

# **November 5, 2003**

MEMBERS PRESENT: Mrs. Averill, Mr. Bender, Mr. Buck, Mr. Byerly, Mr. Charles

ALTERNATES PRESENT: Mr. Rimsky, Mrs. Roberts

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. DiMaria, Mr. Lyon

Regular Business

Mr. Bender called the meeting to order at 7:30 p.m. and seated Members Averill, Bender, Buck, Byerly, and Charles.

Consideration of the Minutes

MOTION: To accept the 10/7/03 Regular Meeting minutes as presented. By Mrs. Averill, seconded by Mr. Byerly, and passed 5-0.

The 10/29/03 Public Hearing minutes were accepted as corrected. In the 10th line on page 2, Mr. Bender pointed out that 1100 should be 11,000.

MOTION: To accept the 10/29/03 Public Hearing minutes as amended. By Mr. Byerly, seconded by Mrs. Averill, and passed 5-0.

MOTION: To add subsequent business not already posted on the agenda. By Mrs. Averill, seconded by Mr. Byerly, and passed 5-0.

Pending Application

**Erbs/51 Sunset Lane/4 Lot Subdivision**

Mr. Charles recused himself and left the table. Alternate Rimsky was seated.

Mr. Bender noted the letter dated 10/29/03 from Mr. McMorrow of Berkshire Engineering, requesting a waiver of Section 4.4.11; the requirement that state plane coordinates be shown at points on the subdivision perimeter on the A-2 survey map. Mr. DiMaria stated state plane coordinates were not often used and thought his survey department did not find monumentation to work from within the radius of the subdivision. He offered to submit an autocad file by email or diskette as other towns require and said the use of autocad would make it easier to align the subdivision on the Town's geographic information system. Mr. Bender reviewed Section 3.5 of the Subdivision Regulations and determined the requirements for the granting of a waiver were satisfied.

MOTION: To waive the requirements of Section 4.4.11 of the Subdivision Regulations for the following application: Erbs/ 51 Sunset Lane/4 Lot Subdivision. By Mr. Bender, seconded by Mr. Rimsky, and passed 5-0.

Mrs. Roberts entered the meeting at this point.

Mrs. Hill noted the Health Department had approved the application and Mr. Lyon, Fire Chief, who was present to answer questions, had submitted a letter dated 10/26/03. Mr. Bender had prepared three possible conditions of approval and asked Mr. Lyon to review #3 to see if it satisfied the requirements of the Fire Department. As Mr. Lyon's 10/26 letter requested the driveway be paved, Mr. Charles pointed

out the Zoning Commission had recently discussed the possibility of requiring all driveways to have permeable surfaces. Mr. Lyon stated paved driveways did not have as many maintenance problems. He also stated that a 14 ft. wide driveway was the minimum recommended by the Fire Dept. Mr. Charles pointed out that with the installation of a proper base, which included stabilization fabric, a permeable surfaced driveway would be maintainable.

Mr. DiMaria thought a condition regarding who the lots may be transferred to was not needed because he had added a notation to the subdivision map. Mr. Bender noted that by also making this a condition of approval it would be brought to the attention of a researcher whether he was searching the minutes or the map.

Mr. DiMaria noted the location of specimen trees had been added to the map and said two of the trees were in danger of being damaged by the construction of the driveway and the installation of the septic system on Lot #3. He said the Commission had asked him to move the driveway to allow for a buffer along the northern boundary and this would require the tree be cut down. Mr. Bender reviewed Section 5.9.2 of the Subdivision Regulations pertaining to the protection of specimen trees during construction. It was the consensus of the Commissioners that it was a reasonable request to ask that the driveway curve slightly to avoid the tree. Mr. DiMaria agreed it would be possible to move the driveway at least 10 feet from the tree.

Mr. Bender's proposed condition #2 that no specimen tree could be removed without the prior written approval of the Commission was discussed. Mrs. Hill did not think this would be enforceable. She suggested that in the case of the tree near the septic area on Lot #3, the site development map be amended to indicate protection for the tree or a limit of disturbance line. Mr. Bender asked that the following notation be added to the mylar map: that the specimen tree in the vicinity of the proposed septic field on Lot #3 shall, during any construction, be protected in accordance with Section 5.9.2 of the Subdivision Regulations.

Mr. DiMaria stated a Declaration of Restrictions had been submitted. Mr. Bender noted the Commission could not impose open space restrictions in this case and so the Declaration was voluntary on the part of the owners. Mr. DiMaria said the restrictions would apply to the conservation areas, would run with the lots and would be filed on the Town Land Records.

Mr. Bender noted a Driveway Maintenance Agreement had been submitted and contained some of the changes and wording he had recommended.

MOTION: To approve the application submitted by Mr. Erbs for a 4 lot subdivision at 51 Sunset Lane subject to the following conditions:

- 1. Lots #2, #3, and #4 may be transferred only to one or more of the subdividers' relatives named in Section 5.8.4.A of the Subdivision Regulations for no considerations.
- 2. The driveway agreement submitted to the Commission on 11/5/03 shall be promptly recorded on the Town Land Records.
- 3. No trees or underbrush within the 50' driveway right of way along the north edge of the property shall be disturbed except to construct and maintain a driveway no wider than required by the Fire Department. The subdividers and their successors shall comply with the terms and conditions set forth in the second paragraph of the Fire Department's letter of October 26, 2003 to the Planning Commission, a copy of which has been delivered to the subdividers.
- 4. All lots require engineered septic systems pursuant to the 10/30/03 Health Department report.
- 5. A notation shall be placed on the mylar map that the specimen tree in the vicinity of the proposed septic fields on lot #3 shall, during any construction, be protected in accordance with

## Section 5.9.2 of the Subdivision Regulations.

By Mr. Bender, seconded by Mr. Rimsky, and passed 5-0.

### New Application

#### **Application for Scenic Road Designation/Turner Road**

Mr. Trevenen, circulator of the application and Turner Road resident, was present. He stated most Turner Road residents supported the application for scenic road designation for the entire length of the road, which, he said, meets all the criteria listed in the Ordinance except that it has no water crossing. He submitted color photos of the road.

Mr. Bender asked for figures to show the owners of a majority of the frontage support the application. Mrs. Hill presented her calculations on total frontage vs. total frontage of the applicants, which showed this requirement had been satisfied.

Mrs. Hill noted proof had been submitted that the statements in support of approval of the scenic road that accompanied the application had been filed with the Town Clerk as required by the Ordinance.

Mr. Bender noted the Ordinance required the Commission to conduct a public hearing to consider the application. The hearing was scheduled for 7:00 p.m. on Tuesday, December 2, 2003 in the Land Use Meeting Room, Bryan Memorial Town Hall.

Mrs. Hill asked whether the application should be referred to the Board of Selectmen and the Conservation Commission. Mr. Bender asked that they be notified of the application and hearing.

Mr. Trevenen was advised he is required to notify all property owners along Turner Road of the hearing by certified mail. Mr. Charles suggested they not only be notified, but also be asked to join in the application.

Mr. Charles hoped to use the application process to educate and inform the public. While he voiced his support for the preservation of dirt roads, he thought the Commission should walk the road with the Town road foreman to discuss maintenance and safety issues. Mr. Trevenen said he already consulted with Mr. Canavaro who did not anticipate any road maintenance problems. He also stated the residents along the road would attend the hearing to support the preservation of its beauty and culture. Mr. Charles thought the application should be reviewed in a methodical fashion to address concerns such as those raised over the recent "improvements" to Wykeham Road. Mr. Charles also thought information on the road boundary lines should be submitted.

A site inspection was scheduled for Saturday, November 8, 2003 at 2:00 p.m. Members will meet at the Sabbaday Road end of Turner Road.

### Other Business

#### **Plan of Conservation and Development**

Mr. Bender said the comments made at the public hearing and Mr. McGuiness's letter would be considered when the final edit was done. Mr. Charles and Mr. Rimsky agreed with the comment by Mr. Chute that there should be a reference to the importance of the existing schools in Washington as they are an integral part of the community, both providing jobs and contributing to the Town's character. Mrs. Roberts also hoped the Plan would urge continued cooperation between the Town and school

communities. Mr. Bender said he would take additional written comments from the Commissioners any time prior to his editing meeting with Mr. Wood, which he hoped would be scheduled early the following week. He also hoped one other Commissioner would be able to attend.

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

There being no further business, Mr. Bender adjourned the meeting at 9:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator