

DATE: August 9, 2012
TIME: 6:00 P.M.
FOR: Regular Meeting and Continued Public Hearing (7:00 P.M.)
PLACE: Large Meeting Room
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Jack Musgrove;
Richard Dohoney
Brandee Nelson, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order. Ms Nelson had not yet arrived.

FORM A'S:

There were no Form A's presented.

MINUTES: JULY 26 & AUGUST 3

Mr. Musgrove made a motion to approve the minutes of July 26, 2012 as amended, Mr. Dohoney seconded, all in favor.

Mr. Dohoney made a motion to approve the minutes of August 3, 2012 as amended, Ms. Schroeder seconded, all in favor.

SITE PLAN REVIEW: THE MEAT MARKET

Attorney Kathleen Jackson was present on behalf of applicant Jeremy Stanton for the Meat Market, 389 Stockbridge Road. The application is for the addition of 36 outdoor seats consisting of 6 picnic tables with 6 seats each.

Ms. Jackson said there is ample parking for the additional seating. The Meat Market shares 45 parking spaces with Ena Café. Ena has approved seating for 44 and requires 15 parking spaces. The Meat Market has approved seating for 29. Adding 36 more seats would total 65 seats requiring 22 parking spaces leaving 8 parking spaces.

Ms. Jackson said The Meat Market is a venue for local farmers. Providing the additional seating allows the farmers to meet with customers to promote local business relationships.

Mr. Hankin said a site visit was conducted prior to the meeting. He asked the Board members if there were any issues with adding 36 additional seats.

Mr. Musgrove said he didn't see any issues.

Mr. Rembold said he felt the objectives for Site Plan Review had been met. There were no issues.

Mr. Dohoney made a motion to accept the objectives of the Town Planner's report and approve the Site Plan Review, Mr. Musgrove seconded, all in favor.

SPECIAL PERMIT & SITE PLAN REVIEW: CAFÉ ADAM

Mr. Hankin said the Board had conducted a site visit prior to the meeting. Harry Pisila, architect, was present on behalf of the applicant, Adam Zieminski. Also present was attorney Vicky Donohue.

Mr. Pisila said Café Adam currently located at 325 Stockbridge Road, had filed a special permit application to relocate the restaurant to 420 Stockbridge Road. There is no proposed expansion of the building. A handicap ramp will be added. That would be the only exterior change. There are 28 parking spaces allocated to this site. The proposed seating is 84 and would require 28 parking spaces.

Mr. Hankin asked if it was clear what spaces are allocated to this location.

Ms. Donohue said the spaces are not actually allocated. The previous use required 28 spaces as does this use.

Mr. Pisila said there are 229 parking spaces on the site. The parking lot is approximately one quarter full at the busiest time of the day. There seems to be adequate parking on the site.

Mr. Hankin reminded the applicant that if the number of seats were to be increased another special permit would be required.

Mr. Rembold said he had raised questions over the safety on Stockbridge Road based on the original request for 110 seats. He said he had contacted Mass DOT regarding his concerns asking for them to determine if a safety issue exists.

Mr. Rembold said what exists on the ground is different than what is drawn on the plan. He said the throat of the driveway is wider and access to the property appears to be safer than what was shown on the plan.

Mr. Rembold said his concerns are much less than when he wrote his original report. After seeing the driveway he does not have the same concerns. He also did not feel there was enough information to waive the traffic study when he wrote his report. He said he felt after visiting the site and seeing how the driveway is situated that the traffic study can be waived. In addition, Mass DOT will be looking at the location.

Mr. Pisila said Mass DOT would require 2000 trips per day to require a determination. He said he didn't think this site met the criteria.

Mr. Musgrove asked about lighting.

Mr. Pisila said there is a light in the parking lot located on a pole. There is no new lighting proposed.

Mr. Musgrove asked about signs.

Mr. Pisila said there would be a sign placed in the directory sign near the driveway entrance. The sign will replace the sign from the previous tenant.

The Board read through the site plan criteria.

Mr. Hankin asked if there would be designated handicap spaces.

Mr. Pisila said the handicap spaces would be at the foot of the handicap ramp.

Ms. Schroeder asked if the size of the restaurant is being increased.

Mr. Pisila said the restaurant in its current location seats 42, the new restaurant will seat 84.

Mr. Musgrove said he didn't think there is a traffic issue.

The dumpster is located behind the building. Mr. Dohoney asked for the dumpster location to be designated.

Ms. Donohue said the dumpster has to be in one of two locations. The location has to be worked out.

Mr. Pisila said the dumpster could be obscured with a fence like the Brewery or it could be behind the building.

Mr. Musgrove said the dumpster must be shielded. He made it a condition to put the dumpster in one of the two locations discussed and to be shielded with a fence to visually screen it from view.

Mr. Musgrove asked if there would be any landscaping.

Mr. Pisila said there are plantings in the front that will remain.

Mr. Musgrove made a motion to approve the Site Plan Review with the condition to visually screen the dumpster, Mr. Dohoney seconded, all in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Board of Selectmen with the condition stated in the Site Plan Review, Mr. Dohoney seconded, all in favor.

SPECIAL PERMIT: CUMBERLAND FARMS, INC.

Attorney Susan Smith was present on behalf of Cumberland Farms along with Dan Delaney from Fuss and O'Neil. The Board conducted a site visit prior to the meeting.

Ms. Smith said the special permit is to modify the existing permit #583-99 for an exemption to the off-street parking requirement and exterior changes.

Ms. Smith said Cumberland Farms acquired the parcel to the south in 2005. A special permit was filed in 2008 to develop parking on that parcel and bring the property into compliance with the parking requirements. The Selectmen denied that special permit.

The proposed plan would utilize the previously approved Form A that combined four parcels into one. There would be a sidewalk along the building on the south side with a marked crosswalk to the parking lot and sidewalk.

Ms. Smith said the proposed landscaping plan includes the recommendations the Planning Board made for the 2008 special permit.

The new parking lot would not have a separate entrance from Main Street. The parking lot would have access through the current Cumberland Farms site. There would be 11 parking spaces in that lot. The impervious surface on the total site would be reduced by 12.6 percent.

Ms. Smith said the Conservation Commission has sent their approval.

Mr. Delaney addressed the drainage. He said water drains onto the site from the railroad culvert under the tracks. It meanders down through the Cumberland Farms site and down into the street. A collapsed pipe results in sheet flow into the street. A new pipe would be installed on the site and tied into the town system. A new pipe and culvert system would be installed to catch runoff from the paved area directing it into the catch basin where it would be treated prior to going into the Town's system. He said a curb at the northwest corner of the site would be installed to keep water from the neighboring property from entering the site.

Michael Gilmore, an abutter, said the water running onto the Cumberland Farms site is coming from the railroad property. He said he had no objection to the work being proposed as it would not impact his property.

Mr. Musgrove asked Mr. Gilmore if he had any issues.

Mr. Gilmore said no.

Mr. Hankin asked about how the trucks service the location. He said he recalled that they back in.

Mr. Delaney said yes. They would pull in and back up parallel to the south side of the building.

A representative for Cumberland Farms said they receive deliveries on Tuesday and Thursday between 2 & 3 A.M. Gasoline deliveries are made at 7 A.M.

Ms. Smith said trees had been added to the landscaping.

Mr. Musgrove noted that the dumpster had been moved to the back of the property.

Ms. Smith said yes.

Mr. Musgrove said there would be three new 8-10 foot trees near the sidewalk.

Ms. Smith said yes as per the conditions of the 2008 special permit application.

Mr. Hankin said he felt there is an opportunity to have a street tree added. He said he has a couple of concerns; first, headlights shining on to abutting properties. He said he would like to have the parking area screened with a fence. His next concern is for a street tree. The last street tree on Main Street is near the post office. The next one is near Domaney's. He said this would be a good place to install a street tree.

Mr. Rembold said the Tree Committee made specific recommendations for street trees. He suggested requiring a street tree here could change the understory landscaping proposed.

Mr. Hankin said that the building that was removed provided a "street wall" it would be nice to have something to provide a similar feel.

Ms. Nelson arrived.

Mr. Musgrove said he would like a tree of some sort.

Mr. Hankin said an 8-10 foot tree is not a street tree. He said he wanted to screen the parking and add to the streetscape for Main Street. We would be missing an opportunity, if we don't ask for one.

Mr. Rembold asked if Mr. Hankin wanted the street tree or the understory.

Mr. Hankin said he thought both could happen.

Ms. Smith said what is proposed is certainly an improvement over what exists.

Mr. Musgrove asked how high the fence would be to shield the neighbors from the headlights.

Mr. Delaney said he would go with a standard 4 foot fence.

Ms. Schroeder commented that she would feel safer with some visibility. She said she sees a safety issue with screening. She said she did not want to have a closed off pocket parking lot. She said she would not be opposed to a street tree but with fewer shrubs.

Mr. Rembold said the Town is moving toward improvements in walkability and defining pedestrian use. It is preferred for the sidewalks to be concrete instead of asphalt.

Mr. Delaney said it would not be prohibitive to use reinforced concrete instead of asphalt at the curb cuts.

Mr. Hankin asked if the applicant could come back. He said he didn't think there would be a problem but he said he would like to have some thought put into the fence, street tree and concrete sidewalks.

Ms. Smith said she would prefer to finish if possible, there isn't much more to go over.

Ms. Nelson asked if there was a maintenance plan in place.

Mr. Delaney said there is a plan in place.

Mr. Hankin said there is a letter from an abutter Craig Swanson dated August 8, 2012. Mr. Hankin read the letter into the record. Mr. Swanson's primary concern was the relocation of the dumpster.

Mr. Hankin was told the trash is picked up at 6 A.M.

Ms. Smith said there would be 2 15 foot light poles in the parking lot. There is one wall mounted light on the building. There is no proposed expansion of the pumps or service. The existing colors would change from orange and blue to green, white and blue. The facility would be much lighter overall. The fuel dispensers would have a new color and

the canopy lights would be replaced with LED lights. There would be propane storage away from the building.

Mr. Musgrove asked if there would be any glare from the lights.

Mr. Delaney said the lights would have full cutoffs. The photometric plan provided with the application indicated no spill off the property.

Ms. Smith said there would be a red box on the side of the building for video rentals.

Patricia Ryan said that she thought the dumpster should stay in its current location.

Mr. Musgrove made a motion to approve the Site Plan Review with four conditions:
A fence of sufficient height will be installed to prevent headlights from cars in the new parking lot shining into the neighboring houses.
The asphalt sidewalks will be replaced with concrete sidewalks at the crosswalk and any other proposed sidewalks will be replaced with concrete.
A street tree approved by the Tree Committee will be planted at an appropriate location with appropriate ground cover.

The dumpster(s) will be left in their current location.
Mr. Dohoney seconded, all in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Board of Selectmen subject to the conditions of the Site Plan Review, Mr. Dohoney seconded, all in favor.

BARRINGTON BROOK: CONTINUED PUBLIC HEARING

Attorney Kate McCormick was present with engineer Jim Scalise from SK Design. Developer Dave Ward was also present.

Mr. Hankin elevated Ms. Nelson to a voting member. Mr. Hankin explained to Ms. McCormick that due to Mr. Culleton's absence he would no longer be eligible to participate in the application. He said the applicant needs 4 out of 5 affirmative votes to get approval. He offered Ms. McCormick the option of the Board reopening the public hearing or postponing it.

Ms. McCormick said she has concerns about moving forward. She asked if the public hearing would be continued to another date.

Mr. Hankin said the public hearing would be continued to another meeting.

Mr. Dohoney said the Board would promise that it would not reconvene another continued public hearing unless the current members were all present.

Ms. McCormick said she didn't see any harm is waiting. She stated her objection to reopening the public hearing.

Mr. Musgrove said he wanted the public hearing reopened regardless of Ms. McCormick's objection. He said there are many people here tonight who have the right to be heard.

Ms. Nelson said she did not want to waste time but we are in a process and there is much more information to be submitted.

Mr. Dohoney agreed with Mr. Musgrove, he said people are here tonight and they should have their say we should not detract from the process by delaying it.

Mr. Musgrove made a motion to reopen the continued public hearing for Barrington Brook, Mr. Dohoney seconded, all in favor. The public hearing was reopened at 7:43 P.M.

Mr. Hankin said this is the continuation of the public hearing for the Open Space Residential Development plan for Barrington Brook. He said Mr. Rembold had drafted a memo requesting additional information to clarify some issues. Ms. Nelson and Mr. Hankin also drafted memos. The memos were submitted to the applicants and were on

file with the town clerk. Mr. Scalise will be allowed to speak first and address the issues raised by the Board members.

Mr. Scalise said the units in Phase 2 of the development would be a minimum of 30 feet apart. He said they will be 40-50 feet apart in some places. He said the turnarounds in the road are to allow easier access for emergency vehicles. The proposed road exceeds the maximum length allowed so the turnarounds are intended to make a better road. He said a great deal of thought had gone into the planning of that portion of the road (Overlook Drive).

Mr. Scalise addressed the layout of the roads. He said the reasoning for the proposed layout is primarily the marketing of the units and the ISO insurance requirements based on the fire flows. He said the insurability of the dwellings requires 31-100 feet of separation based on 750 gallons of water flow.

Mr. Scalise addressed the approach to the dwellings. He said loop driveways were created to minimize the driveway lengths. Mr. Scalise said he can not have the same number of units and adequate spacing and reduce the road length.

Mr. Scalise asked the Board if it is palatable to have a road 200 feet longer than allowed to have design you have asked for. He said he added turnouts to the road in an effort to keep the road open. He asked the Board to comment on the road and if it is going to be acceptable.

Mr. Scalise discussed the building plans. He said the units are designed with a lower level basement plan. He said a second story unit had not been proposed but there is potential for more rooms in the basement level. The current plan is for 3 bedroom units but we are considering filing a special permit to allow 4-5 bedrooms in each unit. We are no longer assuming one level living. We plan to extend the stairway into the basement with a layout for a utility room and possibly additional living space.

Mr. Musgrove said you will seek permission but you would not necessarily build every unit with 4-5 bedrooms.

Mr. Scalise said yes. We would play out the scenario with the sewer authority. Both sewer and water demands will be recalculated on the assumption that every dwelling unit may contain 5 bedrooms.

He addressed the traffic study issue. He said there is a traffic study from the original submittal in 2001-2002. He said the current traffic study from Mass DOT show less traffic today than 10 years ago. He said your questions have been sent to Fuss & O'Neil for them to revisit their original report and address your questions.

Mr. Scalise addressed grading. He said Phase II comes off the loop road and wetland crossing. He said the buffer had been avoided and the existing storm water drainage was reused. He said a compact design was utilized to avoid other areas of concern. He said there is a fair amount of earth removal to increase density.

Mr. Scalise displayed pictures of a club house and units from another project developed by Mr. Ward.

Mr. Scalise said he would be willing to take questions from the public. He said he will return in two weeks.

Mr. Rembold asked the Board if they wanted to receive revised plans from the applicant at the next meeting or if they just wanted to hear from the engineer hired to review the plans for the Board.

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Mr. Hankin said he wanted to hear from the engineer before plans were revised. Mr. Hankin asked what drives the fire flow.

Mr. Scalise said elevation and the flow from the Town's system. He said there is less than 750 gallons of flow per minute at the entrance and 1,000 per minute at the other end of the project with the hydrants closed.

Mr. Scalise said there are mechanical approaches to boost the pressure such as building a fire pump on a domestic main. He said the only way to have a fire pump on a domestic line is if the Town owns it. The process is onerous and would cost approximately \$200,000.

Ms. Nelson asked if there is concern about adequate water pressure in the homes.

Mr. Scalise said no.

Ms. Nelson said Mr. Scalise had done a really good job addressing the technical questions. She said it would be helpful to make the case for the special permit if the questions for the OSRD and the parameters could be addressed.

Mr. Scalise said he has been working on them and has a draft but it is not done yet.

Mr. Musgrove said he hoped Mr. Scalise would not work on the revisions that have been discussed until the comments have been received at the next meeting.

Mr. Scalise said the only revision he intended to work on would be the dead-end road if the Board is not going to allow it or if the buildings are going to be closer than proposed. He said he would not work on any major revision until after the next meeting.

Mr. Rembold said the Board had letters from Dale Abrams, George Klemp and Lynne Sebastian and Richard and Lesley Epstein. He submitted them for the record.

Mr. Hankin opened the meeting to questions for the purpose of clarification.

There was a question about sufficient space on the roads for emergency vehicles.

Mr. Scalise said the road is a two-way road so a vehicle could get by if a car were broken down. He said from a practical standpoint the road might work better for the Board with a little extra room.

There was a question of how many cars could park at each unit.

Mr. Scalise said each unit has a two car garage and there would be room in each driveway for two additional cars.

Jeff Sexton from 139 Christian Hill Road asked what the purpose was for exceeding the standards of the bylaws.

Mr. Scalise said the economics of the project. The parcel could carry 66-67 units. The land's topography couldn't handle that many units so we reduced the number to 59. The development of the parcel is a business. We are trying to get the density that is necessary to make it work.

Patricia Ryan from 14 Oak Street asked if there would be room to park cars on the road if someone was having a party.

Mr. Scalise said yes. The road has shoulders. We have pushed to make the road more narrow, 22 foot road width with 1 foot shoulders and mountable curbs that would allow a car to pull off the road and park.

Mr. Musgrove said cars can park along the road and cars would still be able to get by.

Mr. Scalise said yes.

Marion Vanasse From 111 Christian Hill Road said she lives near the southern entrance. She had concerns about storm water runoff.

Mr. Scalise said there are no new detention basins proposed. The drainage plans are being reviewed by Tighe and Bond. The drainage is designed to run away from the abutting properties.

Ms. Vanasse said she is concerned about the storm water pushing into her yard. She said she is also concerned about the traffic on Christian Hill Road. She said she walks the road frequently and it is taking your life in your hands. Adding 59 units and the additional traffic will make it worse than it is.

Mr. Scalise said Tighe and Bond will comment on the traffic.

Enid Michaelman 105 Christian Hill Road said she is concerned about water issues and about seeing the development from the rear.

Mr. Scalise said the development won't be seen from the rear.

Ms. Michaelman said she is concerned about screening, what kind of screening would there be?

Mr. Scalise said the regulations require a 100 foot buffer all the way around the property. He said the project more than respects your location as there is more than 200 feet of buffer. There is 100 feet of woodland that will not be disturbed and the pond will be screened.

Ms. Michaelman said she is concerned about the streetlights and headlights shining into her house.

Mr. Scalise said the streetlights would be 8-10 feet in height with downcast lighting. He said there would be no streetlights in the first section of the project. The first light would be at the cross road.

Mr. Sexton asked if there is any effort to meet LEED standards.

Mr. Scalise said this is not a LEED certifiable project. The Town has the Stretch building code so the houses will all be energy efficient and exceed the energy star standard.

Ray Crowley from 229 Long Pond Road, co-owner of the property on Christian Hill Rd. opposite the Burning Tree entrance, was concerned about the drainage.

Mr. Scalise said the project does not make the conditions better; it is designed to handle more volume at the same rate. The same amount of water will remain at the same height for a longer period but it would not create flooding down stream. The volume of water can not be made to go away. The water will exit the site at the current rate. He said there would be no increase of flow into the pipes but the water will flow for a longer period of time.

Mary Beth Merritt said there are 10 detention ponds for the development of 15 homes.

Mr. Scalise said the size of the ponds would be increased.

Ms. Merritt asked how we can know they will work.

Mr. Scalise said his stamp is on the plans.

Mr. Musgrove said the flow would not be greater than it is today but how much increase would there be in the amount of drainage?

Mr. Scalise said we design for the 2, 10, 25, 50, and 100-year storms. In a 25-year storm such as 5.1 inches of rain in 24 hours, which equals 51 inches of snow, detention basin #9 would receive 6 ½ cubic square feet per second. That is 150,000 gallons of water in 6 ½ cubic feet square feet it comes out at 2 cubic feet square feet. The basin grabs all of this water, holds it, and the water comes out at a relative trickle.

Richard Epstein from Londonderry Drive asked to see Phase 1 of the project.

Mr. Scalise said your house abuts Phase 1. The forest would remain untouched and the homes in that area would be at least 100 feet from your property line.

Marie asked if there would be clearing at the entrance.

Mr. Scalise said it is not our intention to clear but to beautify the entrance.

Mr. Epstein asked if there is any reason Phase 1 has to be built so close to his property.

Mr. Scalise said it is dictated by where the road fits the land and meets the subdivision standards. He said the goal is to keep it as flat as possible without making it too long.

Jim from 111 Christian Hill Road said there are wetlands at the entrance.

Mr. Scalise said there is no intention to do any work in that area other than plantings.

Mr. Sexton said the architectural design of the units all seems the same.

Mr. Scalise said there are five different exteriors.

Mr. Sexton asked if there is an affordable component to the project.

Mr. Scalise said no.

Mr. Klemp from Hurlburt Road asked about the location of the club house. Mr. Klemp owns a parcel in Burning Tree subdivision.

Mr. Scalise said there is available land at the intersection that will be used for the club house.

Mr. Klemp said he is concerned about traffic.

Mr. Musgrove suggested houses would not be built until there is a buyer; they would not be built on speculation.

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Mr. Ward confirmed no houses would be built on speculation.

Mr. Musgrove said the units would be 1800-2000 square feet.

Mr. Ward said yes.

Ms. Schroeder asked if there is demographic targeting for these units.

Mr. Ward said 60-70% of the homes would be second homes for people from Florida, NYC and Westchester County.

Ms. Schroeder asked about the number of full time residents versus summer residents.

Mr. Ward said there would be full time summer residents then most would go south. He said there would be very few school children but in the summer there would be grandchildren.

Mr. Hankin asked for anyone speaking in favor of the project to speak at this time.

Nick and Patricia Navarino from 6 Burning Tree Road are full time residents in the subdivision. They spoke in favor of the proposed project. They said they had moved from a secluded area into Burning Tree so they would have a neighborhood. They said that now the road is being used by kids for drinking so it would be a benefit to have the area developed. Mr. and Mrs. Navarino said Mr. Ward's reputation speaks for itself. This will be a positive project for the Town and the area. They said they support the project and look forward to it.

Mr. Hankin asked for those in opposition of the project to speak.

Richard Epstein from Londonderry Drive said the original proposal for the site consisted on 80 units. The final approval was for 15 units. He said he had looked at Planning Board minutes that were clear that there were to be no more than 15 homes built in the subdivision. He said when he and his wife were shown the model the price was \$1.4 million. They purchased it and made some modification with a final cost of \$2 million. We purchased the home with the understanding that the other homes in the subdivision would be of similar value. Mr. Epstein said this is not about money, it is about maintaining the integrity of the area. We don't want Pittsfield in our neighborhood. We were originally told all the homes would be one million dollar plus homes, then we were told they would be \$800,000 homes now we are told the homes will be selling for \$400,000. These homes are not being built by a stellar individual. It is not what Great Barrington is supposed to be. You have a responsibility.

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Lesley Epstein said she had been coming to Great Barrington her entire life and felt her dreams had been answered when they found this house in this location. She asked the Board to think about what this would do to the community and the Town.

George Klemp said he put his home on Hurlburt Road on the market and purchased a parcel on Londonderry Drive with the same understanding the Epstein's purchased their property. We believed we would be in a neighborhood of good solid homes. The development failed because it was never marketed. Mr. Klemp read the letter he submitted into the record. The letter is dated August 9, 2012

Mary Beth Merritt from 229 Long Pond Road said she is sympathetic to the Navarinos. She said the only advantage of this project would be the preservation of land but she can't see how that is happening. She said if the Planning Board determined that 15 dwelling units was the maximum for this property just a few years ago what has changed to make it suitable for more now.

Ms. Merritt said she is concerned about the traffic study and where it will take place, Division Street and Christian Hill Road, Christian Hill Road and North Plain Road? She said she is concerned about the water and drainage. She said she does not know how anyone can propose to do something that will so adversely impact an area.

Mr. Hankin said this application has been submitted under a different bylaw. The original large scale proposal was submitted under our cluster bylaw that didn't work. This is the first application to be submitted under the OSRD bylaw.

Ray Crowley from 229 Long Pond Road said he is in favor of land owners being able to do what they want on their property but this proposal is for huge density. He said he is uncomfortable to say anything positive about it when there are still so many issues.

Carol Noble from 176 Castle Hill Avenue said she had concerns on the impact on the Lake Mansfield area. She said Lake Mansfield Road would be used as a shortcut. There are many children in that area and people who walk. She said there would likely be an increase in traffic in both the Lake Mansfield area and Castle Hill area.

Ms. Michaelman from 105 Christian Hill Road said she is concerned about how Stone Path Development can get away with getting the approval for the original subdivision and now applying for this. She said she is concerned about the construction and when it will take place.

Mr. Scalise said construction usually takes place between 7 A.M. and 3 P.M. Large pieces of equipment are often dropped off earlier. He said in a typical cycle, 1 summer, about 32 houses would be built.

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Mr. Hankin asked Mr. Ward if the proposed build out would be four years, as previously mentioned.

Mr. Ward said he expected the build out to take place in four years subject to sales.

Ms. Ryan said there are many safety issues such as all the accidents that are about to happen on The Hill. She said she doesn't hear any discussion of the dangers that exist, without adding this number of homes.

Ann Congdon said she is concerned about the impact of this project on Lake Mansfield. She asked the Board to please take into consideration the impacts on the Lake, if this project has to happen.

Mr. Klemp said he is no longer trying to sell his home on Hurlburt Road. He said if Burning Tree is a failed community it is because it has been invisible and not marketed. He said this process would have been better had the developers come to us at an earlier stage. He said he is appalled at the look of units.

Mr. Hankin said this will not be the last opportunity for people to be heard on this project. He said there will be additional information provided at the meeting on August 23, 2012.

Mr. Musgrove made a motion to continue the public hearing to August 23, 2012 at 7:15 P.M. at the Town Hall. Ms. Schroeder seconded, all in favor.

Ms. Nelson asked the applicant to submit why the OSRD should be granted prior to the next meeting.

Ms. Nelson asked that the Board receive a letter from Town Counsel clarifying how the 15 lot subdivision would be rescinded.

The Board agreed there needed to be clarification on this issue.

Mr. Dohoney said the Board needs to understand what has to be done.

Mr. Rembold said the Definitive Plan approval would take place after the OSRD is approved.

Ms. Schroeder said there are three lots sold in the subdivision. There are questions about how the covenant applies. If the property owners don't want to change what they have, what happens?

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Mr. Dohoney said the Board needs to be clear on our purview going forward. He said it needs to be clear that no building permits can be issued until the condo covenant/association is filed with us.

Mr. Musgrove said he wants something on Town Counsel letterhead.

Mr. Musgrove made a motion to adjourn, Ms. Nelson seconded, all in favor. The meeting adjourned at 9:53 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

Supplemental Material:

Town Planner's Memo August 7, 2012 Memo for August 9 Meeting

Town Planner's Memo July 27, 2012 Additional comments on Barrington Brook OSRD
Letter from George Klemp, Lynne Sebastian, Lesley Epstein and Richard Epstein dated
August 9, 2012

Brandee Nelson Memo

Jonathan Hankin Memo

