

Present: William Keller (Chairman), Lisa Eggleston, Marianne D'Angelo, Christopher Morely, Michael Hunter, Michael Fee (Associate), Jody Kablack

The meeting was called to order at 7:50 p.m.

On behalf of the Planning Board, William Keller concurred with the Chamber of Commerce's selection of Jody Kablack as Employee of the Year.

Willis Hill Modification

The applicant was not prepared. Mr. Quirk is scheduled to speak with the Water District sometime next week. The Public Hearing was continued to June 27, 2001.

Willis Hill Subdivision

Mr. Quirk spoke with the Town Planner and said he would do the paving and meet with Bill Place. He wanted to know if the Planning Board would grant him an extension beyond 6/1. The Planner told him he would have to meet with the Board – he did not attend the meeting. The Board discussed the possibility of an emergency meeting in regard to the Willis Hill Bond. Tom DiPersio of Thomas Land Surveyors, who was at the meeting on behalf of another client, informed the Board the Willis Hill As-Built Plans were anticipated to be complete in two weeks.

Woodside Subdivision-Glen Lane

Tom DiPersio spoke on behalf of the applicant, Marcelle Maillet. The plan had been approved for as an 18' wide Private Way within a 50' wide right-of-way. The houses are currently under construction. The porch on Lot 1 was not on the original survey plan. A survey crew went out to the site for a compliance check and determined the porch is not conforming. It meets the sideline requirement but not the 65' street centerline setback requirement. Mr. DiPersio requested the Board modify the subdivision to reduce the right-of-way width to 40', noting it is a private way. An additional 10' wide strip would be granted as a road and utility easement.

The Board questioned the applicant on alternatives to modifying the subdivision? Mr. DiPersio replied that they would need to seek a variance from the Zoning Board.

Ms. Kablack stated that reducing the right-of-way to 40' would be sufficient for roadway purposes. She does not feel it would have a significant impact, but does require a waiver from the subdivision regulations.

Members questioned whether the main portion of the house conforms to zoning, and Mr. DiPersio replied yes. The porch could be reduced in width, but it would only be 4' wide in front of the bay windows and would be unusable.

Mike Hunter: Are there any changes in regard to the road?

Tom DiPersio: No, the cul de sac is the same.

Jody Kablack: It's a private way with 3 lots – granting the waiver would not create much precedence.

Bill Keller: The other alternative would be to move the house back to meet the requirement, but the cost would be too high.

Mike Hunter: Is the 50' requirement for safety purposes?

Jody Kablack: Standard subdivision roads are 24' wide, plus utilities and sidewalks.

Tom DiPersio: Many towns allow a 40' right of way.

Marianne D'Angelo: Why not go to the Zoning Board for a variance?

Tom DiPersio: Mr. Maillet's attorney suggested we try the Planning Board first.

Marianne D'Angelo: Would a second owner have to go to the Zoning Board for a variance for future porches?

Jody Kablack: Yes.

Marianne D'Angelo: Expressed her discomfort with granting a waiver to developers when they know the rules and regulations.

Jody Kablack: Feels it was an honest error on the developer's part and is not against the town's interest.

Bill Keller concurred with Ms. Kablack's opinion in that he does not feel it was a manipulation.

Jody Kablack informed the Board as long as there was no impact on abutters, they might consider an administrative modification decision by vote of the Board as opposed to holding a Public Hearing.

Bill Keller: The Board will hold off on a vote until an application is filed, with the suggestion that the applicant consider a donation to the townwide walkway fund in consideration of this modification, and as a message to developers that violations will be treated similarly in order to prevent future mistakes.

Lisa Eggleston expressed concern with granting this waiver when it is going to be the developer's home.

Philomen Whale Lane Preliminary Plan

Rick Merrikin of Merrikin Engineering Company spoke on behalf of the applicant, Dave Inus. In 1970 the plan was approved and constructed; 3 lots at the end of Philomen Whale Lane were not constructed. They were approved to take access via a common driveway. They now desire to reconfigure the 3 lots into 4 lots, and want to know what the Planning Board will require in terms of roadway improvements. The Town Planner stated the lots were approved as 3 separate lots, with no specifications for the driveway.

Lisa Eggleston: Is there sufficient frontage?

Rick Merrikin: Yes, the frontage is sufficient – they are inquiring about driveway access. Under the zoning law it is 2 lots on a common drive – what does the Planning Board suggest?

Lisa Eggleston: Is it a right of way?

Jody Kablack: It is an approved right-of-way that was never constructed nor bonded.

Chris Morely: With the prior 3 lot subdivision, was a cul-de-sac considered?

Jody Kablack: Due to the ledge, the road was truncated. Environmental constraints ended the road, but extended the right of way to create frontage.

Rick Merrikin: It consists of hill, ledge and a brook.

Lisa Eggleston: What was the total length of the subdivision road?

Rick Merrikin: 1350’.

Jody Kablack: It is now 1200’ and was approved; therefore they have rights.

Michael Fee: How did Conservation resolve the issue of crossing the wetland for soil testing?

Rick Merrikin: They said it was not a river front area; there was no further issue.

The second issue for his client was to divide Lot 2 into 2 lots with 2 houses on a private drive.

Chris Morely: What variances are required?

Rick Merrikin: None, they meet all requirements.

Jody Kablack: There is another issue; the original subdivision required Lot 4 and Lot 75 to be transferred to the town, but they never were. The Planning Board has never modified the decision to release this condition. The applicant has tried over the years to get the lots released, but it has been Town Counsel’s position that the roadway extension was never bonded properly and therefore the lots should not be released.

Rick Merrikin: Lot 4 was never acquired by his client. It was owned by a third party; it is all meadow and wetland.

Jody Kablack: The records are vague about who owned the land that was supposed to be donated. The developer submitted deeds to the town then sold it.

Michael Fee: Was it sold prior to when the applicant acquired the rest?

Rick Merrikin: Not sure exactly when.

Lisa Eggleston: Is there a conveyance of deed date?

Jody Kablack: The records are not clear.

Jody Kablack: When it was Dakin Farms Subdivision who else was involved? Was the applicant?

Rick Merrikin: His client was never involved with the former owners.

Chris Morely: Who was the builder?

Rick Merrikin: Eden Construction; the applicant's father.

Jody Kablack: Why isn't Lot 4 built on?

Rick Merrikin: They are wetlands.

Jody Kablack: Is there any other compensation that could be substituted for the land that was supposed to be donated? Dakin Farms Corp. had a responsibility to the Town that was never fulfilled. Lots 4 and 75 should have come to the Town.

Bill Keller: What is the tax revenue?

Rick Merrikin: Very little.

Lisa Eggleston: The deed from July of 1970 stated the land was to be a neighborhood park, recreational purposes. Perhaps this should be further researched.

Dave Inus stated that he now owns lot 75, and it is being used to locate a septic system for an abutting lot that he is currently developing.

Marianne D'Angelo expressed current concerns with the septic system.

Dave Inus (applicant): We just recently acquired Lot 75 and only intend on using part of it; open to suggestions for remainder. He does not see the value to the Town as it is all wetlands and is not buildable.

Lisa Eggleston: Are there any walkways on this road (Dakin)?

Rick Merrikin: No, but he has spoken with Bill Place about granting easements over a portion of his property on Dakin Road for road widening purposes.

Chris Morely and Jody Kablack suggested possibly donating funds into the townwide walkway account.

Lisa Eggleston: Who sold Mr. Inus the land for the septic system?

Dave Inus: Dakin Farms

Lisa Eggleston: Are neighbors aware of the plan?

Dave Inus: Yes

Rick Merrikin and Dave Inus expressed their willingness to do whatever the Board feels is best. They are to prepare plans and submit a formal modification application.

Bill Keller feels it would be in the town's interest to check the public records and find out who was involved in the Dakin Farm Corporation.

The Board is concerned that conditions of the original subdivision were never complied with.

Planning Board Meeting Schedule

The Planning Board meeting for May 30 was cancelled and the following dates were scheduled:

- ◆ Tuesday, June 12 (tentative)
- ◆ Wednesday, June 27
- ◆ Wednesday, July 11 (tentative)

Frost Farm

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Special Permit Plan for Frost Farm dated 5/15/01.

Anselm Way – Bond Release

On motion duly made and seconded, it was unanimously:

VOTED: To release the Anselm Way Surety Bond.

Projects & Priorities

The Board reviewed Fiscal Year 2002 goals.

CSX Rail Discontinuance

New York Central Lines has informed the Planning Board of their intent to discontinue service over 4.80 miles of rail line between Framingham and South Sudbury. They asked the Board's advice for the line's relationship to any long-range comprehensive planning efforts. The Board discussed potential uses, which included:

- 1) A rail trail (recreational corridor), linking corridors east and west of Sudbury
- 2) Roadway Bypass from Nobscot Road to Station Road – with the possibility of a bike path alongside the road.

Appointments

Planning Board:

The Board voted Michael Fee as an Associate Member for a term ending May 23, 2003.

Design Review Board:

On motion duly made and seconded, it was unanimously:

VOTED: To re-appoint Frank Riepe to the Design Review Board for a term of 3 years.

ANRs

Harrington ANR (Highland Ave.)

The applicant defined the boundaries of Highland Ave., and labeled the road frontage of the lots along Highland Ave.

Jody Kablack: Highland Ave. is shown as a private way on the official map. Under the subdivision control law, if it is on the official map they have the right to create ANR lots. Highland Ave. is suitably constructed to give access to 3 lots as shown on the plan.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Harrington ANR as submitted.

There being no further business to discuss, the meeting was adjourned at 10:00 p.m.