



MINUTES
March 16, 2010

7:00pm.
Meeting Room
Town Office Building,
16 Jan Sebastian Drive

Present: Daniel Marsters, Chair; Amy Lipkind, Vice-Chair; Richard Claytor; Sarah Regan, Ralph Vitacco; Nanette Perkins and Joseph Vaudo

Approval of Minutes

Mr. Vitacco moved the Board approve the minutes of January 6, 2009, as written. Mr. Claytor seconded. The vote was unanimous.

7:02pm
Public Hearing Continued
Kristins Way Definitive Plan
Ronald and Linda Larkin

Mr. Sam Jensen, Assistant Town Engineer and Mr. Donald Bracken of Bracken Engineering were present. Mr. Bracken provided revisions that the Board had requested. He discussed the cost of road up keep and landscaping.

Mr. Marsters read into the public record the memo from the Assistant Town Engineer, Sam Jensen, dated March 15, 2010.

Mr. Bracken discussed the road width. Mr. Jensen addressed his comments in the memo that Mr. Marsters read regarding the road width and adequate access.

Mr. Claytor asked Mr. Jensen if he felt a precedent would be set by the Board's decision for future applications for road width if this project was approved at 16 feet. Mr. Jensen said that is the issue.

Mr. Claytor also asked about the tree widths that would be removed. Mr. Bracken said 10 inch to 12 inch trees would be removed.

The impact on the applicant to change the road width from 16 to 18 feet was discussed. Mr. Bracken said that they had requested a waiver from the beginning. They also put restrictions on the lots.

Mr. Smith asked Mr. Bracken if in fact the plans didn't call for 16 foot road with a 2 foot shoulder on the side which would in essence be 18 feet. Mr. Bracken said there was a 2 foot should on the side. Mr. Bracken further stated if a vehicle had to, they could travel on the 2 foot shoulder.

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Mr. Marsters asked about modifying this so it would be acceptable. Mr. Bracken said it would make it more difficult to repave in ten years.

Mr. Vaudo said he made the point previously that we cannot deviate from what we have-- these are rules and regulations that we have to go by and Engineering backs us up with the 18 foot road width.

Mr. Claytor said in his view this is a shared driveway and in his opinion the Board does not have the leeway to grant a waiver and he is a little concerned about the precedent setting nature of doing that. He would be interested in the future looking at the Subdivision Rules and Regulations and seeing if they could get a shared driveway standard in the rules that says less than four or five houses can have a 16 foot shared driveway.

Mr. Marsters said he agrees with Mr. Claytor and Mr. Vaudo in this case--especially with the strong argument coming from Engineering.

Mr. Bracken said he would make another plan revision.

Mr. Claytor made a motion to close the hearing for Kirstins Way – Definitive Subdivision with the provision that the Board will not accept the waiver of 16 feet and remaining at the 18 foot minimum standard. Mr. Vaudo seconded. The vote was unanimous.

Canvasback

Mr. Adam Avratin representing the Canvasback Homeowner's Association spoke about memorandums received in the past and a memo he had prepared. He also said that John Doyle the land surveyor is preparing a survey for the Conservation Dept.

Mr. Marsters said the Board has been dealing with this for sometime. The Board was trying to find out who determines the violation and who is in charge of enforcing the violation if there is one. Upon advice from Town Counsel, it was determined that the enforcement issue is a zoning matter under the jurisdiction of the Building Commissioner. We then requested the Building Commissioner to go out to the site and determine if there was a violation. Mr. Marsters read into the record a letter dated March 16, 2010 from Ted Misiaszek, the Building Commissioner.

Mr. Avratin said the Canvasback Homeowners Assoc. is working with the Planning Board. Mr. Doyle has been requested to lay out some of the problem areas. We want the areas staked out so the Planning Board and Conservation Commission can come and see what represents the complaint. Mr. Avratin said without the survey he has little to provide to the Board. The homeowners are looking for a resolution where the Board is content with how the open space is managed. Without the plan there is nothing further for us to discuss.

Mr. Marsters said the Board has determined at this meeting from the Building Commissioner that there was in fact a violation. We are inviting the Commissioner to our next meeting to discuss possible enforcement of that violation. Also the Conservation Dept. has requested a Notice of Intent which should be filed before our next meeting.

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Mr. Jonathan Fitch representing the Kiedeisch's was present. Mr. Fitch said the Special Permit has a section that says there is no activity which should be taking place in the open space without Planning Board approval. Mr. Fitch said at some point the Association should come before the Board to amend the Special Permit.

Mr. Marsters said that the Association should come to Conservation first. After the violation was determined, then it would come before Planning Board for permission.

Mr. Smith responded and said he does not believe an amendment to a Special Permit is necessary in this case. Mr. Fitch disagreed. His opinion is this would be an amendment to the permit it would be the same process which would be an application and a public hearing based on plans that required your permission. Mr. Fitch said this is a public matter within the Board's authority to examine proposed uses of open space.

Mr. Avratin said they were seeking permission for the docks and paths from the Conservation Commission and the Planning Board.

Attorney George MacKoul representing the Frasers told the Board that they must be cautious in their right to maintain that things are done properly and make sure that the Board does not make rules that are too restrictive.

Mr. Marsters asked for any further comment from the public.

Mr. Dennis Siggins of 20 Pierre Vernier Dr. He said there are many paths and he said he didn't know how you could regulate one path and without regulating all the paths. He didn't believe it was the purpose of the open space to have it so regulated.

Mr. Marsters said the follow up will be to meet with the Building Inspector at our next meeting to talk about any violation that has occurred. In the meantime, a NOI will be filed with the Conservation Commission and they will inform us accordingly prior to the next meeting. The issue of access will come back to the Planning Board to determine about granting permission.

Affordable Housing Plan

Each Board member was provided with a copy of the draft of the new Affordable Housing Plan prior to this meeting. Mr. Smith said that Karen Sunnarborg, who was hired back in 2004, created a new Affordable Housing Plan at that time and Mr. Smith had once again hired Ms. Sunnarborg to update that plan. The Plan is in draft form and Mr. Smith is asking the Board to make a motion to approve that 2010 update. This is a requirement of the DHCD. Board discussion followed relative to affordable housing.

Ms. Lipkind made a motion to approve the draft for the Affordable Housing Plan. Mr. Vaudo seconded. The vote was unanimous.

Mr. Claytor moved the Board adjourn. Mr. Marsters seconded. The vote was unanimous. The meeting adjourned at 8:35 P.M.

Respectfully submitted, Maureen Carty

