

Present: William J. Keller, Jr. (Chairman), Lisa Eggleston, Christopher Morely,  
Michael Fee, Jody Kablack (Planner)

Absent: Michael Hunter

The meeting was called to order at 7:35 p.m.

***Willis Hill II (Kendra Lane) Definitive Subdivision – Public Hearing***

William Keller coordinated the Public Hearing and read the notice into record.

Bob Quirk received a request from Bill Place for the plan; he met with Bill Place today. Mr. Quirk asked the Board to grant an extension for the public hearing.

Bill Keller addressed the public in attendance for this hearing and informed them a full presentation would be made at the set date. Comments from the public were solicited.

Katie Willard: 82 Cudworth Lane

Question on the title issue and whether or not it has been resolved.

Bill Keller: Is not aware, would have to be checked with Town Counsel.

John Lamb (an attorney from Gerry Cournoyer's firm): The title issue was presented under tax collector's deeds. The applicant obtained judgment with the right to claim title rights. It is being appealed with land court; a notice of appeal has been filed, not an appeal.

Katie Willard: How will the Planning Board deal with this?

Bill Keller: We will obtain Town Counsel's advice.

Katie Willard: Also with respect to potential Conservation issues; how will Planning Board work with Conservation?

Bill Keller: Both Planning and Conservation are proceeding simultaneously.

Jody Kablack: An Order of Conditions has been approved for the subdivision road and drainage work. Individual lots will need separate orders..

Susan Richman: 183 Willis Road

When the presentation is made, will the Planning Board approve the Road and Drainage plan or the entire subdivision?

Bill Keller: Planning Board approval is for entire subdivision approval, including roads and drainage.

Susan Richman: Will there be timing constraints?

Bill Keller: Approval will have deadlines for construction to be completed. If referencing to Willis Hill, there were deadlines also.

Jody Kablack: To clarify, the deadlines are in regard to completion of roads and drainage (2 year) and not deadlines for when houses are to be completed.

David Van Buren; 46 Cudworth Lane

He and his wife, Karen, are abutters to Kendra Lane and for the record are in favor of the subdivision. Currently, the road is used for joyriding; once paved and made a normal street, it should make the road much safer.

Jody Kablack: As abutters, are you aware that grading easements have been requested at the intersection of Kendra and Cudworth which will affect driveways. They will be requesting easements from neighbors.

David Van Buren: Yes, we are aware of that and are in favor of it.

Jody Kablack: There is a July 21<sup>st</sup> deadline; title information is among some outstanding items still needed. For flexible development special permits, all Board members are needed at meetings; Michael Hunter (absent tonight) is now precluded from voting. Mr. Quirk is has requested an extension.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing for Willis Hill II to June 26<sup>th</sup>  
at 7:30 p.m.

***Goodnow Farm (Prichett Property) Definitive Subdivision – Public Hearing***

William Keller coordinated the Public Hearing; read notice into record.

Present for applicant: Peter Crabtree and Jack Dawley from Northland Residential

Peter Crabtree:

Began with the process applicant has gone through. It was over 1 year ago they came to an agreement with the owners of the property (the Prichetts). Under Chapter 61, the Town had 120 days for right of first refusal. During this period, Northland conducted many site visits with various boards, had many discussions, hearings and an open dialogue which they felt provided comfort to various interested parties. The Town then declined to purchase the property. Northland then applied for an ANR plan for 8 lots off Goodnow Road to the Planning Board. This plan was a very quick process and protected 25 acres of land. The applicant is at phase II tonight.

They are proposing 6 lots on 24 acres; with 5 lots off the extension of a public way (Camperdown) and the other lot off a proposed turn-a-round at the end of Goodnow Road. Overall, the plan is the same as the original plan, with the addition of one lot; the field is in an agricultural restriction; a walking trail between lots 10 & 11 is proposed; and a turn-a-round will be constructed at the end of Goodnow Road. Lot 13 has had its wetland delineation accepted by Conservation. Building envelopes are set back further than the Town requires (off Camperdown is a 50' setback).

Peter Crabtree: Drainage is explained in the hydrology report in detail. They will be installing 2 additional catch basins on Camperdown. Northland will address concerns stated in Jody Kablack's memo.

Lisa Eggleston: Will this require a separate filing (for drainage) with Conservation?

Peter Crabtree: Yes, they will address it with Conservation.

Lisa Eggleston: Will the buffers have any restrictions?

Peter Crabtree: Yes, there is no clear cutting; limited cutting.

Bill Keller: How far beyond that are homes, existing lots?

Peter Crabtree: There are existing lots to the North, Martin Drive is to the right and Grindstone and Valley Forge are adjacent to lot 9.

Lisa Eggleston: Will the frontage for lot 9 be off of Goodnow?

Peter Crabtree: Yes.

Chris Morely: What are your thoughts on the memos from the Fire Chief and the Water District to loop water from Martin Drive or Camperdown through this subdivision?

Jack Dawley: Does not agree with them. They feel it is too late at this point in the process. They have worked with many Boards', and a conservation restriction has already been recorded on the land which precludes installation of a water main from Martin Drive. They had met with the Fire Chief and the Water District many times as well with their proposals. To consider this proposal is too late. The applicant does not want to seem uncooperative but to run a water line through the woods is a very impactful event. This would most likely require building a road which the applicant does not believe to be the intent of the Town and is not Northland's intent. There have been many forums at which this could have been brought up prior to this point.

Chris Morely: What is the hydrant situation on Goodnow?

Jack Dawley: There are none. They received a memo from the Fire Chief about the number of houses without hydrants and they addressed it.

Bill Keller: Mr. Shepherd, what is the situation for your water?

Mr. Shepherd: Has a well for water, the Town never got involved with his.

Jack Dawley: Would an easement from the end of Goodnow to Camperdown be a possibility?

Chris Morely: Basically, they are looking for a hydrant at the end of Goodnow.

Jody Kablack: Dick Carroll wanted to loop the water main at Martin Drive; this would not work due to conservation restrictions. This should have been brought up sooner; the Water District only needs one loop.

Lisa Eggleston: Is there adequate pressure to extend the line to Goodnow from Grindstone?

Jody Kablack: The Water District will have to review.

Lisa Eggleston: What's the length from Abbottswood (at the breakaway to Country Village) to the extension of Camperdown.

Jody Kablack: 800' - does not exceed 1200'

Jody Kablack: Abbottswood is not formally declared a dead end street.

Lisa Eggleston: This issue needs some resolution; it is not open to through traffic. Will look at the hydrology report.

Jody Kablack: There is a minor issue holding up Camperdown for street acceptance. Conservation did not like the plantings at the detention basin. John Cutting was notified but has not addressed. The Planning Board is holding a cash bond which they could use a portion of to get the work done before releasing it. Northland cannot proceed on a private way. Suggested sending John Cutting a notice.

Peter Crabtree: Will that go beyond the deadline for Town Meeting vote?

Jody Kablack: The street has to be accepted this year.

In regard to the waiver for 8% grading, Bill Place had no problem with that. The walkway ends just on the North side.

Bill Keller opened discussion to the public – no comments.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing on Goodnow Farm to June 26<sup>th</sup> at  
8 :15 p.m. at Town Hall

Jody Kablack will work with John Cutting.

Lisa Eggleston: The connection to Country Village traffic rules cannot be rescinded – it was the basis for the waiver.

### ***Fairbank Estates – Bond Release***

On motion duly made and seconded, it was unanimously:

VOTED: To release the bond for Fairbank Estates in the amount of \$172,000.

***Miscellaneous:***

ANRs

Davison Property; Brewster Road & Old Sudbury Road  
2 new lots

The Town Planner briefed the Board on the ANR application. The application meets zoning regulations, however, the Planner wanted to point out the definition of frontage in that it's the physical capability to step onto the frontage; legal rights must exist. The driveways will most likely be off Brewster. The frontage on Old Sudbury Road is wet for the most part. The Planner recommended endorsement per advice of Town Counsel.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Davison ANR Plan of Land as submitted.

***Mahoney Farm***

Town Counsel will put it in writing that all correspondence must go through him. There is a possibility the Planning Board will need to meet with Town Counsel to further discuss ongoing litigation.

***Willis Hill***

The Planner updated the Board that paving for the Willis Hill Subdivision is close to completion.

***Peter's Way Definitive Subdivision – Public Hearing***

Present: Laura McCarthy (applicant) and legal representative, Bob Abrams

Bill Keller coordinated the Public Hearing; read notice into record.

The application before the Board is for a landlocked parcel of land just over 9 acres to create one building lot. The proposal would extend a private paper street, Peter's Way, across the applicant's land to obtain the necessary frontage.

Bob Abrams spoke on behalf of his client. He addressed Jody Kablack's memo dated 6/5/02 beginning with the last item first:

Item 7: The applicant does agree to limit subdivision to only one lot. The property was owned by the Bartletts. There are 36 acres owned in total with only 50' of frontage on a public way; therefore deemed unusable for even one lot unless a variance is granted by the Board of Appeals, who denied the applicant. The applicant owns Peter's Way, a paper street which was laid out to create frontage for 2 houses not owned by the applicant and previously approved by the Planning Board. The applicant is asking for an extension of Peter's Way to the JOC Trust land. At the time Laura McCarthy's grandfather owned the property, a verbal agreement was made with Webster Cutting for access to Concord Road. Peter Bowry as Trustee, had subdivision approval (one on Codman Drive & Morse Road). Parcel 2A was landlocked, and the verbal commitment for access was lost.

Mr. Abrams addressed item 1: Access – The intention is to have the driveway on Peter's Way. Wetland delineation was flagged by Deb Dineen when Peter's Way was approved. The Town acquired this 5 acre parcel – the Town Engineer found it not suitable for a cemetery driveway. The Town Engineer had obtained an Order of Conditions from Conservation to construct a driveway there (Parcel 1A & 1B; 4 acres). Mr. Abrams stated on behalf of the Bartletts it is their intent to give additional land to the Town for cemetery usage along with Peter's Way access rights so the Town can get equipment onto the parcel. Town equipment will not fit on the cemetery property off of Concord Road. This gift is not contingent on any decision from tonight's hearing. They are working on driveway specs with the Town Engineer and Planner for a common driveway on Peter's Way. Wherever the Town Engineer utilizes, Mrs. McCarthy would continue her driveway from that point. The applicant will have to go back to Conservation for another Order of Conditions.

Item 2: Mr. Abrams provided a copy of the deed to Jody Kablack tonight.

Item 3: Waivers requested

Item 4: 3 waivers the Planner does not recommend – applicant has no issues with what the Planner has suggested.

Item 5: Building Inspector's requirements will be met by the applicant.

Item 6: Concerning Parcel 3C violation of bylaw for 50' width requirement. The applicant is willing to do whatever the Town Engineer suggests; has 3 possibilities to present to the Town Planner and the Engineer. Feels it can be worked out.

At this point, William Keller (Chairman), stated for the record the applicant, Laura McCarthy, is a first cousin to the Town Engineer, Bill Place.

Jody Kablack: There is disclosure of this on record; it has been reviewed by Town Counsel and there is no conflict of interest.

Chris Morely: Regarding Parcels 3C and 4C; what about adding these to the Town Cemetery Land?

Bob Abrams: If it falls in the Right-of-Way, they may move it. It would not be useable for the cemetery. Owner has already gifted land.

Laura McCarthy: Mike Sullivan (applicant's engineer), has discussed this with Bill Place and they concluded it was unsuitable for the cemetery.

Michael Fee: Who owns Parcels 4B & 4C?

Bob Abrams: Armstrong Trust; CAS Trust has the right-of-way to cross and the right to purchase as long as it does not interfere with frontage. The applicant could buy these parcels with rights to use it; would consider that if recommended.

Chris Morely: The applicant would provide a restriction for 1 building lot for the entire 36 acres?

Bob Abrams: That would be a condition for approval, not a restriction.

Bill Keller: There would be no ANRs filed?

Bob Abrams: No.

Chris Morely: What about parcel 2A?

Bob Abrams: 2A is 9 acres – the only house will be Ms. McCarthy's house.

Lisa Eggleston: The wetlands line is not shown on our plan. Is Peter's Way/Right-of-Way in a resource area? Also missing engineer's stamp.

Bob Abrams: Yes, that is why an Order of Conditions will need to be obtained from Conservation. Bill Place believes that is the line which was previously flagged by Deb Dineen. The Town Engineer could have accessed cemetery from Concord Road, but felt for safety issues they should go to a paper street access. It is a dangerous curve at that point on Concord Road.

Discussion was open to the public.

Jim Richards; 44 Codman Drive

He is an abutter to proposed plan. He heard Mr. Abrams speak of a lost verbal agreement – there was also a verbal agreement with residents on Codman Drive that if they built their homes on Codman Drive the property would remain agricultural and pristine.

Sander Rikleen: Attorney representing Codman Drive residents.

The residents of Codman Drive do not have an issue with a house on parcel 2A, but they want it to gain access off of Hudson Road.

There is an ongoing litigation regarding parcel 3A and the Armstrong's parcels, 4B & 4C. The issue is whether or not an agricultural restriction is valid. If the restriction is valid, the applicant cannot have road access across this land to where they want to build. He proposes the Planning Board wait to approve this application or state in the conditions of approval that the driveway cannot be built or used until Land Court resolves the issue. They are trying to work with the applicant and the Board of Selectmen.

Mike Fee: You represent a group of how many plaintiffs?

Sander Rikleen: 11 and 2 trusts. The land where Mrs. McCarthy wants to build is not part of litigation.

Mike Fee: Are the cases consolidated; what steps have you taken, is there a trial date?

Sander Rikleen: No trial date.

Mike Fee: Is it your contention that this litigation could restrict the use of this land as proposed?

Sander Rikleen: Yes.

Mike Fee: Would like to know what's happening in this litigation.

Bob Abrams: Sander Rikleen referenced the agricultural restriction originally filed on the McCarthy land. During settlement of litigation between the Bartletts and the Town, the restriction was lifted. The Land Court ruled it void because it did not possess the signature from the Dept. of Food and Agriculture. Sander Rikleen filed a motion to revoke judgment by the Land Court stating they can't void the restriction because the Planning Board approved the subdivision with the condition that it be placed on the remaining property.

Sander Rikleen: There are 3 arguments in 2 cases:

- 1) Condition of subdivision Approval
- 2) Gift to Town
- 3) 10 Taxpayers can pay to sue to enforce any subdivision in Town.

Bob Abrams: There is no conveyance to be done – the applicant is here to get a lot approved for personal use. Even if Mr. Rikleen and his clients win, it doesn't mean a road cannot be placed over agricultural land.

Mike Fee: Why not?

Bob Abrams: There is no such restriction in the conditions. The applicant could use other building alternatives.

Mr. Abrams continued with possibilities and options the applicant has if denied the application.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing on the McCarthy Property (Peter's Way Extension) to 6/26 at 8:30 p.m.

Lisa Eggleston suggested preliminary contact with Conservation and the Applicant.

Bob Abrams responded they were currently dealing with the Town Engineer.

Jody Kablack: The plan needs to be stamped by an Engineer with the wetland delineation.

The meeting was adjourned at 10:30 p.m.