

DATE: June 9, 2011
TIME: 7:00 P. M.
PLACE: Large Meeting Room
FOR: Regular Meeting/Continued Public Hearing
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Jack Musgrove;
Richard Dohoney
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:05 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES:

Mr. Musgrove made a motion to approve the minutes of May 12, 2011 as amended, Ms. Schroeder seconded, all in favor.

Mr. Musgrove made a motion to approve the minutes of May 26, 2011 as amended, Ms. Schroeder seconded, all in favor.

ASSOCIATE MEMBER:

Mr. Rembold said the neither applicant for the Associate Member position was able to attend tonight's meeting. He suggested the Board put off their discussion until at least the next meeting when one or both applicants may be available.

The Board agreed to put off their discussion until June 23, 2011 and asked Mr. Rembold to contact the applicants to ask them to attend.

TOWN PLANNER'S REPORT:

Mr. Rembold said Verizon Wireless applied to modify a special permit for a non-conforming use at Fairview Hospital. There are currently 6 panel antennas, three banks of two, on the hospital. The proposal is to replace the existing antennas as well as add one antenna per bank for a total of 9 antennas. The ZBA public hearing is scheduled for July 19. The applicant would be available for the July 14 Planning Board meeting.

Mr. Rembold said BRPC has their 5th Thursday dinner on June 30th. The topic is Agricultural Zoning.

OTHER CONCERNS & ISSUES:

Mr. Hankin said he had a call from Board of Selectmen Chairman, Sean Stanton, to see if the Board would be interested in a joint meeting with all of the boards. Mr. Hankin said the Planning Board would be interested. Mr. Hankin said the meeting most likely would not take place before September.

CONTINUED PUBLIC HEARING: DEFINITIVE SUBDIVISIO PLAN FOR KINO LANE

The Board opened its discussion of the subdivision road titled Kino Lane at 7:15, Mr. Musgrove made a motion to continue the discussion, Mr. Dohoney seconded, all in favor. Mr. Hankin announced that the public hearing was being recorded.

Michael Parsons, from Kelly, Granger, Parsons and Associates was present with the applicant, Tyler Malik.

Mr. Parsons had presented a landscaping plan for the Planning Board members to review prior to the meeting. He said Ms. Malik went to Ward's Nursery to get advice on the species of trees that would work best in this location. Those suggestions are reflected on the plan. Mr. Parsons said the trees are scattered around the property as per the conversation and sentiments from the last meeting.

Ms. Malik said she chose trees that would do well in wet ground and sun. She said the trees should blend in well with the existing landscape. Ms. Malik said she offered what she felt she could do. She did not want to offer more than what she knew she could do.

Mr. Parsons said the idea was to keep the field open. The suggested trees included River Birch, a Red Maple, two Hemlocks and two Apple trees. Shad trees were also considered.

Mr. Musgrove asked how tall the trees would be when they are planted.

Ms. Malik said the trees would be 8 feet tall.

Mr. Musgrove asked how long it would take the trees to reach full height.

Ms. Malik said a couple of years. She said she purposely chose fast growing trees.

Mr. Hankin said the purpose of the landscape plan is for the trees that would be planted along the road. He said he appreciated a plan for trees to be planted on the lot but that is not part of the Planning Board purview.

Mr. Parsons said he disagreed because the applicant is looking for a waiver of the street tree requirements so this plan shows trees on the lot to allow for trees to not be planted along the road. This was as per the discussion at the last meeting.

Mr. Musgrove agreed that normally the Planning Board can not ask for trees to be planted outside of the right of way of the road so this would be part of the condition to allow the waiver.

Mr. Parsons said there are currently invasive species on the lot. Ms. Malik would not introduce any new invasive species and we have suggestions for methods of keeping them from spreading during construction.

Mr. Musgrove asked how hard it would be to dig them up.

Ms. Malik said they are located along Hurlburt Road where the Conservation Commission asked that we not mow or disturb.

Mr. Parsons said we have agreed to not do anything to spread them.

Mr. Hankin asked if there would be planting to create a habitat.

Ms. Schroeder said the habitat issues are so complex that we can't go there. She said she can't speak to the habitat without knowing what lives there. It is not conservation land and it can't be managed as a grassland with houses on it. We should be trying to make the visual impact less jarring.

Geoffrey House, a resident of Hurlburt Road, said if the farmer still owned the land it would be mowed. Ms. Malik has a 25 foot no mow area, she should not be expected to do any more.

Ronald Kiowski, a resident of Hurlburt Road, said he had hoped there would be a list of trees species available.

Mr. Hankin said normally the Board would get a cut sheet showing each species, what it would look like, how big it would be and other information about the species.

Maureen Hickey, a resident of Hurlburt Road, asked why Ms. Malik would be looking at species of trees that would grow in a wet area. It has been represented that the land is not wet.

Mr. Parsons said we did not represent that the land is not wet; we said it is not a wetland.

Mr. Hankin said that Mrs. Hickey may be confusing wet soil with wetlands. He said the Board is looking for a landscape plan that addresses plantings that would mitigate the impact of both houses from Hurlburt Road.

Ms. Malik said she does not want the front of her house to be blocked. She said she bought the property because she wanted to live in an open field. She said she didn't want a lot of trees.

Mr. Hankin said the field is not open anymore with a house on it.

Ms. Schroeder suggested that a few trees could be clustered. She said the goal would be to work with the change in character from an open field. She said we are not looking for walls of vegetation but three trees clustered off the corner of the house.

Eileen, Ms. Malik's friend, said when we were here two months ago the Board didn't say anything about trees and clustering trees. It would be helpful for you to be very specific as it seems that each time we come you change what you want us to do.

Ms. Schroeder said your effort has not gone unnoticed.

Ms. Malik said I don't know what it will look like. She said she needs a little time to live on the property and see what it would like. She said she might want to change the species of tree or the location of the trees. She said she is feeling that this is very limiting.

Mr. Musgrove said he feels like Ms. Malik is telling the Board what she will do. He said he understands that when she is living there it there may need to be some changes but the number of trees the Board tells you to plant is what will be planted.

Ms. Malik said she has shown a plan with what she feels she would be able to plant. If the Board needs more, there will be more planted.

Mr. Musgrove said the Board may need more information on the species of trees and we may ask for suggestions of species that would be suitable.

Ms. Schroeder said aesthetically fewer species would look better. Another River Birch or Red Maple might be better than having other species. She said it is subjective but fewer species would be better.

Mr. Hankin suggested there might be an opportunity where the driveway bends to create a cluster of trees to shield the parking area as well as the house from the abutters and the road. Something near the road focuses the eye.

Mr. Musgrove said there should be no more than 3 trees in the cluster.

Ms. Schroeder suggested it would be better to cluster the trees in a couple of groups rather than spread them around the property.

Mr. Hankin said an Elm tree would grow faster than the Maple trees.

Ms. Malik said she had been discouraged from considering an Elm.

Mr. Parsons said Ms. Malik would plant three trees along the bend in the road. River Birch and Red Maples would be the trees used.

Ms. Malik said she had a discussion with Mr. Morris about his house. She said she is trying to be reasonable and not put big trees in his sight line.

Mr. Hankin said he is suggesting cheating the River Birch to the north slightly so when driving down the driveway it would help screen the cars from the house.

Ms. Malik said she agreed.

Mr. Parsons asked if Mr. Hankin was suggesting planting more trees or just moving the cluster to that location.

Mr. Hankin said move the cluster.

Mr. Parsons said he needs input from the Board about what they want. He said he thought we understood what the Board wanted but obviously we didn't. He asked for specifics so the plan could accurately reflect what the Board wants.

Ms. Schroeder said she thinks Hemlock trees would be strange in a field.

Mr. Malik said she had no problem using the River Birch.

Mr. Hankin said what we are suggesting is a minimum number of trees. You can plant more but this is the minimum we will require.

Ms. Schroeder asked about the proposal for Hemlocks near the fence line.

Ms. Malik said they can go.

Mr. Musgrove said his understanding from the discussion is for there to be three trees in front, a large Elm or Maple with two other complimentary trees for a cluster of three. Three trees where the evergreens were shown, the cluster would be slightly north of where the evergreens are shown. River Birch would be planted instead of the evergreens. The Apple trees would also be planted.

Nicholas Sotis said if a Red Maple is planted on the south border it would block Mr. Morris' view and Mrs. Stockwell's view.

Mr. Musgrove said he is happy to not make it a condition but an aesthetic choice.

Ms. Malik said she is happy to work with the neighbors.

Mr. Musgrove said there needs to be two clusters of three trees located on the property.

Ms. Schroeder asked about the Apple trees.

Ms. Malik said maybe the Apple trees would not be used.

Mr. Musgrove said then they should be taken off the plan. You can plant them if you want to but they won't be part of the condition. He said there should be two River Birch planted on one side of the driveway and one River Birch on the other side of the driveway for a total of three trees in the area of the driveway.

Mr. Hankin asked that the plan needs to be brought back for final approval with cut sheets for the trees.

Mr. Parsons agreed.

The Board said the information can be provided for discussion at the next meeting on June 23, 2011.

Patricia Fulco from 149 Hurlburt Road asked how much water would be displaced by four foundations.

Mr. Parsons said this project is only dealing with one house.

Mrs. Fulco said the water has to go somewhere. If the wells and septic systems fail will they be asking the Town to run water and sewer down Hurlburt Road? Would the residents of Hurlburt Road be obliged to pay for it?

Mr. Hankin said those questions are far beyond the Planning Board's purview or considerations of this project.

Mr. Rembold said if wells or septic fail then the homes would not be habitable and it would be up to the Board of Health to deal with and determine what to do.

Mr. House said he went to the Conservation Commission meeting when they dealt with John Morris' driveway. They only deal with that one house, when all the houses get built on that land where will all the water drain? There could be three feet of water in the basements.

Mr. Hankin said Ms. Malik is building on a slab. The other houses are not within our purview. Those houses won't even come before this Board.

Mr. Dohoney said this Board deals with minimum thresholds. We make sure the minimums are met. None of these approvals are endorsements of what is happening to the land.

Mr. Musgrove said the lots were created legally.

Mr. House said this lot was not sold to be a subdivision.

Mr. Dohoney said the entire lot should have been sold to be one subdivision it would have been a better plan but it wasn't done that way.

Mr. Musgrove said when the lots are sold the owners can do what is allowed whether it was considered originally or not.

Mr. Hankin said that the Board is going to need a covenant and a maintenance agreement for the road. He asked Mr. Parsons to go through the subdivision control law to make sure everything has been done then we can move forward.

Mr. Parsons said he expected to prepare the covenant so it could be reviewed by Town Counsel during the appeal period.

Mr. Rembold said the Board needs to know what the maintenance agreement says and who will be responsible.

Mr. Parsons said he would get the information to Mr. Rembold prior to the next meeting.

Mr. Hankin read a letter from Maureen Hickey requesting a continuance of the public hearing until the end of June as the neighbors will be having a meeting with the Board of Health on June 16.

Mrs. Hickey said this is not a personal issue with Tyler it is concern for the Town.

Mr. Parsons said the meeting with the Board of Health is not a public hearing it is a public meeting. Mr. Parsons said he did not believe Mrs. Hickey had a right to ask for the Board to extend the time of their discussions as she is not an abutter.

Nicholas Sotis read a letter dated June 9, 2011 into the record.

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Mr. Musgrove made a motion to continue the public hearing to June 23, 2011 at 6:00 P.M., Ms. Schroeder seconded, all in favor.

There being no further business, Mr. Musgrove made a motion to adjourn, Mr. Dohoney seconded, all in favor. The meeting adjourned at 8:37 P.M.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary