

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Eric Poch (arrived 7:50 p.m.), Joe Sziabowski
(Associate), Jody Kablack

The meeting was called to order at 7:00 p.m.

Summerfields Subdivision – Request for Bond Release

Attorney Bob Dionisi and Paul Zarella, Briarwood Development, were present.

Bob Dionisi: The bond being held by the Town is for \$10,000 plus \$8,700 interest. The developer would like to collect it. He has been working with Town Counsel in efforts to obtain walkway easements. There are 3-4 walkway easements along Marlboro Road and 9 drainage easements. Elaine Jones from Town Counsel's office and Jody Kablack have been trying to secure easements from current owners. Briarwood had easements in 2002 but not the subordination of ordinances; the documents were never recorded. There is no physical work needed in the subdivision, only the easements are needed. They have 3 of the 14. He respectfully requests that the Board release all but \$2,000 from escrow to be held for recording fees. The road has been accepted; \$18,000 is too much to hold and the developer needs the monies to continue with projects.

Jody Kablack: The Town is trying to obtain easements; we have sent letters and placed phone calls.

Mike Fee: Whose responsibility is it to obtain the easements?

Jody Kablack: The developer, it is also their responsibility to get them recorded. There have been several plan changes.

Lisa Eggleston: What is the likelihood that we will get them?

Jody Kablack: It is vital to the integrity of the subdivision (stormwater/drainage). The current subdivision where the legal work hasn't been completed, the Town had easements from the Meachens which were sent to Attorney Dionisi to be recorded.

Bob Dionisi: He never got the easements from the Town; had to get from the Meachens himself. The easements are shown on the plan.

Lisa Eggleston: Did you get a certificate of compliance?

Bob Dionisi: Yes.

Mike Hunter: Does not understand how it never got recorded; the Planning Board should not take this on.

Mike Fee: The Board didn't insist on full compliance.

Mike Hunter: But the Selectmen accepted it, there are minutes.

Bob Dionisi: The deeds were signed, sent to the Town for signatures then it gets recorded by the Town.

Jody Kablack: It is not the Town's responsibility to have it recorded, it is the developer's responsibility. A letter is sent stating that and is in the file.

Mike Fee: We can't reduce the bond in this situation; we either release it all or none of it.

Lisa Eggleston: Can the money be used to purchase easements?

Jody Kablack: We would like to continue efforts to obtain the easements.

Mike Fee: It could be a requirement as a condition of release of the bond that the applicant write letters and possibly meet with the needed owners.

The chairman instructed the applicant to come back before the Planning Board in one month. It is not entirely the responsibility of the Town, the developer has a responsibility as well.

Bob Dionisi and Paul Zarella agreed with the Chairman and will be contacting the property owners.

2005 Annual Report

Jody Kablack: Reviewed the draft with the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the 2005 Annual Report for the Planning Board as prepared by the Town Planner.

Willis Hill II Subdivision – Progress Update

Attorney Gerry Cournoyer and developer, Bob Quirk, were present.

Gerry Cournoyer: They have had a slow start. The plan was released on October 20, 2005. The drainage is pretty well installed, the roadway is faired up and the driveway work is done.

Mike Fee: Did the neighbors receive notice of this discussion?

Jody Kablack: No. She did speak with the O'Malleys and the Brocks. They know the work was not completed on the date the developer committed to, November 15th. They are also aware it will not be completed by winter. They are willing to wait for completion as long as their driveways are usable for winter.

Bob Quirk: The driveways are totally usable. As of tomorrow, the hot top will be in at the O'Malley's house; 200-210' down, close to 300'. If it needs to be re-done they will do it. The Gas Company held them up for about 3 weeks. They sent someone new into the field and they marked the pipe lines wrong. The Gas Company was also held up in Lexington due to an explosion.

Jody Kablack: The Board anticipated a bond in place and it's not.

Bob Quirk: He has a letter of credit available immediately.

Jody Kablack: Bring the letter of credit in and she will take it to Town Counsel.

Lisa Eggleston: The items discussed need to be done prior to the January meeting.

Bob Quirk: The binder down to the driveways will be done tomorrow. He will bring Jody the letter of credit.

The Board will revisit the matter on January 11, 2006.

MetroWest Growth Management Committee Meeting Discussion

Mike Fee: There is \$5,000 in the budget for the MetroWest Growth Management Committee available out of Town budget. The required fee is \$7,000.

Jody Kablack: She needs to speak with the Selectmen. They want the most use out of the \$7,000 which the Town Planner feels would best be utilized to get an assistant planner.

Mike Fee: Communicate to Abner Salant, the Planning Board representative to the MetroWest Growth Management Committee, that the Board has no further interest in the Committee whereas the money could be better spent in other areas. However, the Board would like to see him continue to be active as a representative in another capacity.

Discussion with the Agricultural Commission

Laura McCarthy, Karen Hodder, John Donovan, Meg Taylor from the Commission and Jim Kelly (Building Inspector) were present to discuss a possible change to Section 2313 of the Zoning Bylaw.

Laura McCarthy: They had compiled a list of what was discussed with members.

Jody Kablack: The old bylaw prior to the 2001 revision of section 2313 stated the Board of Appeals grants the permit in any district and is clearly a special permit use. When it changed, the use table made it confusing; agriculture was exempt for 5+ acres. The exemption was put in but not cross referenced on the use table. Last year, we tried to reference Section 2313 in the use table. At that time, it was a neighborhood issue and many opponents showed up at meetings. Jim Kelly, who has to enforce the bylaw, says a special permit is needed.

Laura McCarthy: The neighbors in that case got a document stating they farmed before the special permit was requested; they were grandfathered. It went to court.

Jim Kelly: The neighbors were going to appeal the Board of Appeals' decision.

Mike Fee: Is that of impact to the current changes?

Jim Kelly: It would say a special permit is needed; there is still confusion.

Laura McCarthy: So many residents have chickens, rabbits, and sheep and do not have 5 acres. They would like it clarified who needs a special permit and who is exempt.

Mike Fee: If section 2313 is changed, does the use table get changed as well?

Jody Kablack: No, it would be a cross reference. What she and Jim Kelly discussed was to set limits, i.e. the number of animals, meeting residential setbacks.

Laura McCarthy: There are no State guidelines for that so the Commission opted not to go in that direction.

Mike Fee: Is the suggestion from the Agricultural Commission to add language to section 2313?

Jody Kablack: Also to section 2130 to exempt parcels between 2-5 acres.

Laura McCarthy showed the Board maps of properties in town with 2-5 acres of land; they are wide spread through out town.

Jim Kelly: The last special permit issued was in 1982. It is all relative to the nuisance, the noise. Roosters are generally the main focus of complaints.

Mike Fee: What tools do you have to regulate?

Jim Kelly: There are some State zoning regulations on noise that can be referenced. The Board of Health may have tools.

Mike Fee: Rather than change Section 2313, what if we work on Section 3423 as complaint noise?

Jim Kelly: Doesn't like Section 3423 for residential uses. We are leaving zoning if we get into barking dogs.

John Donovan: The sound issue is very subjective.

Laura McCarthy: We need to go back to zoning. If it were solely a noise issue, we would go to Jim. There are way too many scenarios with designating a number of animals. The Commission did not want to do a number, rather acreage.

Mike Fee: There is no relation to the size of parcel but what is on the property and the use of the property that creates the first issue. This is why we are talking about use. The Planning Board and the Building Inspector urged the Agricultural Commission to pick a number which, if is exceeded, will require a Special Permit. When is it reasonable to start regulating?

Jim Kelly: The Commission could set one first exemption, a certain number of chickens, and no rooster. If nothing else, he would like to see a reference to Section 2313 in the table of use. Control for this use is a good thing via a Special Permit. With some sort of exemption it would not need to go to the Board of Appeals so often. Agricultural use other than animals is permitted (1937). This is an opportunity to tighten the law and to make it more readable. Pick a number, 10 of any animals then would need a permit.

Mike Fee: Does it make sense to reference Section 2313 in the use table?

Laura McCarthy: It doesn't solve the problem of the ones that are here.

Mike Fee: As it is so late with regard to getting on the Warrant, he suggests the matter be tabled for another year. Jim Kelly and Jody Kablack should get together and list items.

Joe Sziabowski: He would like to hear if other Towns have set limits; how they deal with the issue.

The Commission agreed to table the subject as well. The matter will be revisited in March/April.

2006 Town Meeting

In Ground Irrigation

Jody Kablack: This will also go to Conservation; they made a recommendation on Brookside Farm for waivers for irrigation.

Lisa Eggleston: Waivers should be allowed.

The Board discussed and opined to change setbacks and delete section 6 before endorsing for Town Meeting.

Run Brook IV – Bond Release

On motion duly made and seconded, it was unanimously:

VOTED: To release the cash bond in the amount of \$50,000 for Run Brook IV Subdivision.

ANRs

On motion duly made and seconded, it was unanimously;

VOTED: To endorse the ANR for 774 Concord Road.

On motion duly made and seconded, it was unanimously;

VOTED: To endorse the ANR for

The meeting was adjourned at 9:00 p.m.