

March 6, 2007

MEMBERS PRESENT: Mr. Charles, Mr. Frank, Ms. Gager, Mr. Rimsky Mrs. Roberts

ALTERNATE PRESENT: Mr. Carey

ALTERNATES ABSENT: Mrs. Braverman, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Neff, Mr. Shapiro, Ms. Dupuis, Mrs. Dyer, Mr. Davis, Mr./Mrs. Smith, Mr. DiBenedetto, Ms. Canning, Mr. Sonders, Mr. Shaw, Mr. Greenfield, Residents

Mrs. Roberts called the meeting to order at 7:42 p.m. and seated Members Charles, Frank, Gager, Rimsky, and Roberts. She noted Alternate Carey was also present.

Consideration of the Minutes

MOTION: To accept the 2/6/07 Regular Meeting minutes as written. By Mr. Frank, seconded by Ms. Gager, and passed 5-0.

MOTION: To accept the 2/24/07 Young Elliot's Farm site inspection minutes as corrected. By Ms. Gager, seconded by Mr. Rimsky, and passed 5-0.

MOTION: To include subsequent business not already posted on the agenda. By Mr. Charles, seconded by Mr. Rimsky, and passed 5-0.

Pending Application

Young Elliot's Farm, LLC./110 Calhoun Street/2 Lot Subdivision: Mr. Charles recused himself and Alternate Carey was seated. Mr. Neff, engineer, was present and briefly summarized the application, which had been presented at the February meeting. Proposed was Parcel A; 14.39 acres with the existing house and barns and Parcel C; 24.8 acres. It was noted Parcel B had already been conveyed to Steep Rock by the previous owners. The proposed open space was 11.41 acres, 16.9% of the total property, located along the wetland corridor. Mr. Neff noted since the last meeting the Health Department had signed off and the Selectmen had approved the feasibility of the proposed driveway cut for the new lot. Mrs. Roberts noted the Commission had inspected the property and was concerned that so much of the open space was wetlands. Mr. Neff stated the Subdivision Regulations do not disallow wetlands to be set aside as open space. Mr. Neff reviewed the residential density calculations noting a total of nine dwelling units was possible and a more dense subdivision could be proposed. He said the existing house and barn would be rebuilt and the look along Calhoun Street would be preserved per the Historic District Regulations. He said the application had validity in terms of the proposed open space because it would protect habitat values. Mrs. Hill noted the application had been referred to the Historic District Commission, which would meet next on 3/19. Mrs. Roberts said the referral was appropriate since that Commission also has jurisdiction over the property. Mr. Rimsky asked whether the proposed open space exceeded the regulated wetland area. Mr. Neff said it did in some places and pointed out such an area at the southeast corner of the property along Calhoun Street. Mr. Neff briefly discussed the proposed 1500 ft. long driveway, noting the route selected would not be obtrusive as seen from Calhoun Street. He said the existing farm road and wetlands crossing would be used. He noted the proposed house site would be seen from Calhoun Street during the winter when there were no leaves on the trees. Mr. Neff stated the property owners were anxious to have the application approved and asked the Commission to consider a

conditional approval tonight. Mrs. Roberts stated the Commission was not inclined to hurry the application process and said she wanted to wait for the reports from the Conservation and Historic District Commissions before acting. Mr. Rimskey agreed. He asked why so little of the proposed open space was proposed along Calhoun Street. Mr. Shapiro, one of the property owners, noted his attorney had consulted with Mrs. Payne, Conservation Commission chairman, who had commented on the proposed conservation easement language. He said some of her comments had been incorporated in the proposed document. Mr. Frank noted the Conservation Commission had not yet reviewed the application. Mr. Shapiro pointed out that a set aside of only 6 acres would have met the open space requirement if it had been a flat 15%, but due to the soil based nature of the open space requirement, approximately 11 of the 40 acres had to be donated since 5 of them were wetlands. In terms of a flat percentage, the open space totaled approximately 25% in actual acres, he said, which he thought was a major open space set aside. He noted if the owners wanted to resubdivide later, an additional 15% open space would be required. Mrs. Roberts noted she wanted Atty. Miles as well as the Conservation Commission to review the proposed conservation easement language. Mr. Frank said there appeared to be substantial public interest and so proposed that a public hearing be held. It was the consensus that while a public hearing was not required, it would be a good idea to conduct one to receive public comment.

MOTION: To send the proposed conservation easement for Young Elliot's Farm, LLC./110 Calhoun Street/2 Lot Subdivision to Atty. Miles for review. By Mr. Frank, seconded by Ms. Gager, and passed 5-0.

MOTION: To conduct a public hearing at 7:30 p.m. on Tuesday, April 3, 2007 in the Land Use Meeting Room, Bryan Memorial Town Hall to consider the application submitted by Young Elliot's Farm, LLC. for a 2 lot subdivision at 110 Calhoun Street. By Mr. Rimskey, seconded by Ms. Gager, and passed 5-0.

The Commissioners reviewed portions of Mrs. Hill's 2/6/07 report with 3/6/07 update, which raised several issues about the application and pointed out where it was incomplete.

1) Mr. Carey asked how the survey map submitted could be an A-2 map when it showed a boundary line discrepancy. Mrs. Hill asked in her report whether the Commission could legally act on a subdivision, which included a probable boundary line. She also asked how this matter should be resolved; whether it should be referred to the Town attorney, sent to a third surveyor for review, or was there some other way to resolve the problem. Mr. Carey did not want to set the precedent that this type of discrepancy would be acceptable to the Commission. It was the consensus of the commissioners to refer the matter to Atty. Miles.

2) Would any fire protection measures per Section 10 be required? It was the consensus that the water supply for fire fighting at the end of the proposed driveway would be the responsibility of the property owner and the application would not be referred to the Fire Dept. Chief.

3) Although the commissioners again expressed their concern about the preservation of the streetscape, it was the consensus that no landscaping per Section 5.7 would be required.

4) The Commission decided it would require that the conservation easement boundaries be marked in the field. Specifications concerning the markers would be addressed in the motion of approval.

Mr. Shapiro said he had learned of the possibility of affordable housing units on adjoining property and asked if he would be permitted to relocate the house site on proposed Lot #C. Mrs. Hill explained the house site shown on the site development map was for feasibility purposes only and could be changed with approvals from the Health Department, and Zoning and Historic District Commissions. Mr. Rimskey noted that he understood the present owners had no plans to resubdivide, but said it was the

Commission's duty to protect the attributes of the property it thinks are the most valuable. Mr. Shapiro pressed the Commission to begin the public hearing prior to April 3 as time was of the essence for the completion of his real estate deal. The commissioners urged the public to send in written questions prior to the hearing so the applicant could be prepared to address them on April 3. Mr. Neff asked if the Commission would waive the 2 ft. contour requirement and reviewed his 2/20/07 letter, which detailed why he did not think it was necessary to provide 2 ft. contour information for the entire parcel. He noted he had shown 2 ft. contours on the site development map for all areas that would be regraded and 10 ft. contours for the rest of the site.

MOTION: To waive Section 4.5.4 of the Subdivision Regulations (2 ft. contour requirement for entire site development map) for the Young Elliot's Farm, LLC./110 Calhoun Street.2 Lot Subdivision application as 2 ft. contours were provided for the proposed disturbed areas. By Mr. Carey, seconded by Mr. Rimsky, and passed 5-0.

Other Business

Mr. Charles was reseated.

Referral/Revision of the Zoning Regulations/Section 13.20/Eating and Drinking Establishments: It was noted the proposed new section would change restaurants from an as of right use in most of the business districts to a Special Permit use. The language also prohibits service to motor vehicles and 24 hours per day operation. The Commission thought the proposed guidelines were a good idea and had no objection to the proposed language. However, Mr. Rimsky did lament that this would mean there could no longer be any car hops on roller skates.

Revision of the Subdivision Regulations: The Commission considered whether to amend the specific sections of the Regulations as had been discussed at the last meeting or to wait until after the April meeting when Mr. McGuinness said he would be available to attend to discuss an update of the entire Regs. It was the consensus to wait to hear what advice Mr. McGuinness has and not to take a piecemeal approach. Ms. Gager noted she had been reviewing the regulations in other towns concerning how to measure the length of a cul de sac, had not found anything helpful to date, and would continue to research this matter.

Communications

Mrs. Payne's August 2005 memo concerning procedures for Town initiated open space was circulated and will be reviewed at the next meeting.

Public Comment

Mr. Greenfield, 12 Ives Road, asked how many lots the Young Elliot's Farm property could be divided into. Mrs. Hill responded the residential density calculations showed there were nine potential lots as long as all of the other applicable regulations could be met. He asked if the owner could reapply for additional lots later. Mrs. Roberts said he could, but noted a public hearing would be required. Mr. Greenfield asked if the public could review the proposed subdivision plans. Mrs. Roberts said, yes, they were available for the public to review. Mr. Greenfield asked whether the Town could control whether any "MacMansions" would be built. Mrs. Hill the only possible control would be by the Historic District Commission if the proposed building could be seen from a public way.

Mr. Smith, Calhoun Street, said Mr. Shapiro's plan should be encouraged because if it was denied, another developer would purchase the property.

Mr. DiBenedetto, Calhoun Street agreed with Mr. Smith.

Other Business

Conservation Easement/72 Upper Church Hill Road: Mrs. Hill noted the property owner was anxious to have Mrs. Roberts sign the final papers so the easement may be filed on the Land Records and the property sold. She pointed out, however, that the final language was not identical to that approved by the Commission in November. She had forwarded the final draft to Atty. Miles for review, but he had not yet responded. She asked if the Commission wanted to discuss the revised language, but it opted to wait for Atty. Miles' review.

Mr. Carey thought the Commission should have spent more time reviewing the points raised in Mrs. Hill's review of the Young Elliot's Farm subdivision application.

The location of the proposed open space for the Young Elliot's Farm application was briefly discussed. In general, the Commission was not satisfied that wetlands made up such a significant portion of the open space. And it was noted the applicant had been advised several times that the Commission preferred that more of the open space be located along Calhoun Street in order to preserve the streetscape and the existing character of the area.

MOTION: To adjourn the meeting. By Mr. Frank.

Mrs. Roberts adjourned the meeting at 9:07 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator