

# MINUTES

## PLANNING BOARD

### DECEMBER 21, 2010

Chair Paul Raslavicus called the meeting to order at 7:04 PM.

**Roll Call:** Paul Raslavicus (Chair), Bob Craycraft (Vice-Chair), David Bickford (Selectmen's Representative), Scott Drummey, Dorothy Viesel, Jeff Kratovil (Alternate).

**Others Present:** Malcolm McNeill, Brian Crossan, Cathy Orlowicz, Courtney Atkinson, Janet Atkinson, Steve Orlowicz, Bart Mayer

**Public Input:** Chair Raslavicus asked for public input. There was none.

**Continuing public hearing on Kodiak subdivision:** Paul Raslavicus introduced the issue with the comment that the finalizing of the subdivision had been pending for two and half years and the board was concerned about the lack of progress. He said the major outstanding issues are posting of bond and meeting with the Zoning Board of Adjustment for the wetlands issues. He indicated that nearly 2 1/2 years have passed since conditional approval and said that the matter was languishing and saw no reason why this approval was not being pursued with due diligence. He also said that if the applicant did not wish to proceed that he had the option to withdraw and reapply on a future date.

Mr. McNeil, representing the applicant, said that that was not an option for them. He distributed a written proposal from the applicant for amendments to the April 1, 2008 conditions of approval, as follows:

- approval from the ZBA on or before March 31, 2011;
- bonding at the beginning of each phase of the project rather than before final approval of the subdivision;
- Three years from the signing of the plan to achieve active and substantial development on Phase 1 and three years after that for Phase 2;
- impact fee of \$1200 per dwelling payable at the issuance of the certificate of occupancy

Mr. McNeil added that the applicant expected to reach substantial completion within six years of the ZBA approval.

Chair Raslavicus confirmed with the applicant that the intention was for the bonding to be approximately half the total amount for each phase and the amount of the bonding would be recalculated to clarify that fact at the beginning of each phase.

Scott Drummey said he is willing to accept the payment of the bond at the beginning of construction rather than as a condition precedent. Other board members agreed. Mr. Drummey

suggested that the period for active and substantial development be two years, rather than three; and the amount of impact fee for the second phase be increased from \$1200 to \$2400.

Mr. McNeill requested a temporary recess, which Mr. Raslavicus called at 7:40 PM. The meeting reconvened at 7:47 PM. Chair Raslavicus opened the issue to public comment. Cathy Orlowicz said she was sad that board seems to be in such a hurry to put a bunch of houses in there. There was no other public comment.

Mr. McNeil asked how the board would define active and substantial development. Mr. Meyer said many towns considered it completion of the roads to gravel. Mr. McNeil said they would agree with that as reasonable and would agree to the board's suggestion of two years to active and substantial development in each phase and a and impact fee of \$1200 the first phase and \$2400 the second phase the second phase would be started in two years after the beginning of the first phase. In both cases the fee would be per dwelling and would be payable at the time of the certificate of occupancy.

Bob Craycraft asked if active and substantial development included some or all of the storm water management infrastructure and if there would be adequate storm water management at the end of the first section of the road before the second section is built Bart Meyer suggested a clause that the plans be reviewed by the town engineer to be sure that the storm water management controls that are needed for the first phase are in place.

The board discussed the definition of substantial completion and agreed with the applicant that it would mean the completion of all the infrastructure of the approved plan.

Scott Drummey moved that the following key points be added to the conditions of approval approved April 1, 2008 with the understanding that all conditions of April 1, 2008 remain in effect unless explicitly changed by the following:

1. The applicant shall secure ZBA approval by March 31, 2011.
2. Active and substantial defined as road to gravel, in two years in phase 1.
3. Active and substantial, defined as road to gravel surface, in two years in phase 2, begin upon completion at of active and substantial in phase 1 (i.e., two years).
4. Security to be posted prior to road construction
5. Each phase to be bonded separately
6. No lot may be sold, nor may any building permit be issued unless security is posted
7. Town engineer will review plan for drainage, erosion and sedimentation control, at cost of applicant

8. \$1200 impact fee for each lot in phase 1
9. \$2400 impact fee for each lot in phase 2
10. If substantial completion has not occurred within 4 years, then vesting is lost, including impact fees.

Bob Craycraft seconded. Approved unanimously with no abstentions.

Mr. McNeill and Mr. Mayer agreed they would work out the exact wording of the Amendment to the Conditions of approval. The Planning Board has a standing practice of reviewing Notices of Decision at its next meeting for scrivener's errors.

**Atkinson:** Courtney Atkinson's described to the Board his difficulty in getting his application for a conditional use permit heard by the board. Mr. Allen, who missed the meeting because of illness, had placed copies of Mr. Atkinson's application in the box of materials for the meeting but the board was unable to find them. Board members were also unclear if the application had been posted separately from the agenda it was. Chair Raslavicus apologize on behalf of the board and promised Mr. Atkinson said that his application would be first on the agenda on January 4.

**Subdivision regulations:** Paul Raslavicus explained the edits that he had made to the subdivision regulations that rearrange the information about conceptual consultation for open space conservation subdivision. This reduces the total length of the regulations and makes it easier to understand for the reader. He added that there are no substantive changes from earlier versions. Scott Drummey moved to schedule the subdivision regulation amendments for public hearing on January 4, 2011. Bob Craycraft seconded. Approved unanimously with no abstentions

Mr. Drummey moved to adjourn at 9:07 PM. Bob Craycraft seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen,  
Land Use Administrator

Minutes approved on January 4, 2011