

DATE: June 14, 2012
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Planning Board Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Richard Dohoney;
Brandee Nelson, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:00 P.M. Mr. Dohoney had not yet arrived. Mr. Hankin elevated Ms. Nelson to a voting member.

FORM A'S:

Patrick McColgan was present with a Form A application on behalf of Harold Shaw for three parcels of land located on the south side of Seekonk Road and the east side of Round Hill Road. Lot 1 contains 16.931 acres of land. Lot 2 contains 18,313 square feet of land and Lot 3 contains 3,005 square feet of land. Lots 2 and 3 are not to be considered separate building lots.

Mr. Dohoney arrived.

After a brief discussion, Mr. Dohoney made a motion to approve the plan as an ANR, Ms. Schroeder seconded, all in favor.

Mr. McColgan from Taconic Consultants, presented a second Form A plan for Mr. Shaw. He said the plan is a perimeter survey of what exists. The plan does not create any parcels. Lot 4 contains 31.991 acres of land. Lot 5 contains 19.013 acres of land.

Ms. Schroeder made a motion to approve the plan, Mr. Dohoney seconded, all in favor.

STONE PATH DEVELOPMENT:

Edward McCormick and Joe Wilkinson, owners of Stone Path Development were present to discuss the release of the \$400,000 performance guarantee for the Burning Tree Subdivision on Christian Hill Road. Mr. McCormick said most of the work has been completed except for the top coat on the major part of the road. He said the drainage has been completed, the detention ponds are in, the sewer and water have been installed as well as the power, phone and cable. Blacktop is on $\frac{3}{4}$ of the road surface. There is no blacktop from the "million dollar bridge" to Christian Hill Road or the loop road to the west.

Mr. McCormick proposed to submit a Form D covenant or provide a new performance guarantee when the special permit is filed with three principals, Mr. McCormick, Mr. Wilkinson and Mr. Dave Ward. He said the existing performance guarantee is provided by Berkshire Bank who does not want to be responsible for the guarantee any longer. The performance guarantee needs to be released by the Planning Board so that new financing can be obtained from a different bank.

Ms. Nelson asked if the Town would be asked to take the road over.

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Mr. Rembold said no.

Mr. Wilkinson said they, he and Mr. McCormick, would personally guarantee that the work will be completed.

Mr. Rembold asked if the Town could accept a personal guarantee?

Mr. McCormick said he thought so.

Mr. Dohoney said there is still a covenant in place we are just taking the Berkshire Bank piece out of it.

Mr. Rembold said whatever is submitted for the Board's approval would have to go through Town Counsel before the Board can give their final approval.

Mr. Dohoney agreed.

Mr. Hankin said the Town is still protected because there is a covenant in place and 120 acres of land is effectively in conservation at this point.

Mr. Rembold asked why a temporary guarantee was necessary when there is currently a covenant.

Mr. McCormick said we are just trying to be up front about what we are doing. He said he would be filing a special permit as soon as the performance guarantee has been released by Berkshire Bank.

Mr. Dohoney said Mr. McCormick and Mr. Wilkinson have a good track record with keeping the Board up to date on changes with the project. They need to keep going with the project and the Form D covenant seems appropriate. Most of the work has been done and most of the lots remain unsold.

Mr. Rembold asked if the property owners of the three lots that have been sold are protected.

Mr. McCormick said the guarantee remains with the covenant.

Mr. Hankin asked if Mr. McCormick had a document to submit for Town Counsel's review.

Mr. McCormick said no.

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Mr. Rembold asked Mr. McCormick to prepare the document so it can be reviewed for the Board's approval.

Mr. Dohoney said we are only releasing Berkshire Bank from the performance guarantee. Mr. McCormick and Mr. Wilkinson's guarantee remains with the covenant.

Mr. Dohoney made a motion to release and discharge Berkshire Bank from the performance guarantee for Stone Path Development for property recorded in the Southern Berkshire Registry of Deeds on October 27, 2005, book 1655, page 310.

Mr. Hankin added the draft language is to be run by Town Counsel prior to being signed.

Mr. Dohoney added to expressly preserve and reaffirm all covenant agreements made by Edward McCormick and Joe Wilkinson and Stone Path Development, Inc. Ms. Nelson seconded, all in favor.

MINUTES: MAY 24, 2012

Ms. Schroeder made motion to approve as amended, Mr. Hankin seconded, all in favor.

MODIFY SPECIAL PERMIT LONG FORM FEES:

Mr. Rembold said the Board would be consistent with other permit granting authorities to increase the fee for the special permit long form to \$300.00.

Mr. Hankin asked if the Selectmen were increasing the fee as well.

Mr. Rembold said yes.

Ms. Schroeder made a motion to modify the special permit long form fee by increasing it to \$300.00, Mr. Dohoney seconded, all in favor.

The fee change is effective immediately.

CELLULAR EQUIPMENT MODIFICATION:

Mr. Rembold said there is a building permit application to modify the cellular equipment at 425 Stockbridge Road as per 9.3.11 of the zoning bylaws. He said the Board has 30 days to advise/comment/recommend to the Building Inspector should you choose to.

Mr. Dohoney made a motion to advise Mr. May, the Building Inspector, that the Planning Board took no action on this application, Ms. Schroeder seconded, all in favor.

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TOWN PLANNER REPORT:

Mr. Rembold gave the Board the revised zoning bylaw pages for their books and a copy of the updated zoning map.

Mr. Rembold reminded the Board that there will be a forum on the Master Plan on Thursday June 21 at the Fire Station on State Road. He said there will be discussion of general topics. Site specific goals still need to be identified and will be reflected on a map as they are developed. He said he hopes work over the summer will review and determine zoning implications.

Mr. Rembold said the Board will have a Site Plan Review application for an accessory building Buttowdown Lane. He asked if the Board wanted to set a site visit.

The Board set a site visit for 6:15 P.M. at 9 Buttowdown Lane on July 12, 2012.

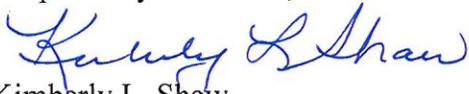
CONTINUED DISCUSSION OF FUTURE BYLAW AMENDMENTS:

The Board briefly discussed lining up zoning boundaries with parcel lines to eliminate lots split by zoning.

The Board set the next meeting for 6:00 P.M. at the Town Hall.

Mr. Hankin adjourned the meeting without objection at 8:45 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary