

August 5, 2008

Regular Meeting

August 5, 2008

7:30 p.m. Land Use Meeting Room

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

ALTERNATES PRESENT: Mr. Carey, Mr. Fowlkes

ALTERNATE ABSENT: Mrs. Braverman

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Talbot, Mr. Charles, Mr. Boling, Ms. Goodwin

Mrs. Roberts called the Meeting to order at 7:32 p.m. and seated Members Frank, Gager, Jahnke, Rimsky, and Roberts.

Consideration of the Minutes

The July 1, 2008 Regular Meeting minutes were accepted as corrected. Mrs. Roberts asked that this sentence be added to the report on abandoned and discontinued roads at the end of the first paragraph on page 3: "The Planning Commission has concern about the issue of abandoned and discontinued roads and as this is the responsibility of the Selectmen, Planning suggests that a clear statement be put on record to that effect." Also on page 3, Under Public Comment, Mrs. Hill asked that in the third line "proposed" be inserted before "project."

MOTION: To accept the July 1, 2008 Regular Meeting minutes as corrected. By Mr. Frank, seconded by Mr. Rimsky, and passed 5-0.

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

New Application

Camp Windguage, LLC./24 Old North Road/2 Lot Resubdivision

A site inspection was scheduled for Friday, August 15, 2008 at 9:00 a.m.

Referring to the map, "Record Subdivision Map," dated 7/30/08, by Arthur H. Howland & Assoc., Mr. Boling briefly reviewed the application for a two lot resubdivision of the 31 acre property. He said the owners were working on a conservation easement for twenty of the acres. A 5.38 acre interior lot was proposed. He pointed out the location of the proposed driveway and of the wetlands on the lot, noting that the driveway location was contingent upon Wetlands approval. He said the proposed driveway hugged the existing stonewall and required a wetlands crossing and that the reason for its proposed location was to preserve the existing agricultural fields. He noted the property is part of a larger agricultural landscape and that there were fields on adjoining properties.

Mr. Rimsky asked if the Selectmen had been consulted about the driveway cut. Mr. Charles said that more information from the Wetlands Commission was needed before going to the Board of Selectmen.

Mr. Boling noted that while the sight lines were good for the proposed curb cut, Old North Road was narrow in that area. Mr. Boling said the applicant was requesting a waiver of the open space requirement because the conservation easement that was being drafted was separate from this application.

Mrs. Hill said she had not had time to review the application for completeness because it had been submitted that afternoon. She did say, however, that a Conservation Commission review was needed and that there were no Health Dept. or Inland Wetlands Commission approvals. A public hearing was scheduled for 7:30 p.m. on Tuesday, October 7, 2008 in the Land Use Meeting Room.

Other Business

Talbot/44 Bell Hill Road/2 Lot Subdivision/Correction of Condition of Approval:

It was noted that one condition of the 5/4/04 subdivision approval was that the mylar include a note that "Lots #1 and #2 may be transferred only to one or more of the subdivider's relatives named in Section 5.8.4.A of the Subdivision Regulations for no consideration."

Mr. Talbot said he understood why the note was required for Lot #2, the new lot, and advised the Commission that it had been transferred to relatives. However, he asked why the note included Lot #1, the lot that had been existing at the time of the application.

Mrs. Hill said she had reviewed the file and had determined that this had been an error; that the condition should have placed on Lot #2 only. After a brief discussion, the commissioners agreed that it had been an error. There was a second discussion regarding how the error should be legally corrected.

Mr. Talbot said he would consult with Atty. Miles regarding what the proper legal procedure would be and would follow his advice.

Template for Conservation Easements:

The commissioners thought the draft template was very thorough and thanked Mr. Boling, Conservation commissioner, for his efforts. Mr. Frank and Mr. Carey had several technical questions about the document including:

1. Should the template state who is responsible for paying for the baseline study? Mr. Boling said that issue is part of the negotiation process, but does not belong in the easement itself. All agreed that the donor should pay for the study.
2. Would a baseline study be required for all transactions? Mr. Boling said the Conservation Commission had not yet made a formal decision, but said he thought so because it would help with the monitoring of each property. He said the level of detail required in each study could vary depending on the property.
3. Would it be possible to include minimum standards for the baseline study? Mr. Boling thought this was a good idea.

4. Would a report from the Conservation Commission be acceptable for the baseline study? Mr. Boling said it might depending upon the property. He noted photos and a written description would be required. Mr. Talbot suggested the aerial photographs taken by the state every five years would be helpful to have in the file.

5. Mr. Frank asked if several of the items in the easement were related to IRS requirements. Mr. Boling stated that they were, indeed, tax driven. 6. What exactly does the extinguishment provision mean? Mr. Boling was not sure and agreed it was difficult to understand. Mr. Frank noted he had other technical questions that he would submit to Mr. Boling. Mr. Boling said he would also get feedback from the Wetlands Commission and then would refer the document to Atty. Miles for a legal review.

Revision of the Subdivision Regulations:

Mrs. Hill circulated Draft #4, dated 8/5/08 with the minor revisions made since the last meeting noted on page 1. It was noted this draft did not include language regarding archeological sites and reviews. Mrs. Roberts asked the commissioners to study the draft to prepare for discussion at the next meeting. Ms. Gager will consult with Mr. McGuinness to find out if he has an electronic copy of the Regulations. It was the consensus that reviewing the proposed revisions would be easier if they were noted in the current Regulations.

Communications

It was noted that two letters regarding the proposed Wykeham Rise, LLC. inn proposal had been received; one from Mrs. Talbot dated 7/3/08 and one from Mr. Condon dated 7/22/08. Mrs. Roberts noted that the Planning Commission has no jurisdiction in this matter and the letters were not discussed.

MOTION: To adjourn the Meeting. By Mr. Rimsky.

Mrs. Roberts adjourned the Meeting at 8:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Coordinator