

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, E. Poch (arrived 7:20), J. Kablack (Planner)
Absent: J. Sziabowski (Associate)

The meeting was called to order at 7:10 p.m.

Discussion with the Fire Chief, Ken McLean, regarding Residential Fire Sprinklers

The Fire Chief showed three videos to illustrate the benefit of residential fire sprinklers. Among the major arguments for the sprinklers demonstrated in the videos was the speed in which an entire room ignites in a home, less than 3 minutes, where smoke alarms detected the fire. By the time a fire crew can arrive on the scene a fire can be in full force, lives lost and costly damage done. North Andover has mandated a program where 1100 residencies were required to have sprinklers under special permits. Ordinances can be challenged and could fail, however, special permits take on the power of building codes. This would not fail in a legal challenge.

Lisa Eggleston: How long has North Andover done that?

Ken MacLean: 12-13 years. 80% of the 3,000 annual fire deaths occur in the home. That death rate could be reduced by 82% with the combination of fire detectors and sprinklers. Among notable statistics:

- No recorded multiple fire deaths have occurred where there are sprinklers
- There have been no fire deaths in communities where they've adopted the sprinkler policy
- The cost is reasonable, between \$1.50-2.00/square foot
- Reduction in fire loss between 80-90%
- Insurance savings
- MFPA & National Conference voted a building committee model a code for adopting the requirement of residential sprinklers
- Life safety issue

An issue of concern had been here in the Northeast where pipes can freeze. Tyco has come out with a pre-action dry pipe sprinkler system where compressed air activates the sprinkler and water discharges when it reaches the sprinkler head.

Lisa Eggleston: Can it be zoned in the house?

Ken MacLean: There is only one head; need 140-160° to open the sprinkler head.

In closing, would like to reiterate this be mandated under all special permit requests.

Lisa Eggleston: Does this system need to be maintained?

Ken MacLean: Yes, annually. With the dry pipe system, if it is not maintained it won't damage the house. There would also be a reduction in insurance expense. Again, it is a tremendous way to reduce the spread of fire.

The Chairman thanked the Fire Chief for his presentation to the Board. They will continue discussion on the matter for amending regulations.

Award Presentation

The Town Planner, Jody Kablack, was awarded the “Regional Spirit Award” by the Metrowest Growth Management Committee. Present from the Committee was Doug Gillespie, incoming chair and Donna Jacobs, Executive Director. Also in attendance was the Planning Board Representative, Abner Salant. This prestigious award was bestowed on Jody in recognition of her regional services and thinking, as well as a long list of accomplishments achieved by the Town Planner.

Brookside Farm Definitive Cluster Subdivision (Lettery) – Public Hearing Continuation

Mike Fee reviewed the new documents submitted to file since the last hearing which included; a letter from the applicant’s attorney, Robert Granich, regarding the perimeter buffer waiver; a letter from Frank and George Lettery dated June 20, 2005 which was read into record; and an email from the Conservation Coordinator, Deb Dineen dated June 8, 2005 which stated the Conservation Commission did not accept the extent of lawn on a number of lots, however, the overall wetland concept will likely be approved with a decrease in the overall footprint of disturbance.

Jody Kablack: She spoke with Deb Dineen regarding the open space value. The Commission has not provided the requested information but has said the significant habitat value outweighs the developable area (no egg masses in the vernal pools in the development area). The Commission would like to see it pushed to the southern property line.

Daryl Nash: Comment on the lawn issue. Conservation originally wanted an area cleared to rid the area of invasive plants; then they reviewed the area and said not to clear. He met with Deb Dineen today; she gave him some changes they will incorporate on the 27th.

Mike Sullivan: The two changes with the current plan are:

1. The well issue, 100’ from the wetlands is problematic. They have created an irrigation well easement with a 20’ access that will serve multiple lots.
2. Lots 2 & 3 – they have pushed the forebay into open space.

Chris Morely: What did you make that change for lots 2 and 3?

Mike Sullivan: To give them a better backyard.

Mike Fee: Potential legal issues; Section 5134 of the bylaw. Two lots on Landham won’t meet the required minimum perimeter buffer.

Attorney Granich: The purpose of the bylaw is to preserve something unique on the property. The alternative is to spread into the wetlands, a cluster plan preserves it. Reducing it can diminish the requirement, but would lose lots 1 and 9 in the front. The 100’ buffer in the back compromises another lot. Without a waiver, the applicant would risk losing so many lots that they would have to go into the wetlands with a conventional plan. To comply with the buffer makes it unfeasible.

Mike Fee: Since the last meeting, he has evolved his issue to be flexible with the buffer. After considering all the input, he has changed his stance on the matter.

Chris Morely: The theory is not to burden abutters; the only ones burdened are the sellers. No other abutters have presented themselves.

Jody Kablack: Asked for description of what buffer will look like.

Daryl Nash: Had a concept plan off Brookside Farm Lane (off Landham Road) which showed a front load garage and a side load garage. The proposal has mostly evergreens, white pines. They left some maples for roadside presence and noise reduction. They are very focused on screening and noise reduction.

Board member Michael Hunter opined he does not like white pines.

Daryl Nash: Would be happy to do alternatives given suggestions.

Lisa Eggleston: What about the lots in a no cut zone?

Daryl Nash: Will berm them to help alleviate on a case by case basis. The lots need privacy and density. If they are to have a no cut zone, they are requesting the flexibility to leave some but take what looks bad and has no purpose. It can be put in the deed the vegetation is not to be reduced in the future for both homes shown on the plan. It will require creativity so you don't see harshness. They are asking for standard zoning for setbacks in order to do this.

Jody Kablack: Recommended to the Board that they see the site plan for the lots. If they are comfortable without that, it can be conditioned in the decision. She prefers to see the plan.

The hearing was open to the public; no-one was in attendance for this application.

Daryl Nash: Supports the no cut, but not an open area (simple entrance). Would also like to move on with some flexibility and not to have to come back to the Board with a plan. Some of the fill may be coming from the pond which they create; the remainder will come just west of town.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the hearing on Brookside Farm to July 6 at 8:00 p.m.

The Planner was instructed by the Board to draft a decision for review at that meeting. In addition, the Board directed the Planner to send a letter to the Conservation Commission requesting their wetland mitigation input and to provide a list of items still needed from the applicant.

Willis Hill II (Kendra Lane) Modification – Public Hearing Continuation

Tom DiPersio: Reviewed the proposed grading limit changes on either side of the road. There is an 8% slope from Cudworth; the driveway alternative would be 2 ½ % as opposed to regrading the driveway. Mr. Brock agreed to the regrading so the water

would grade out and up with an 8" grade change at the end of Mr. O'Malley's driveway. Currently, the elevation at the end of the driveway is 218.5.

Mr. O'Malley: This is very different from what he was told previously. It has gone from 2 ½ to a 4' grade change which is quite significant.

Tom DiPersio: That was an old grading plan.

Mr. O'Malley: He bought a house based on a previous plan. With an 8' elevation change, water will flow directly into his garage.

Jody Kablack: Believes the discrepancy is on the topo. The application originally called for a retaining wall or grading the front property lines. It is now basically at the same place. The property owners don't like the grading plan, they don't grant the easement. Those are basically the two options. Mr. Quirk has the right to modify the right of way if the Board approves it.

Tom DiPersio: Otherwise, he will do the retaining walls along the right of way line and not affect the adjacent properties.

Mr. O'Malley had concerns as to when the retaining wall was presented as a possible option.

Lisa Eggleston: The waiver for the grading on Kendra Road was in 2000 at which point the Board said the applicant either obtains easements or does a retaining wall. That was several years ago. The applicant could not get the easements so is now proposing to modify the grading plan to construct retaining walls.

Jody Kablack: That was the public hearing opened on May 11, 2005.

Mike Fee: The applicant is before us now to modify the decision from 2000. The Board is trying to find a balance for the abutters and the applicant. It was believed if the alternatives were presented there may be an agreeable solution for all. As it has been stated, the alternatives are either the retaining wall or a grading plan.

Chris Morely referenced the profile plan.

Tom DiPersio: If it is going to 9.7% it will need another waiver in addition to what was approved.

Chris Morely: What is the current condition on the road?

Tom DiPersio: 10 ½ - 11%.

Chris Morely: 6% is allowed under the regulations; we pushed it to 9.753%. The existing conditions are almost twice the amount permitted.

Tom DiPersio: Reviewed the dimensions of the retaining wall in the right of way; 1+0 with 3' wall to 1+50 with a 5' wall and 2+0 with a 6' wall. Would be a 7' wall on one side and 8' wall on the other, getting smaller as it comes to Cudworth.

The applicant either will grade on existing property or put up the retaining wall.

Mike Fee questioned whether the Town Planner agreed these were the only options.

Jody Kablack: Yes, the Town Engineer agrees with minimizing the retaining wall.

Mike Fee: What about an option to further waive?

Jody Kablack: We never went outside the 10% - it is also outside of what the applicant is requesting.

Mike Fee: Suggest 3 parties sit and talk on site. The Planning Board cannot make an arbitrary decision. The available options have been accurately laid out; up to 10% grade or some combination, grading easement or wall.

Chris Morely: Keep in mind, it is better for property value with more grading versus a retaining wall.

Tom DiPersio: Will identify the right of way on site for the abutters, where the wall will be and its height.

Chris Morely: Can you mark it with red lined stakes?

Tom DiPersio: Yes.

Mike Hunter: If it is over a certain height does it necessitate guard rails?

Tom DiPersio: Will have to check.

Lisa Eggleston: A 6' retaining wall on the edge of the pavement is an issue.

Mr. O'Malley requested a new drawing.

Jody Kablack, Tom DiPersio, Bill Place and abutters, Eric Brock and Mr. O'Malley agreed to meet on site at a time to be determined.

Mr. O'Malley: What is the recourse if the property is damaged? Is there a timeframe designated for repair?

Bob Quirk: If the proposal is approved, we would start right away and finish the first piece of road in 90 days.

Mike Fee: The Board would set a time limit for completion and bond it.

Mr. O'Malley: He is okay with meeting and having it staked. He would still like to see a drawing with the extent of grading and the proposed drainage, but has some comfort now with the 9.75% plan.

Tom DiPersio: With the 9.75% at the lot corner, it's still 4' in centerline of road.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing for the Willis Hill II Modification to July 20 at 7:30 p.m.

Lisa Eggleston: If both property owners authorize an easement, the application and hearing are withdrawn. The Board still needs to issue protectants via a decision.

Mahoney Farms Senior Residential Community – Public Hearing Continuation

Jody Kablack: Reviewed the new material submitted to file since the last public hearing. There has still not been a submission for the Newell property. There are still 3 major issues; everything should be put in the decision.

1. Old Framingham Road improvements and cost; Town Engineer okay with what is proposed by Mr. Giblin.
2. Walkway issue
3. Open Space

Kevin Giblin: Agrees with the decision as drafted. The mitigation with the other project was the only issue and was agreed on. The bulk of the expense will be the drainage which he will pay. He has no issue with the open space; will agree with any language the Board chooses. The walkway money will be put into a fund. He has done much research on this issue and maintains his position that walkways are used very little. Aesthetically, he does not like them but will do whatever the Board wants. It is a marketing issue for him.

An updated title was given to the Planner for the file on which it lists Charles Scott's resignation of trustee but still needs to be recorded.

The Board and applicants reviewed the decision drafted by the Planner.

Board member Eric Poch referenced his email which was submitted to file, regarding walkways. As someone involved in town government, he knows the lack of sidewalks is always a major complaint of residents. In particular with this property, the southern most section is a public safety issue. The area is curved, making for poor site distance. It will be the residencies of older residents. Traffic will be an issue with the Newell property compounding it. The road will be used as a cut-through which means faster speeds. Pedestrian traffic is suggested to be heavier here with the combination of Mahoney Farm residents, Newell residents and other area residents. He would like to see a 5' (town standard for equipment reasons) walkway on one side from Old Framingham Road to the entrance of the development, preferably the left, southern most side.

Board members Chris Morely and Mike Hunter concurred with Eric Poch.

Lisa Eggleston: Excess impervious surface is not preferable but given the cut-through potential and the curves, there is a need for safe passage. She does not object to a walkway.

The Board agreed to waive the contribution given the amount of open space maintained by the applicant, and to require a 4' walkway within the development on the south side of the street from Nobscot Road to Old Framingham Road.

While reviewing the decision, the Board commented on the Conservation Restriction; parcel A. Conservation has closed areas to public access. Rail trails, etc. need to be left open; it is not in conflict if they establish as a wildlife corridor.

Mike Fee: We can put a restrictive covenant on it. If the Conservation Commission wants to go beyond that it is their decision.

The hearing was open to the public; no comments.

On motion duly made and seconded, it was unanimously;

VOTED: To close the Public Hearing on Mahoney Farms.

On motion duly made and seconded, it was unanimously;

VOTED: To approve the Decision for Mahoney Farms as amended tonight with the Chairman's final review.

Kevin Giblin thanked the Board for working together with him on this project.

The Villages at Old County Road 40B

Joshua Fox, attorney and Ben Stevens, developer were present.

Josh Fox: The property is approximately 6 acres. They are proposing 40 townhouse style units; 10 of which would be affordable units. There are 21 two bedroom units (6 would be affordable); 14 three bedroom units (3 would be affordable) and the possibility of 5 age restricted (55+) two bedroom units (one affordable). There would be 94 total bedrooms. They would cluster the units with the affordable units spread through out; consistent in nature.

Ben Stevens: Currently there are 2 structures on the site and vehicle parking for a tow company. The proposal is the same density as the Carriage Lane 40B development. Unit sizes are approximately 2,100 square feet; 2,200 for the 3 bedroom units with one and two car garages. Wetlands have been identified. There is a concept landscaping plan for the buffer zone on the eastern side. They have spoken with the two abutters on River Road; one likes the plan, the other asked for trees to be planted for privacy. On the other side of Old County Road it is an industrial zone but there are 3 homes. They have not received comments from those residents. The primary setback that affects neighbors has been addressed with them; they are not adverse to the setback. There is 18' on the front (2 units) and 40' between the pavement and structures.

Lisa Eggleston: 94 bedrooms; is there a groundwater discharge system?

Ben Stevens: No, they are still under 10,000 gpd due to the senior units.

Chris Morely: He has concerns with the 18' setback being too close to the street.

Eric Poch: Does not see how that road would be able to handle additional buildings.

Josh Fox: We will work with Bill Place to discuss road options.

Lisa Eggleston: What about the recharge system?

Ben Stevens: It is a buried cultex system brought in at an elevation (flood plain).

Lisa Eggleston: Will you be bringing the whole site up?

Ben Stevens: Yes. There are no sidewalks in the proposal; will talk to Bill Place regarding the north side of the road which falls into the wetlands. The biggest drainage area is most likely behind Papa Gino's which is not our property. The tree line and wetland line are basically the same; the wetland line has been approved. In the field area there is a structure on the left within 100'.

Lisa Eggleston: Will you fill in the 100 year flood plain?

Ben Stevens: Yes.

Jody Kablack: What are the plans for intersection improvements?

Ben Stevens: Will be discussing that with Bill Place.

Jody Kablack: The Housing Committee reviewed in context of North Road which reduced units quite a bit; they would like the density maximized here to get affordable units; possibly increase the number of buy-downs.

Mike Fee: As member of the Housing Committee he opines it is an ideal location to maximize housing. The wetland issue is unknown but this bolsters what the Housing Committee says and it is consistent with the Master Plan.

Jody Kablack: We are interested in the buy-down of units.

Josh Fox: Financially that is not a problem if they get 40 units.

Jody Kablack: We could also buy down units to 100% of the area median, which allows a unit to sell for approximately \$220,000 and is consistent with CPA funding guidelines. These units do not count as affordable, but we do get credit under Executive Order 418.

Mike Hunter: What will the price range be?

Ben Stevens: \$550,000 - \$600,000. We are checking the legality of 55+ age restricted units.

Jody Kablack: If you don't do those, you will get less units for septic. Are you going to sprinkler all units?

Ben Stevens: Yes.

Jody Kablack: The Design Review Board wants a professional, registered architect.

Ben Stevens: They have one.

Items the Board wanted referenced to the Zoning Board on this application to include:

- Setback concerns
- As much density as parcel will permit
- Buy-down as many units as possible
- Work with the DPW Director for drainage plans and road width
- Walkway

Miscellaneous

Sudbury Meadows Comprehensive Permit

Jody Kablack: Referred to her memo dated June 20, 2005 to the Zoning Board. They had a hearing tonight on this application. The density remains at 11 units; 3 affordable; no buy-downs. The two bylaws relevant to the Planning Board are:

1. Water Resources Protection District – the application does not exceed limits.
2. Public Way Access Permit – The Board opined they are strongly in favor of requiring the construction of a walkway from Mossman Road to Longfellow Road as a condition of this approval.

Brookside Farm

The Board revisited the landscape issue.

Jody Kablack: We can condition the 15' wide buffer.

Chris Morely: They could do berm with fencing between landscaping.

Lisa Eggleston: It's just visual screening for aesthetics.

The Board would like to have the occupancy permit held until they are satisfied with the screening. Jody Kablack will send something to the Building Inspector.

The meeting was adjourned at 11:00 p.m.