

October 7, 2008

Public Hearing – Regular Meeting

7:30 p.m. Land Use Meeting Room

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

MEMBER ABSENT: Mrs. Jahnke

ALTERNATES PRESENT: Mr. Carey, Mr. Fowlkes

ALTERNATE ABSENT: Mrs. Braverman

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Boling, Mr. Charles, Mr. Clark, Ms. Bailey Mr. Carusillo

PUBLIC HEARING

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

Mrs. Roberts called the Public Hearing to order at 7:32 p.m. and seated Members Frank, Gager, Rimsky, and Roberts and Alternate Carey for Mrs. Jahnke.

She read the legal notice published in Voices on 9/24 and 10/1/08.

She then read the list of documents in the file and those that had been received too late to have been included on the list:

- 1) 10/7/08 letter to Mrs. Roberts from Mr. Boling,
- 2) 11 white certified mailing receipts,
- 3) “Preliminary Baseline Documentation Report,” dated 10/7/08, by Mr. Branson, and
- 4) Residential Density Determination Form.

The commissioners reviewed Mrs. Hill’s 10/7/08 report, which updated the completeness of the application. It was noted that several items had been addressed since the report was written such as payment of the \$30 state tax and submission of the proofs of certified mailing and requests for waivers of specific sections of the Regulations.

Regarding the requirements of Section 7.0, Stormwater Drainage, Mr. Charles, agent, noted that the engineer had confirmed that the driveway grading was proposed so that the stormwater runoff would infiltrate into the field.

The set of maps by Arthur H. Howland & Assoc., 7 sheets, top sheet, R.1, “Property Survey Map,” revised to 9/9/08 was briefly reviewed.

Ms. Gager asked if the proposed driveway grade complied with the Zoning Regulations.

Mr. Carey pointed out there was a discrepancy between the information on the Residential Density Determination Form and the baseline report regarding the amount of wetlands on the property.

Mr. Charles explained that Mr. Branson's information had been taken from USDA aerial photos, while the soil scientist had field verified his, and so it was the Residential Density Determination form that was the more accurate.

Mr. Carey noted that so much material had been submitted at the last minute that the Commission had not had time for an adequate review.

Mrs. Roberts agreed that this made it difficult for the Commission and said she would discuss the implementation of stricter policies regarding the submission of complete applications later in the meeting.

There were no comments from the public.

Mrs. Roberts closed the public hearing at 8:02 p.m.

This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot.

REGULAR MEETING

Mrs. Roberts called the Meeting to order at 8:03 p.m. and seated Members Frank, Gager, Rimsky, and Roberts and Alternate Fowlkes for Mrs. Jahnke.

Consideration of the Minutes

MOTION: To accept the September 2, 2008 Regular Meeting minutes as written. By Mr. Frank, seconded by Ms. Gager, and passed 5-0.

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

Pending Application

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

Mrs. Roberts unseated Mr. Fowlkes and seated Mr. Carey for Mrs. Braverman because he had been seated for the public hearing.

Mrs. Hill noted that in addition to the waiver requests in Mr. Boling's 10/7/08 letter there was also a previous written request to waive Section 5.8; the open space requirement. She reported that the Conservation Commission had approved the waiver of Section 5.8.

Mr. Rimsky thought the reasons given in the letter for the waivers were reasonable and so they should be granted. The waiver requests were briefly reviewed and it was noted that in several instances the information that would be waived for some of the documents had been provided on other documents in the file. The Commission acted on each of the waiver requests.

MOTION: To waive Section 5.8.2; open space requirement. By Mr. Rimsky, seconded by Mr. Carey, and passed 5-0.

MOTION: To waive Sections 4.2.1, 4.7.2, and 4.6.2; 1"=40' map scale requirement. By Mr. Rimsky, seconded by Mr. Carey, and passed 5-0.

MOTION: To waive Section 4.4.11; state plane coordinates requirement. By Mr. Carey, seconded by Mr. Frank, and passed 5-0.

MOTION: To waive Section 4.5.3; easement information requirement. By Mrs. Roberts, seconded by Mr. Rimsky, and passed 5-0.

MOTION: To waive Section 4.5.12; specimen tree requirement. By Mr. Rimsky, seconded by Mr. Carey, and passed 5-0.

MOTION: To waive Section 4.5.13; landscaping requirement. By Mr. Carey, seconded by Mr. Frank, and passed 5-0.

MOTION: To waive Section 4.5.15; historic site requirement. By Mr. Rimsky, seconded by Mr. Carey, and passed 5-0.

MOTION: To waive Section 4.7; sediment and erosion control plan requirement. By Mrs. Roberts, seconded by Mr. Rimsky, and passed 5-0.

Mr. Frank asked if the driveway cut had been approved by the Selectmen. Mrs. Hill said it had.

MOTION: To approve the application submitted by Camp Windguage, LLC. for a 2 lot resubdivision at 24 Old North Road. By Mr. Rimsky, seconded by Mr. Carey, and passed 5-0.

New Applications

Reger/65 Gunn Hill Road/2 Lot Resubdivision:

Mr. Clark, engineer, presented his map, "Site Development Plan," revised to 9/16/08. He noted two lots were proposed; a 7.7 acre lot with the existing house and a 13.98 lot. He said the smaller lot was not resubdividable, but the larger one was, although this would be difficult to accomplish due its steep and ledgy terrain. He noted that 40 percent of the parcel has slopes greater than 25 percent and pointed out the location of wetlands and intermittent watercourses. He also noted that the Health Department had not yet approved the plans, but was in the process of reviewing them.

Mr. Rimsky asked why no open space was proposed.

Mr. Clark said the applicant proposed a fee in lieu of open space.

Ms. Gager asked how much open space would be required under Section 5.8 if it was determined a fee in lieu was not appropriate.

Mr. Clark said approximately 6 acres.

Mrs. Hill stated she had referred the application to the Conservation Commission for its comment.

Mrs. Roberts recommended a site inspection and noted a public hearing was required. The site inspection was scheduled for Tuesday, October 28, 2008 at 9:00 a.m.

Mr. Clark said he would stake the proposed boundary line and driveway for the inspection.

BEC Holdings, LLC./204 Wykeham Road/2 Lot Subdivision:

Mr. Fowlkes recused himself.

The map, "Property/Boundary Survey," by Mr. Alex, revised to 10/7/08 was reviewed.

Mr. Carusillo, property owner, pointed out the location of "seasonal wetlands" and the proposed open space. It was noted the property fronts on Clark Road as well as Wykeham Road and the status and condition of Clark Road were briefly discussed.

Mr. Frank noted that according to Mrs. Hill's review, this application was substantially incomplete. He pointed out that the Regulations require a complete application to be submitted six days prior to the meeting and it was unfair to expect the review process to begin when so much information was missing. He thought a preliminary discussion would have been more appropriate at this time. He also stated that the Commission could recommend that the application be withdrawn and resubmitted when it is complete or that the Commission could deny it because it was incomplete. It was noted that the Inland Wetlands Commission had not yet reviewed the application, that Mr. Neff had submitted the site development plan just this afternoon, and the application fee had not yet been paid.

Mrs. Hill said she had advised the applicant to wait to pay the fee until she had looked into what the correct amount was.

Mrs. Roberts urged the applicant to withdraw the application.

Mr. Carusillo submitted a memo dated 10/7/08 to the Commission to formally withdraw the application.

Other Business

Procedures and Template for Conservation Easements:

Mr. Frank reported that Mr. Picton, Inland Wetlands Chairman, had commented on the template and that the Conservation Commission would continue to review the draft.

Revision of the Subdivision Regulations:

It was noted that the latest draft had been emailed to all commissioners for comments and that Mr. Frank had reviewed it and had raised several pertinent points. The draft will be referred to Atty. Zizka for a legal review.

Talbot/44 Bell Hill Road/Revision of Condition of Subdivision Approval:

The Commission will wait for advice from Atty. Miles before taking any action to revise the condition of approval.

Land Use Consultant:

Mrs. Roberts asked the commissioners to list their questions and concerns about the organization of the land use office so that she can discuss them with the consultant.

Mr. Rimsky thought the Commission should get advice about how to ensure applications are complete before they are submitted.

Mrs. Roberts noted that incomplete and last minute submissions were putting a strain on both the commissioners and the land use staff.

Mr. Fowlkes recommended that new procedures with stricter deadlines for the submission of new applications be implemented and strictly adhered to.

Mrs. Roberts and Ms. Gager noted they had recently attended a land use seminar where they learned that many other towns have strict submission policies and don't tolerate any missing documents. It was noted if an applicant insisted on submitting an incomplete application, he would be advised that he would risk denial by the Commission due to its incompleteness.

Communications

It was noted a letter dated 9/1/08 from Mrs. Peacocke had been received concerning the Wykeham Rise, LLC. applications to Inland Wetlands and Zoning. A letter will be sent thanking her for her interest, but advising her that the Planning Commission has no jurisdiction in this matter.

Mrs. Roberts reminded the Commissioners of the FOI seminar at 7:00 p.m. on Tuesday, 10/21/08 at the Town Hall.

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

Mrs. Roberts adjourned the meeting at 8:52 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator