

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Eric Poch, Jody Kablack (Planner)
Absent: Joseph Sziabowski (Associate)

The meeting was called to order at 7:40 p.m.

London Taxi North America – Water Resource Special Permit Public Hearing

The hearing notice was read into record.

Jody Kablack: There was an error in the conditions of the Planning Board Decision (A1, page 4) which incorrectly stated all site improvements from the previous Site Plan application for Union Avenue Realty Trust, including pavement and drainage, shall be completed prior to endorsement of the Site Plan or issuance of permits. It should have read site improvements for the rear of the site, as was discussed and agreed upon between the applicant and the Planning Board. This public hearing was necessary in order to change the wording on the Decision. The engineer for the applicant asked that the Board keep the hearing open until later this evening when he can be in attendance. There was no public input.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the London Taxi North America public hearing to the final agenda item.

Endicott Woods – Vote Decision

Present for the applicant: Myron Fox (Attorney) and Bruce Ey (Engineer).

Jody Kablack reviewed the decision with the Board.

Lisa Eggleston referenced the abutter's plan to alter the proposed layout.

Michael Fee: The Board felt it was inconsistent with the proposal and did not enhance public safety.

Eric Poch: The abutter's plan required changes without prior conversation and proper process. His position prior and currently is to deal with what is before the Board.

Mike Fee: Was it the intent of the applicant to waive the bylaw for what the abutter requested?

Myron Fox: To the extent the Board felt it applied, yes, beyond that, no.

Lisa Eggleston: Felt it wasn't appropriate; safety issues involved.

Chris Morely: The abutter's alteration involved the width of the street and the taking of a lot which he feels is inappropriate.

Eric Poch: In addition there was an issue with Route 20 access.

Lisa Eggleston: The alteration could not be done without substantial modification to the original plan.

Eric Poch: Reiterated commentary that it would present public safety concerns.

Mike Fee: The Board considered the abutter's argument and has determined it not to be applicable. To the extent it is applicable, the Board waives the new configuration which would require major changes. It would result in a net detriment to public safety.

Lisa Eggleston: Add to that, such an extension can't be made without considerable modification and public safety changes.

Eric Poch: There is also substantial modification that could not be met in terms of wetland crossing.

Jody Kablack reviewed the new waiver reasons for the decision.

Lisa Eggleston: Do we request screening when construction is done?

Jody Kablack: Only to the extent as offered by the applicant on 2 lots.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Decision for Endicott Woods Subdivision as amended.
(4-0 vote; Board Member Chris Morely did not participate in the vote.)

London Taxi Water Resource Special Permit – Continuation of Public Hearing

At this point, the Board continued the hearing opened at the start of the meeting as Paul Finger (Paul Finger Associates), was present for the applicant.

Lisa Eggleston asked the applicant to review the parking lot status.

Paul Finger: The water basin is in, catch basins are in. They have been working around the perimeter; vehicles have been parked on the new section and then they will do the roof recharge system. Stormwater components have been installed. The Conservation Commission has required a stormwater pollution prevention plan which the applicant has filed with the Town.

Jody Kablack: Has reviewed their stormwater pollution prevention plan and opines that it is a very good plan which involves construction, long-term management and safety controls.

On motion duly made and seconded, it was unanimously:

VOTED: To move to close the public hearing on London Taxi North America
Water Resource Special Permit.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the modified Planning Board Decision of London Taxi
North America Water Resource Special Permit as amended.

Willis Hill (Livermore Circle) Modification – Public Hearing

The notice was read into record; file documents were listed.

Jody Kablack provided a brief review of the application. The proposal is for a modification to a portion of the Willis Hill original subdivision off Maynard Road (Livermore Circle). Due to that original construction, in 2001, the Planning Board modified the road construction for less destruction of the hill. Bob Quirk couldn't get the approval of the Water District to use the driveway or to get an easement. The current proposal is a modification to that configuration of 2001.

Tom DiPersio (Thomas Land Surveyors):

The original plan had Livermore Circle closer to the center of the 3 lots but was moved over per the Town Engineer's request. There are difficult soils and slopes in the area. For perc testing reasons, lot 53A does not exist so this proposal is only for two lots. They are requesting a waiver from full construction and that the right-of-way be coincidental to the lot lines. The lot 52 driveway creates an emergency turn-around; lot 50A continues to cul-de-sac to the site. Both have approved areas for septic. There is a 10% grade, but at several areas it goes to 1-1/2 slopes. They will revisit the driveway location for lot 50A with Bill Place. They have no issues with Jody Kablack's letter or with Bill Place's letter. Both driveways meet requirements.

Lisa Eggleston: What is the back lot driveway cut?

Tom DiPersio: 10-12' cut with combination cut and fill. On the eastern side of the driveway there is a drainage channel. The Town Engineer has requested the existing drainage connect to the existing stormwater system to Maynard Road for groundwater seepage. The access to the Water District driveway is unsure. The 3rd lot is not buildable as the groundwater makes the septic impossible.

Chris Morely: Livermore Circle provides the frontage? Tom DiPersio: Yes.

Jody Kablack: Two properties to the west, construction has started. It is not part of this proposal. They have been putting dirt from one location to another. Lot G is being built (cease and desist; did take earth from there and put onto this property).

Lisa Eggleston: The Water Department won't discuss until the water lines connect from Wyman to Fairbank per the Willis Hill decision.

Mike Fee: Is there an end in sight to the issue with the Water District? Any on-going discussions?

Tom DiPersio: Not from his perspective.

Jody Kablack: It is up to the applicant to resolve; there are many solutions.

Tom DiPersio: The water tank road is steep; 13 ½ grade at the top (flat point). Grading wise it won't be better.

Lisa Eggleston: Is very concerned with clearing under the tank.

Mike Fee: The applicant has failed to provide Town water by condition of the prior decision to this modification.

There was no public input.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on the Willis Hill Modification.

On motion duly made and seconded, it was unanimously:

VOTED: To deny the application to the Definitive Modification Subdivision Plan on the basis of the applicant's failure to demonstrate compliance with the prior decision by failure to provide Town water.

Miscellaneous:

Bond Release Request; Mercury Estates

Jody Kablack: She went on site with Bill Place to review. All conditions are in compliance. The applicant has requested conditional release for street trees to be waived in exchange for \$500 to go into the Tree Fund. If the Board was to have approved that condition, it should have been waived prior to this point. At the site visit it was estimated to be \$960 for completion.

On motion duly made and seconded, it was unanimously:

VOTED: To release all but \$960 of the bond with the option to the applicant to plant the trees or have \$960 deposited to the Town's Tree Fund.

Hawes Farm (Dudley Road)

Jody Kablack: The applicant has just requested releasing the lots from the covenant but a bond amount was never set. She recommends the bond be set at \$39,149.47 and then accepted.

On motion duly made and seconded, it was unanimously:

VOTED: To set the bond amount at \$39,149.47 for Hawes Farm Subdivision.

On motion duly made and seconded, it was unanimously:

VOTED: To accept a cash bond for \$39,149.47 for the Hawes Farm Subdivision.

Jody Kablack: The lot release from the Covenant is the next step (3 lots). The Erosion and Sediment Control Plan does not fully address debris flowing onto Dudley Road.

The Town Planner recommends conditional release of lots at the time they install a construction access to Dudley Road (at apron). We typically condition prior to endorsement without construction.

On motion duly made and seconded, it was unanimously:

VOTED: To sign the Release of Covenant and hold it until a construction access is installed at the intersection of Pine Hill Lane and Dudley Road, and is inspected by the Town Planner.

Committee Appointments

On motion duly made and seconded, it was unanimously:

VOTED: To appoint the following Planning Board representatives to the following Committees:

Chris Morely to the School Growth Committee

Eric Poch to the Rail Trail Conversion Committee

Michael Hunter to the St. Anselm's Task Force Committee

Jody Kablack: The Selectmen have scheduled their Forum for September 21st at Town Hall. Planning Board members Lisa Eggleston, Chris Morely and Eric Poch will attend.

Zingale Definitive Subdivision – Continuation of Public Hearing

Jody Kablack listed the new file documents since the last meeting. The Board conducted a site visit this morning.

Tom DiPersio: Gave a presentation of the new 2 page plan. At the last public hearing, the applicant was requested to provide a plan demonstrating full build of the circle. The plan showed a paved cul-de-sac. They focused on the Fire Chief's concerns with a circular driveway (subject to septic) with one or two entrances/exits off Candy Hill. The rounding was built to turn-around standards with a 15' driveway for Lot 2. They are looking for the Board's reaction prior to continuing. The second plan showed a circular driveway on Lot 2 that could function as a turnaround.

Jody Kablack: What is the separation between the 2 driveway entrances?

Tom DiPersio: 100'.

Lisa Eggleston: Is the house 200' back?

Tom DiPersio: It is 160' from the right-of-way to the front of the house. They are attempting to keep the septic in tact; breakout and sloping issues.

Lisa Eggleston: What about the wetlands in the back?

Tom DiPersio: The back of the house is 230' from the line; there shouldn't be an issue but he will verify.

Lisa Eggleston: The driveway is further back than she imagined at the site visit. Where is the drainage swale?

Tom DiPersio: It is hand-dug and runs sub-surface under the wall. The driveway configuration is schematic, enabling vehicles to turn-around. The final design has not been submitted, but will be able to meet the required turning radius' for emergency vehicles.

Lisa Eggleston: That would be one of her concerns, for function of turn-around.

Tom DiPersio: The outside of both turns is the same radius as required for a cul-de-sac.

Mike Fee: When is the deadline to review the final plan?

Jody Kablack: The Board has until October 21st, current stage is information gathering. At this point the hearing was opened to the public.

Peter Berkel; 18 Candy Hill Lane:

A conveyance for an easement to the driveway was mentioned?

Tom DiPersio: That would be a conveyance from the owners to the Town.

Peter Berkel: This is a private lane and is owned jointly from the stone wall.

Tom DiPersio: They are not proposing anything outside the stone wall.

Resident: Have you had input from the Fire Chief and the Recreation Department?

Jody Kablack: The Fire Chief is comfortable with seeing how this discussion goes. He has stated he prefers cul-de-sacs over Y-turns. He supports the water looping; the hydrant will be at the applicant's expense and currently loops from dead-end to Field Stone Farm.

Peter Berkel: What about gas and electric access? The gas access used to end at his driveway and the last two houses which were built were never contacted by the gas company. It ends at The Kyriakos' property. Where will it go for this proposal? It would be minimal if it were on the same side.

Doug Zingale: Thought it ran down on his side of the lane and they would run it from that point.

Jody Kablack: We don't regulate that but is understanding to their concern being valid as the residents have to pay for all improvements to Candy Hill Lane.

Chris Morely: The existing paved road on the Berkel's side is not in as good condition as the other side.

Peter Berkel: There is sprinkler damage from the previous applicant.

Doug Zingale: If the road is disturbed and the gas company will not pay for repair then we will.

Peter Berkel: What about the impact to the current road? He would be against widening the road.

Chris Morely: The north side of the road could use repair, may get wider but it would also get the repairs work.

Rick Curtin; 31 Candy Hill Lane:

The current cul-de-sac is not properly planned – to come in with that type of pavement would not be proper.

Chris Morely: This plan puts 2 breaks in the stone wall, the cul-de-sac didn't.

Rick Curtin: At the last meeting, Town Counsel's opinion was requested on road improvements.

Mike Fee: We are trying to determine if this plan meets the requirements of subdivision bylaws and regulations. The Planning Board is committed to maintaining the character of neighborhoods and the Town. Whether there are legal rights for improvement is not the current issue.

Rick Curtin: Doesn't a definitive subdivision plan require improving the entire road?

Mike Fee: This application does not require full build out for all of Candy Hill Lane.

Chris Morely and Lisa Eggleston explained this subdivision involves one piece of property and not the entire street. It is not uncommon for land to be subdivided by splitting a lot or by combining lots for frontage.

Eric Goorno; 41 Candy Hill Lane:

Will the residents get the opportunity to see the circular driveway plan drawn to scale prior to a decision?

Lisa Eggleston: Yes, the applicant will need to submit a definitive design plan.

Jody Kablack: There will be opportunity for public review and input.

Eric Goorno: Personally prefers the circular drive option and applauds the Zingales for trying to maintain minimal disturbance which he believes the current proposal would do.

Joseph Sliwowski; 40 Candy Hill Road

He is confused in that he was under the impression the plan was to build a cul-de-sac at the end of Candy Hill Lane. This plan is a waiver to that; doesn't the Board have to approve the cul-de-sac then grant the waiver? What are the requirements to approve a cul-de-sac? If this property were a vacant piece of land there would be stipulations for an access road.

Jody Kablack: Believes part of the confusion is with regard to the official status of Candy Hill Lane. On the official map, its status is a way under law; it can be extended. That is the subject of this application.

Lisa Eggleston: Existing lots have frontage on the way which is being subdivided.

Joseph Sliwowski: The frontage is not acceptable, what are the requirements to meet it in this case?

Jody Kablack: The Planning Board's responsibility is to ensure there is adequate access to the new lot.

Mike Fee: State statutes govern the subdivision control law. Below that the Planning Board enacts regulations. Local elected officials have been given the judgment to exercise discretion. If residents disagree with how that discretion is exercised, their remedy is to elect new Planning Board members.

Lisa Eggleston: Waivers are often granted when it results in less paving and impervious surface and adequate access is not compromised.

Peter Berkel: If the original cul-de-sac is waived the construction of a turn-around would not be an issue.

Lisa Eggleston: We cannot waive frontage requirements. We can waive construction standards.

Jody Kablack: Further approval will be necessary to further subdivide this property.

Eric Goorno: As a property owner he is concerned. He questions the fundamental issue of over-riding the law to squeeze another house there. This shows less protection for existing property owners and should be taken into consideration.

Jody Kablack: Understands his feeling, however, a full build plan could be built therefore the Board cannot deny subdivision under the control law. Again, the Lane is listed on the official map and by law can be extended.

Lisa Eggleston: Frontage is created by this very method; how your lot was created. Sometimes lots are combined. It is the right of the property owner to sub-divide.

Rick Curtin: In his opinion, the Board does not know the rules and regulations.

Chris Morely: Does not like the turn-around at this point. Could it be done with less disruption? Suggests more of a 90° “T” where appropriate. Not across from the two abutters but within the frontage. The circular drive is too deep, plus the issue of two breaks in the stone wall.

Lisa Eggleston: Must be conducive to plows and emergency vehicles.

Doug Zingale: He would prefer this drawing not be so deep. He is happy to redo the design, possibly more of a “u” or flared driveway. His intent is for minimal disturbance and to keep the Fire Chief satisfied.

Chris Morely: The benefit with one entrance is less street tree removal. It is possible to put a driveway over a septic, it doesn’t have to go around it.

Lisa Eggleston: Would need some clearing.

Peter Berkel: That would be similar to the Crowley’s driveway.

Chris Morely: It would need to be wider at the beginning to accommodate emergency access.

Doug Zingale: A 3-point driveway (“Y”) would be fine with them or possibly squeeze down a “U”. If it is acceptable to the Board and to the Fire Chief while not disturbing the Crowley lot, they will do it.

Lisa Eggleston: If the option is a flare entrance, they have pavement in a small area and would not have to disturb as much.

Tom DiPersio: That is reflective of the original plan.

Lisa Eggleston: Still need the Fire Chief’s input.

Mike Fee opined he does not have an issue with holes in the stone wall.

Tom DiPersio: Can also change the angle.

Eric Poch: That doesn’t give adequate access; need more rounding to turn an emergency vehicle. If you switch back to the original plan you cannot get the required radius.

Mike Hunter: Favors the original plan because there is currently too much pavement at the end of the street. Also likes that the original plan doesn’t enter the stone wall.

Mike Fee: Would it increase vegetation or minimize disturbance?

Tom DiPersio: Yes, the septic would be 20’ behind the stone wall.

Joseph Sliwowski: Seems to be alternatives – need guidance on the turning radius for vehicles rather than just these sketches they have presented.

Tom DiPersio: They are trying to evaluate the best plan to proceed with and evaluate openings. They have met standards and criteria and are exploring turn-around options. Once a decision is reached, he will prepare full design drawings.

Eric Poch commented to Mr. Sliwowski that he seemed to be attempting to follow chronologically where much of the process is back and forth.

Joseph Sliwowski: It does not appear the applicant has done work at the detailed level.

Tom DiPersio: They are trying to determine which plan to proceed with based on input from the Board and residents.

Mike Fee: The applicant will come back with a more detailed, schematic plan.

Peter Berkel: When extended in the past, the paving of the lane was determined to be adequate for turn-arounds. He would encourage the Board not to advocate widening as a condition because it works as it is.

Chris Morely: The gravel issue under the Quirk's house needs to be researched.

Lisa Eggleston: Concurred with Mr. Berkel's reasoning that if it works, don't fix it. Where do the trucks turn currently?

Peter Berkel: Between the driveway and the space at the end. They have seen 3 trucks utilize the area at the same time.

Lisa Eggleston: The site visit shows openness on either side of the road for better access. Should go back to the Fire Chief for his opinion.

Mike Fee: What is the consensus of the board for the design preference for a schematic plan?

Chris Morely: Prefers 1 driveway perpendicular to the existing with wider flares at its connection to Candy Hill Lane.

Lisa Eggleston/Eric Poch/Mike Hunter concurred.

Mike Fee: The scheme presented tonight should be pursued.

Eric Goorno: If there is to be a house there, he does not see the need for additional paving for a turn-around. As previously stated, it works as it is currently. He is opposed to a cul-de-sac.

Mike Fee: Need a balance between stone wall preservation/vegetation preservation with the Fire Chief's concerns.

Lisa Eggleston: A deeper "u" is less likely to be used by big trucks.

Doug Zingale: His intent is to have the following:

- As little disturbance as possible; has considered all the alternatives mentioned and believes they are all workable
- Minimal pavement wanted
- Would like not to have to leave overgrowth but have the flexibility to landscape (flowering trees) the front yard as opposed to giant pine trees and brush overgrowth.

Mike Fee: The applicant's points are noted.

Jody Kablack: Recommends no planting on the street side of the stone wall; it would add to the obstruction. Mr. Zingale concurred.

There were no other comments.

Jody Kablack: The hearing should be continued in order to get the Fire Chief's and the DPW Director's updates and input. If possible, the plan should be submitted prior to the 9/22 meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing on Candy Hill Lane (Zingale) Definitive Subdivision to 9/22/04 at 9:15 p.m.

Miscellaneous:

Meeting Schedule

Beginning in October, the Planning Board will meet on the second and fourth Wednesdays of every month as opposed to the current bi-weekly schedule.

Willis Road Walkway

Jody Kablack briefly updated the Board on the status of the walkway which is planned for Kendra to Ford Road (3/4 mile). Some easements are needed, but most property owners have agreed. There will be no wetlands crossed.

Zoning Board of Appeals

The ZBA has requested a joint meeting with the Planning Board. Mike Fee will contact the Chairman of the Zoning Board.

Town Meeting Bylaw

Board Member Mike Hunter spoke with the Building Inspector regarding irrigation for new homes which requires a well. It was questioned whether existing homes could have an irrigation system put in without a well. Jody Kablack suggested a waiver for the Board of Health be added in the bylaw. Chris Morely stated the desire to discourage underground irrigation systems.

The meeting was adjourned at 10:25 p.m.