

PLANNING BOARD MINUTES

DATE: April 11, 2013
TIME: 6:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove, (via phone); Ethan Culleton
Brandee Nelson, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 6:00 P.M. Ms. Fowle had not yet arrived. Mr. Musgrove was present via phone.

Mr. Hankin elevated Ms. Nelson to a voting member to make a quorum in the room.

MINUTES: MARCH 14, 2013

Ms. Nelson made a motion to approve the minutes of March 14, 2013 as amended, Mr. Culleton seconded all in favor.

MINUTES: MARCH 28, 2013

Ms. Nelson made a motion to approve the minutes of March 28, 2013 as written, Mr. Culleton seconded, all in favor.

6:05 Ms. Fowle arrived

BARRINGTON BROOK:

Present for Barrington Brook were engineer Jim Scalise, Matt Ward, Ed McCormick and Joe Wilkinson.

Mr. McCormick said we have arrived at settlements with the Epstein's, Navarino's and Klemp's. He gave the Board copies of the Epstein and Navarino settlements. The one from Klemp is still in transit. He said we seek release from the Burning Tree Form D covenant which restricts building or conveying on any lot until the infrastructure is completed. We would like to build a model unit for the Barrington Brook OSRD on Lot 15 of the Burning Tree plan. We will seek only a building permit and will not convey the model home or occupy it as a residence. We also ask the Board to temporarily suspend condition #5 of the OSRD approval which restricts building permits until all legal documents are in place. We will have those ready at the subdivision phase, but they are not ready yet.

Mr. Hankin asked will the model conform to the present approved sub-division?

Mr. McCormick said yes it will, under the Burning Tree subdivision. He said we will blacktop the rest of the south road once the model is built, so buyers can come to the site more easily.

Mr. Hankin asked if we still have covenants on other lots to ensure completion.

Mr. Rembold said yes 11 lots will still be covenanted

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Mr. McCormick said he believes Wilkinson got estimates of around \$200 K to complete the roads.

Ms. Nelson said that seems appropriate and also seems 11 lots under covenant is adequate.

Ms. Fowle asked if this unit would be sold at some point.

Mr. Ward said yes after everything else is sold.

Mr. Hankin asked what the timeframe is for filing the definitive plan.

Mr. Ward said negotiations with the abutters put us back a bit.

Mr. Scalise said that's correct, we had been holding off until everything was settled. It will be at least 4 weeks before we file the definitive plan.

Ms. Nelson made a motion to release Burning Tree, lot 15 from the Form D covenant and to temporarily suspend condition #5 of the Barrington Brook OSRD approval so that the developer may build a model home on Lot 15, with the condition that no certificate of occupancy or conveyance of the model home shall be permitted prior to approval of the definitive plan, and to notify the Building Inspector of this action, Ms. Fowle seconded, all in favor. Mr. Musgrove in favor by phone.

VARRIANCE: 1 Cypress Street

Mr. Musgrove asked why is this a variance at all.

Mr. Rembold briefly explained the project. The applicant seeks to add a shed dormer to the back of the house, making the house 3 stories, which is not allowed in this district. He said normally a small lot area is not justification for a variance of this type.

Mr. Rembold said under a recent case in the Mass Appeals Court, *Gale v. Gloucester*, a new nonconformity may be created without a variance, if the ZBA makes a finding that the new nonconformity is not a substantial detriment to the neighborhood. In that case only a special permit is needed and no further zoning relief is required. This only impacts 1 and 2 family homes.

Mr. Musgrove made a motion to find that the proposed dormer is not a substantial detriment to the neighborhood, and recommend the ZBA find similarly, and that based on this finding and the *Gale* decision, dismiss the Variance and approve a Special Permit to allow the new nonconformity, Mr. Culleton seconded, all in favor. Mr. Musgrove in favor via phone.

OSRD SAMPLE SITES:

Mr. Rembold handed out a pamphlet prepared by the Dutchess County (NY) Land Conservancy entitled "Planning and Siting your House" which contains good examples of preferred design.

The Board discussed two sample OSRD sites at length.

Mr. Hankin said his preferred option for Site 1 was to preserve as much farm field and views as possible, which would mean siting the houses along the road.

Mr. Rembold noted this would contravene the required 100 foot boundary buffer of the OSRD bylaw.

Ms. Nelson also noted that there is no water and sewer here so how many houses and where they are sited is an infrastructure and economic decision.

Mr. Rembold noted that the number of units possible under the OSRD were unlikely to be achieved here. So the possible density bonus for preserving more than the required minimum open space is not a realistic incentive.

Mr. Hankin said this is not a good OSRD site because the economics are better for one or two large houses.

Mr. Culleton noted that OSRD types of communities tend to seek a certain type of buyer, who choose a lifestyle of smaller lots grouped closer together.

Mr. Rembold presented sample Site 2.

Mr. Hankin noted the same issue here that he would want to build closer to the road than is currently allowed.

Ms. Fowle said that the fields are good bird habitat, so that might be the preferred resource area here. Eliminate the hedge rows in the fields and preserve as much of the grassland as possible.

Ms. Nelson said town sewer could happen here and she would recommend a pump station.

Mr. Culleton wondered what abutters might think and how that would shape the design or approval.

Mr. Rembold said if he was the developer he would site homes where they would have the best views, and the abutters probably would not like that.

Ms. Fowle asked how detailed the siting guidelines should be.

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Mr. Hankin said we should give the Board the maximum flexibility to be able to waive the regulations where justified.

Ms. Nelson asked whether it was the developer that needed maximum flexibility. It all seems too nebulous to a developer.

Mr. Culleton asked whether smaller homes on smaller footprints, maybe even attached, could be sited along the edge.


Mr. Hankin said the OSRD allows for only 1 and 2 family homes.

Mr. Rembold said in these cases the OSRD sounds nice but the incentive is impractical, therefore the OSRD is not necessarily the preferred bylaw. Perhaps the OSRD bonus incentive will never really be achieved, so what we think is a generous bylaw is not really at all and is in fact too nebulous to get through. Maybe this site is better for a PURD.

The board agreed this was a good discussion and agreed to continue it to a meeting when both Mr. Dohoney and Mr. Musgrove could be present.

Without objection Mr. Hankin adjourned the meeting at 7:30 P.M.

Respectfully submitted,



Kimberly L. Shaw, Planning Board Secretary
With assistance from Christopher Rembold, Town Planner