

DATE: July 12, 2012
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Planning Board Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Jack Musgrove via phone; Ethan Culleton
Brandee Nelson, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order. He elevated Ms. Nelson to a voting member. He announced the Mr. Musgrove was present remotely via phone. Mr. Musgrove was unable to attend the meeting as he was out of town on business. He was able to hear everyone present at the meeting and all were able to hear him.

FORM A'S:

There were no Form A's presented.

MINUTES: JUNE 28, 2012

Mr. Musgrove made a motion to approve the minutes as amended, Mr. Culleton seconded.

Roll Call vote: Mr. Culleton Aye
Mr. Musgrove Aye
Ms. Nelson Aye
Mr. Hankin Aye

Approved 4-0

SITE PLAN REVIEW APPLICATION: 9 BUTTON DOWN LANE

Attorney Charles Ferris was there to discuss the site plan review application submitted on behalf of Daniel Gorin for an accessory dwelling unit in an existing accessory building. Mr. Ferris said the Board of Health is requiring a septic system upgrade so he requested a provisional vote subject to the upgrade.

Mr. Hankin said a site visit was conducted earlier. Mr. Culleton was not present but he said he was familiar with the project. He said he had looked at the plans.

Mr. Rembold said the approval would be conditioned on the septic system approval.

Mr. Ferris said the Board of Health agent, Mark Pruhenski, had issued a pre-approval letter for the upgrade.

Mr. Rembold said the Conservation Commission had no issues with the proposal.

Mr. Hankin said the accessory dwelling unit would be within the footprint of the existing structure. It can not be seen from another house. He said he could not imagine anything less offensive.

Mr. Culleton agreed.

Mr. Musgrove made a motion to approve the Site Plan Review application subject to the Board of Health's approval of the revised septic system, Ms. Nelson seconded.

Roll Call Vote: Mr. Musgrove Aye
Mr. Culleton Aye
Ms. Nelson Aye
Mr. Hankin Aye

Approve 4-0

SPECIAL PERMIT: STEPHEN BENNETT LONG POND ROAD

Mr. Hankin recused himself from the discussion as he has a business connection with the property. Mr. Culleton assumed the Chair. Mr. Hankin did not leave the room in order to maintain a quorum.

A site visit was conducted earlier in the day.

Mark Volk was present from Foresight Land Services on behalf of Stephen Bennett with a special permit requesting to work within the Stream and Lake Protection Zone of the Water Quality Protection District, WQPD.

Mr. Volk said he has been to the Conservation Commission. They will conclude their review next week. The proposal is for a four bedroom house. The proposed location is the only area on the lot to place the building. There is an enhanced septic system design.

Mr. Volk said most of the lot would remain vegetated. There would be a small pocket to be cleared for the driveway, house and patio. There would be a dock at the edge of the pond along with a screened in porch. Most of the trees would be retained with the exception of some clearing for a view of the pond.

There would be a wood and stone step way to the pond. It will be required to blast four to six feet down for the foundation. A limited foundation is proposed to limit the impact.

Mr. Musgrove said the fundamental question is can the house be located anywhere else on the property.

Mr. Volk said in his opinion there is no other place to put the house.

Ms. Nelson said to Mr. Musgrove, there is a clear understory then good size trees. The lot is wooded and slopes steeply down to the pond.

Mr. Musgrove said it appears from the plans and from Ms. Nelson's description that is the only place to put it.

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Ms. Nelson said it is a smart location but there is a lot of construction very close to the water.

Mr. Volk said the Conservation Commission is suggesting the screened in porch be moved 50 feet back from the water.

Ms. Nelson said it will be challenging to even get the material to the site. She asked if there would be any controls other than sediment and erosion controls in place.

Mr. Volk said mostly erosion control. The construction site would be surrounded by erosion control. There will be a barrier to the construction equipment. The driveway will be constructed first to provide a staging area. It is a tight site but the architect and owner are aware of this. The trees will be protected and the trees to be removed would be flagged.

Mr. Rembold said the Design Review Team reviewed the application. They had no serious concerns. The Conservation Commission would want the screen porch moved. The driveway neck is too wide as proposed and would be required to be narrowed prior to DPW approval at the later stage of the project. There is a culvert that would also require DPW approval near the completion of the project.

Mr. Rembold said the application is complete and the project meets the dimensional requirement under zoning. The key question is, is there another area on the site to put the house. There doesn't seem to be another spot.

Mr. Musgrove made a motion to send a favorable recommendation to the Board of Selectmen.

Ms. Nelson seconded adding that there should be additional notes on the site drawing to restrict stock piling blasting material on the site and a designated storage area for materials.

Roll Call Vote: Mr. Musgrove Aye
Ms. Nelson Aye
Mr. Culleton Aye

Approved 3-0

Mr. Musgrove concluded his remote participation.

STONE PATH DEVELOPMENT UPDATE:

Mr. Hankin assumed the Chair.

Attorney Ed McCormick was present with Joe Wilkinson and Dave Ward to update the Board at Burning Tree Subdivision. James Scalise from SK Design was also present.

Mr. McCormick said there is work that will be done at the site that is able to be done without the Board's permission but all involved feel it would be better to let the Board know what is being done.

Dave Ward who is a partner with Mr. Wilkinson and Mr. McCormick said the season is now half over so he is proposing some aggressive marketing. The paving of the road will be completed. The south entrance will be dressed up to make it more appealing. The back entrance will also be cleaned up. Mr. Ward said the property is difficult to market in its current state so there will be some construction activity with a new house built on one of the existing lots. He said he has many people interested so the goal is to get the message out.

Ms. Nelson asked if a binder coat would be put on the road.

Mr. Ward said after the building has been completed.

Ms. Nelson asked if landscaping would be put in.

Mr. Ward said yes, at the entrance there will be flowers planted and a sign put in. He said street lights would be in as well. He said the homeowners are excited that something is going to happen. They have been complaining about kids driving fast on the road.

Mr. Rembold asked which of the Burning Tree lots would be built on. He was told the building would be on lot 1 on the right hand side.

Mr. Scalise said it would be Lot 15.

Ms. Nelson said the subdivision approval is still in place we are not giving approval for anything else.

Mr. Rembold said this has nothing to do with the proposed project. This is just for building one house.

Mr. McCormick said he had one question of Mr. Rembold.

Mr. Rembold said if the question has anything to do with project on file it would not be appropriate to respond.

Mr. Scalise said the question is more regulatory it is not. It is relevant if the Board would consider the question.

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Mr. McCormick said there is concern that the plans for Barrington Brook are within the 500 foot setback of Long Pond Brook.

Mr. Scalise said there is an interpretation question over the setback from Long Pond Brook. It appears that there may be two sets of criteria, either 300 feet or 500 feet depending on whether Long Pond Brook is considered a tributary. If the 500 foot setback is imposed it would have a significant impact on the project.

Mr. Hankin said he drafted the Water Quality Protection District. When it was on the Town Meeting floor it was amended to increase the setback from 300 feet to 500 feet specific to the Green River and its tributaries. The amendment passed. If there is a conflict the more stringent requirement will apply.

Mr. McCormick said he disagrees that there is a conflict.

Mr. Rembold said Long Pond Brook is listed in the bylaw as a tributary.

Ms. Nelson said it is clear that the brooks are part of the gallery. There was a discussion over the maps showing the brooks and streams.

Mr. Hankin said Long Pond Brook, Alford Brook and Seekonk Brook should have been struck from the 300 foot setback list when the amendment was made at the ATM.

Mr. McCormick asked what the intent was.

Mr. Hankin said the intent was to get the WQPD passed. It allows for building within the areas with a special permit. The WQPD greatly loosened the standards that had been in place. Prior to the WQPD nothing could be built within 500 feet not even with a special permit.

Mr. Scalise said we just witnessed a case where you would allow for building within the setback.

Mr. Hankin said prior to the WQPD's adoption, we would not have been able to do allow it.

Mr. Scalise said he can engineer around the setback but it might not be economically viable.

Mr. Hankin said if there is a way to build outside the zone and it is obvious, it may be hard to allow building within it.

Mr. Rembold said it would be up to the Building Inspector to determine how he would interpret the bylaw.

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Mr. Hankin said that DEP created the well head protection area, which did not include the tributaries to the Green River.

Mr. Wilkinson said we have public water and sewer.

Mr. Hankin agreed that having public services is an advantage.

Mr. Culleton asked if the issue is interpretation of the bylaw.

Mr. McCormick said it is a question of if we go forward with the project.

Mr. Hankin said it would not be a prohibition on building, it would mean an additional special permit.

Ms. Nelson asked when the WQPD passed.

Mr. Hankin said it had been several years. He said when bylaws get passed at Annual Town Meetings, whether we agree or not, we have to enforce what is passed. There are good arguments to be made but they have to be made for us to consider.

Mr. McCormick asked if the project should go forward. If having to meet the stricter requirement would throw the project out.

Mr. Hankin said the stricter restriction does not throw the project out.

Mr. McCormick said he feels strongly that the issue is black and white.

The applicants thanked the Board for their time.

TOWN PLANNER'S REPORT:

Mr. Hankin asked Mr. Rembold to find out how much money remains in the Burning Tree escrow account. He asked if there would be a special process for choosing an engineer to review and advise the Planning Board during the Barrington Brook process.

Mr. Rembold said he would get the information together. He said there would be procurement requirements if the engineering charges would be between \$5,000 and \$25,000 requiring three quotes.

Mr. Hankin asked at what point do we begin the process.

Mr. Rembold said once the project is in front of the Board.

Mr. Hankin asked if the selection process could take place during the public hearing.

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Mr. Rembold said yes. He asked the Board if they wanted to conduct a site visit prior to the public hearing.

The Board said yes. A site visit was set for July 26, 2012 at 5:00 P.M.

Mr. Hankin adjourned the meeting without objection at 8:22 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary

