nopper.

Absent: Francis Budryk and Jeffrey Lucas

Planning Director William Roth was in attendance.

Vice Chairperson, Gary Staffon made a motion to approve the January 28, 2014 minutes and was seconded by Kaisa Cripps. The motion passed unanimously.

Planning Board Bills:

1. **Citizen Planner Training Collaborative** – 2014 Conference (Fleurent) - \$60.00

Vice Chairperson, Gary Staffon made a motion to pay this bill to Citizen Planner Training Collaborative for Mr. Fleurent to attend the 2014 Conference and was seconded by John Farrell Jr. The motion passed unanimously.

2. **Rene Fleurent** – Mileage SRPEDD - \$108.48

Vice Chairperson, Gary Staffon made a motion to pay Mr. Fleurent for his mileage to SRPEDD meetings and was seconded by John Farrell, Jr. The motion passed unanimously.

**II. CURRENT PLANNING:**

Receipt of Plans:

None.

Approval of Plans:

None.

**III. PUBLIC HEARING:**

1. Def Subdivision – **Mary Vander Pol** – Earle Street – (con't from 1/28/14)

William Roth explained to the Board that he sat down with the Engineer to converse about different options. He said the newest plan is a proposal to gain access from Jenny Street, a gravel way and not chip seal because Conservation Commission won't allow it. Mr. Roth stated that the project has to go to Conservation Commission and then will have to come back to Planning Board.

Wayne Hayward confirmed this is brand new plans that the Board is seeing.

William Roth stated it was, and that the plans were emailed and then mailed to Board members.

Wayne Hayward asked if they were in the preliminary stage, and that they've circled back to stage one.

Engineer, Ken Ferreira reviewed the project with the Board stating that the Board made it clear they didn't want to see Earle Street being used, so they are proposing access through Jenny Street. He said that they are going to ask for waivers for most street guidelines, sidewalks and such. He said they would be encroaching into the wetlands just a little, and would most likely have to replicate the wetlands. Mr. Ferreira said they would be conveying approximately 30' of Earle Street. Mr. Ferreira said he understands he has a hurdle with Conservation Commission and he doesn't want to start with them unless he gets the feel from the Planning Board that they would approve this. He said that part of this process would formally discontinue Earle Street as well.

Wayne Hayward asked if anything would be in place for the owners adjacent to the proposed two parcels to prevent them from creating a curb cut driveway to Huttleston Avenue?

Mr. Ferreira said they could put in a "no access line" in the plans that would prevent an access to Huttleston Avenue.

Wayne Hayward stated he thought it was the direction that the Board wanted the project to go into.

Gary Staffon asked if it was a 2" copper line that they were going to put in for water.

Mr. Ferreira said he wasn't sure, whereas they haven't spoken to the water department as of yet.

William Roth stated that he would be rerouting the new plans to all department heads in Town and he was pretty sure that the Fire Chief would ask for a fire hydrant.

Discussion ensued.

Wayne Hayward said they were talking about Town water or well water, but definitely Town Sewer.

Discussion ensued the on sewer line in Jenny Street and Wayne Hayward was not sure why the BPW had not made any notes about it. Mr. Ferreira said they would be putting in their own sewer line and not using the one in Jenny Street.

Brief discussion on frontage.

Kaisa Cripps expressed some concerns on the stormwater issues that abutters had been complaining about at past meetings, she wondered how much fill would be required to prevent more water issues. She expressed concern about water drainage.

Mr. Ferreira stated Lots 2 & 3 would be filed only with the Conservation Commission review.

Wayne Hayward expressed that they need drainage easements if they are going to drain on someone else's property.

Wayne Hayward thought that Conservation Commission would require to site houses on the lots, so he suggested Mr. Ferreira put them on the plans now, so that the Board could see it.

Mr. Ferreira said that he would be showing proposed grading for Conservation.

Wayne Hayward said they wanted to know where the runoff is going. He then asked Mr. Roth if this was a definitive plan.

William Roth said it was a continuation of a definitive subdivision.

Wayne Hayward said it's a preliminary discussion.

Discussion on chip seal ensued.

Mr. Ferreira then did a review of the deed and Earle Street from Charles Perry back in 1903.

Kaisa Cripps said although she thought the deed information was all fascinating, and she appreciated Mr. Ferreira doing his due diligence, she referred back to “adverse possession”.

Mr. Ferreira said that a homeowner wouldn’t just take over a street because they had been using it for a matter of time, but that they would have to go to court for adverse possession.

Wayne Hayward asked if there would be any gifting of Parcel 1 & 2 to any of the abutters.

Mr. Ferreira said, “Gifting? No.”

Discussion ensued.

Abutter, Scott Messier asked who would be maintaining Jenny Street. He said he and Mr. Garcia maintain it currently.

Wayne Hayward said that Jenny Street is a private road currently.

Mr. Ferreira said they are not claiming ownership of Jenny Street.

Kaisa Cripps asked if in fact it is a private road, would the Vander Pol’s need to ask permission of current owners to use it.

Wayne Hayward said that there is no confirmation of who the current owners are.

Mr. Ferreira said that generally everyone on the street has common ownership.

Discussion ensued.

Mr. Garcia said he had a few concerns on the stormwater and where it’s going to go; as well as snow removal, and where they would put it. He said that his sewer stub is on Jenny Street.

Mr. Ferreira said that this approach is definitely going to improve Jenny Street.

Discussion on the future build out of Jenny Street.

Mr. Ferreira asked the Board if this proposal was something they would consider.

Wayne Hayward said if this is a preliminary plan, he would like to see the full build out possibilities for Jenny Street on the plans.

Kaisa Cripps said she was confused that this plan is completely different from anything they’ve seen in the past, and wondered what rules are with new plan.

John Farrell, Jr. said, this is exactly what the Board asked Mr. Ferreira to do.

Wayne Hayward said that the new plan has to be re-routed to all departments.

More discussion on definite plan vs. “discussion” plan as Ken is advising this plan is.

Wayne Hayward said he would like the Planning Board to see the plan in its complete form before the Conservation Commission sees it.

Mr. Ferreira said that would be fine, he could do it simultaneously.

Discussion ensued on by passing preliminary stage to a definitive stage.

Mr. Ferreira stated there were two reasons for discussion tonight, one was the Earle Street ownership and the second was the discussion of the new plan (without the access from Earle Street). Mr. Ferreira said this was a discussion only.

Wayne Hayward said they were asking about the build outs.

Mr. Ferreira said the purpose of this plan was to show the Jenny Street access.

Wayne Hayward asked abutter, Mr. Raimondo if he had any concerns.

Mr. Raimondo asked if there would be a house on Lot number 2, which is directly behind his house.

Mr. Ferreira said, "Yes."

Mr. Raimondo said it's squishy back there now and his sump pump runs constantly. He said he was very happy that they weren't going through Earle Street, and that Mr. Ferreira did what the Board asked, and he was happy about that. He also said he felt better with a 1" of water in his backyard than a car in his driveway.

Lois Messier shared concerns about the water and drainage.

Mr. Garcia said he wasn't present to oppose the plans; he just wanted it done right.

More discussion ensued.

Mr. Ferreira asked if they have resolved issues of ownership of Earle Street.

Wayne Hayward said he was ok with it, but still seeing it on the plan. He said that it would also be a condition of approval for the Earle Street discontinuance.

Gary Staffon said that the Board asked him to show access through Jenny Street and that the plans they were reviewing did just that. As far as he was concerned they are heading in the right direction.

Mr. Messier asked how they go about making Jenny Street an acceptance street where that would solve all their problems.

Wayne Hayward said that this is going to be an improvement to Jenny Street.

William Roth stated this would be a significant revision and a revision application fee would apply.

Mr. Ferreira said that's no problem. He said he would supply the Board with a 3 sheet Subdivision Plans with all the details, and asked Mr. Roth how long it would take him to re route to all the Department heads.

William Roth stated approximately 4-5 weeks before the hearing date; therefore, it would need to be submitted by the week of March 17, 2014.

Mr. Ferreira said he needed at least 3 weeks.

Wayne Hayward said that he thought Mr. Ferreira should come back before the Board with the plans prior to going to Conservation Commission.

Rene Fleurent, Jr. made a motion to continue the Public Hearing, at the request of the applicant to April 22, 2014, and was seconded by Gary Staffon. The motion passed 5 to 1, with Kaisa Cripps opposing.

2. Bylaw Text Amendment – Chapter 198.28 – Flood Plain Zoning Bylaw Amend

William Roth reviewed the changes to the Amendment to the Flood Plain Zoning Bylaws.

John Farrell, Jr. asked about #8 and being grandfathered, he asked how that worked.

William Roth stated that they weren't changing anything; it was just not going to be numbered 7, but numbered 8.

William Roth stated these were the recommended changes from the State. He said that this does not have to do with the flood rates, but this is accepting the flood maps and no one appealed in Bristol County.

Gary Staffon made a motion to recommend to Town Meeting for adoption of Bylaw Text Amendment, Chapter 198.28 and was seconded by Kaisa Cripps. The motion passed unanimously.

**V. LONG RANGE PLANNING:**

1. Zoning Reform  
No new information
2. Master Plan Discussion  
No new information

**V. CORRESPONDENCE:**  
None.

**VI. OTHER BUSINESS:**

1. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

None was discussed.

Gary Staffon made a motion to adjourn and was seconded by Rene Fleurent, Jr. The motion passed unanimously. Meeting was adjourned at 8:48 p.m.

Respectively submitted,

Patricia A. Pacella  
Recording Secretary