

# Washington Planning Board

December 4, 2012

0.0 Assembly: 6:30PM

0.1 Members present:

Cook, Crandall, Marshall, Schwartz, Chute

0.2 Alternates present:

Dagesse, Terani, Kluk

0.3 Members and Alternates Absent:

0.4 Visitors: Chris Porter, Barbara Porter, Brother Peter,  
Tom Taylor, John Brighton, Leandra MacDonald, Andrew  
MacDonald

Cook called the meeting and public hearing to order at 6:30PM

1.0 Minutes: Marshall motioned to approve the working November 2<sup>nd</sup> meeting minutes. Crandall seconded the motion. All voted in favor. Crandall motioned to approve the Public Hearing minutes from November 6<sup>th</sup>. Chute seconded the motion. All voted in favor. Schwartz motioned to approve the meeting November 6<sup>th</sup> and Chute seconded the motion. All voted in favor.

2.0 Old Business:

2.1 Slaves of the Immaculate Heart of Mary of St. Benedict Center, Brother Peter, annexation, hearing- The Board reviewed the provided site plan and application for completeness. Marshall motioned to approve the application to be accepted as complete. Crandall seconded the motion. Cook asked for public comment. There being none, Cook asked for a motion on the application. Crandall motioned to approve the application. Marshall seconded the motion. All voted in favor and approved.

2.2 Peter Mellen, Tim Callender, 6-lot/5 owner annexation,

hearing. The Board reviewed the provided site plan. There being no further comments from the Board members. Cook asked for public comment. John Brighton asked if the properties would still be considered as non-conforming lots after the annexation. Cook answered yes they would all still be considered as non-conforming lot, and that with this annexation they would just be more conforming which is beneficial to all. There were no other comments made. Cook asked for a motion on the application. Marshall motioned to approve the annexations as presented. Crandall seconded the motion. All voted in favor.

- 2.3 CIP Subcommittee on town facilities – monthly report. The subcommittee has not met since the last meeting.
- 2.4 CIP returned request forms for 2013 -Tax Collector, Conservation Commission, Town Clerk, Police, Highway Dept., Selectmen, Fire and Rescue. CIP document, discussion. The members reviewed the CIP paperwork, there were a few more changes needed. Schwartz will email a revision to the members after she makes the identified changes and then send to the Selectmen after member input so that it will not wait until January.
- 2.5 Cell tower update, site walk report. Chute said that he had comments from the site walk regarding a water bar that was not operating as intended. Marshall answered that the Selectmen had sent a letter to Jon Springer's office informing them of the problem and it was now in their hands. Terani asked if the members of the Board needed to go out to issue a final approval to ensure that a fix was incorporated. The answer was that it was not required. He expressed a concern in the event rescue personnel had to answer an emergency at the tower site. Marshall said that we had performed due diligence sending a letter advising of the concerns that were found and that the letter will remain

on file.

### 3.0 New Business:

3.1 Budget for 2013- The members discussed the budget and agreed to maintain the same budget as last year.

### 4.0 Driveway permits:

4.1 Van Hertel, 613 King Street, TM19-24, checked by Nan and Ed, permanent driveway, fee paid. There was discussion on when the driveway was established because it was complete when Schwartz had gone out the day before the meeting. Marshall said that there was a conversation with the property owner's employee a few weeks back regarding the driveway and his concerns with getting approval before he moved his equipment from an abutting lot. The members were informed that Thayer had told the employee that a culvert would be needed and he then called back and asked Dagesse what size culvert did Thayer suggest. Dagesse read from the driveway permit the dimensions. Crandall said that as long as the contractor had the information from Thayer he was satisfied with the construction prior to our meeting. Chute said that he did not mind the construction of the drive prior to the meeting but did not want Thayer to be the only call on a driveway in town. Several members expressed concern that if the Town does not assess a fine on Mr. Hertel's premature driveway it sets a poor precedent for others, especially given that an employee of Mr. Hertel was specifically told in advance what the consequences of building the driveway prior to obtaining a permit would be. Michelle pointed out that the costs of obtaining a lawyer to pursue collection of the fine could easily exceed the amount of the fine. We discussed whether this was the first time, to our collective knowledge, that this type of violation had occurred in recent memory, and if not, whether this could be used against the Town in the event that trying to

enforce this violation ended up in court. In the end, the majority felt that assessing the minimum fine of \$250 and simultaneously approving the permit would have the effect of enforcing Town law with the least possible cost to the violator, which the majority thought was an equitable compromise. Marshall recused himself from the vote on the application.

Schwartz motioned to have Marshall ask the Selectmen's Office send Mr. Hertel a letter advising that a fine of \$250.00 has been issued for constructing his driveway prior to a permit being issued. Chute seconded the motion. The Board voted in favor as a majority. Crandall voted against the motion. The motion passed.

## 5.0 Mergers:

5.1 Slaves of the Immaculate Heart of Mary of St. Benedict Center, TM18-13, parcels one and two, and TM15-54. Schwartz voted in favor, Crandall seconded the motion. All voted in favor, new TM#15-054

5.2 Slaves of the Immaculate Heart of Mary of St. Benedict Center, TM14-484 and TM15-54- Chute motioned to approve, Schwartz seconded the motion. All voted in favor, new TM#15-054

5.3 Slaves of the Immaculate Heart of Mary of St. Benedict Center, TM 14-486 and TM 15-54, note: this merger must wait until after sale closes and a new deed is provided. The Board members decided to wait on this merger until the sales and new deeds are in.

## 6.0 Communications:

6.1 Copy of email sent by Michelle to Jon Springer re: high water bar on cell tower drive causing erosion.- Filed

6.2 Letter from Michelle requesting PB report for town

report and budget requests for 2013.- Filed  
6.3 Copy of borrowing costs for construction  
projects- Filed

7.0 Meeting date for next Planning Board meeting, January 8,  
2012, at 6:30PM.

8.0 Adjournment: Time 8:36PM  
By Crandall Seconded by Chute