

PLANNING BOARD MINUTES

DATE: July 11, 2013
TIME: 6:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting/Continued Public Hearing
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Ethan Culleton;
Brandee Nelson
Malcolm Fick, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 6:04 P.M.

FORM A'S:

Mark Reynolds from Kelly, Granger, Parsons and Associates, was present with a Form A application on behalf of Ray Crowley and Mary Beth Merritt for one parcel of land at 110 Christian Hill Road. Lot 1 contains 5.006 acres of land.

Mr. Musgrove made a motion to approve the plan, Ms. Fowle seconded, all in favor.

Mr. Reynolds presented a Form A application on behalf of Benjamin and Rebecca Egozi for two parcels of land located on the north side of Old Stockbridge Road. Two land owners want to swap parcels. Parcel A contains 426 square feet of land. Parcel B contains 426 square feet of land. The parcels are not to be considered separate building lots.

Mr. Musgrove made a motion to approve the plan, Ms. Fowle seconded, all in favor.

MINUTES: JUNE 27, 2013

Ms. Nelson and Ms. Fowle wanted to add language to the minutes regarding the discussion regarding the proposed units within the wetland buffer zone. Also, that the reclamation line was not reflected in the buffer line shown.

Mr. Musgrove made a motion to approve the minutes as amended, Ms. Fowle seconded, all in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Board will have three ZBA applications to consider at the next meeting. The Board scheduled a site visit for the Site Plan Review application for the 528 Café on Stockbridge Road for 5:30 on July 25.

Mr. Rembold reported that the Tree Committee had revised the tree list over a year ago. He said he does not know who is responsible for approving the list. He asked if the Board wanted to approve the list and file it with the Town Clerk.

Mr. Hankin asked if the tree list is the domain of the Planning Board. He said the Planning Board references the list but nothing else.

Mr. Musgrove said we reference the list by saying it is available at the Town Clerk's office.

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Mr. Hankin said he is happy to have the Tree Committee give it to the Town Clerk so we can reference it.

Mr. Rembold said there will be a public meeting on the Main Street Reconstruction project on Tuesday at 6:30 at the Fire Station.

Mr. Hankin asked if the project was out to bid.

Mr. Rembold said it will go out to bid in the fall for spring construction.

**PUBLIC HEARING: BARRINGTON BROOK DEFINITIVE PLAN CONTINUED
FROM JUNE 25, 2013**

At 6:17 P.M. Mr. Musgrove made a motion to reopen the public hearing for Barrington Brook, Ms. Fowle seconded, all in favor.

Mr. Hankin announced that the meeting was being recorded. He said the public hearing has been continued from the last meeting. Mr. Hankin congratulated Mr. Ward on purchasing the property.

Present for the hearing were the applicants Dave Ward and Matthew Ward; Jim Scalise, engineer from SK Design; attorney Ed McCormick and attorney Kathleen McCormick.

Mr. Scalise said he had reviewed the comments from the last meeting and generated changes in the plan to reflect the comments. Mr. Scalise went over the revisions in the new plans dated July 8, 2013.

Ms. Fowle asked about the open space management when Mr. Scalise discussed the boundary under #7. Mr. Scalise said the open space would be managed as part of the Home Owners Association (HOA) documents. He said there would be no sheds or mowers allowed in the open space. He said only passive activities would be allowed in the open space.

Mr. Hankin asked how the open space would be identified.

Mr. Scalise said there will be iron pipes as shown on the plans with aluminum caps indicating the designation as open space.

Mr. Rembold asked about using silt fence.

Mr. Scalise said down grade a higher grade of snow fence will be used along the survey lines to keep people out of the open space.

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Mr. Scalise discussed item #8. He said the pole lights will be 14 feet in height but there was no photometric information available so the photometric information is for a 16 foot pole.

Mr. Hankin asked why there are lights proposed at the entrance to the development when there are no street lights on Christian Hill Road.

Mr. Scalise said he could eliminate those lights.

Mr. Musgrove said there needs to be light at the mailboxes.

Mr. Scalise said there will be bollard lights at the mailbox location.

Ms. Nelson asked if there would be lights on the houses.

Mr. Scalise said yes.

Mr. Dave Ward said they would be owner controlled.

Mr. Musgrove asked if the driveways would be lit.

Mr. Dave Ward said the driveways for the estate lots may have lights but the condo units will not.

There was agreement that the entrance lighting would be eliminated.

Mr. Scalise went through the rest of the revisions. Mr. Hankin asked why there are street trees shown on one side of the road only.

Mr. Scalise said there are existing trees on the other side of the road that are not shown on the plans.

Ms. Nelson said the trees proposed for planting would be 1 ½ in caliper with a canopy about 10 feet off the ground.

Mr. Hankin said it doesn't sound like large trees are being planted.

Mr. Scalise said there are potential views that we don't want to obstruct.

Ms. Nelson said she does not have a problem with shorter trees.

Ms. Fowle asked if a species of tree has been proposed.

Mr. Scalise said the trees will be chosen from the tree list. At this point there are no specific trees designated to be planted, market availability may play a role in the choices.

Ms. Nelson asked if the trees would be planted when the houses go in.

Mr. Scalise said the landscaping will be the last part.

Ms. Fowle said if the trees were planted along with the building then the trees would be different ages.

Mr. Scalise said he did not know if there would be a significant difference.

Mr. Dave Ward said when he did the development in Dalton, the Tree Warden there, Peter Bacon, was very helpful in choosing the size and species to plant.

Ms. Fowle remarked that there are a fair amount of ash trees on the property, which are dying.

Mr. Scalise said the plan shows a significant commitment by the developer to plant trees. We can't do any more than that. The developer wants the project to look nice as much as anyone. If the Board wants a specific look it should be made a condition.

Ms. Nelson asked if it is practical for the developer to consult the Planning Board prior to cutting trees.

Mr. Scalise said the tree warden in Dalton was given authority by the Dalton Planning Board to supervise the tree removal. When trees are cut down, the land would be bulldozed to clear invasives and new topsoil would be put in.

Ms. Nelson asked if our tree warden knows how to determine if trees are stressed or invasive.

Mr. Rembold said the developer has a consultant to assist with their trees and invasives.

Mr. Dave Ward said Jim Kelly has been hired to manage the entire property.

Ms. Nelson said that should be adequate we should move on.

Mr. Scalise addressed the second part of the July 8 document, clarifications.

Mr. Scalise said under #3 that there would be separate deliberations with the Conservation Commission.

Ms. Nelson said she does not understand why the applicant is delaying going to the Conservation Commission.

Mr. Scalise said the Conservation Commission took a position on the storm water basins. We are not sure how they are applying the regulations or what they are going to require but we don't feel this has any thing to do with the layout of the subdivision.

There was discussion of the roof water runoff. Mr. Scalise said the water runs off the roofs into the forested area unmitigated which is the desired way to process the water. He said there would be no swales in the buffer zone. We still need to meet the requirements for all design storms.

Ms. Nelson said it appears that more runoff is being captured.

Mr. Scalise said the right side of the road flows into the woods. The left side of the road the water flows downhill into a basin. There are infiltration systems for roof run-off installed for most of the houses in the development.

Ms. Nelson asked if soil testing had been done.

Mr. Scalise said yes it will be discussed later.

Mr. Fick asked if these plans should go to the Conservation Commission first.

Mr. Scalise said the road has already been permitted to be built. There are permitted conditions for 15 houses. Once we exceed the 15 units we will go back.

Mr. Fick said he didn't think the Planning Board could close the public hearing until the Conservation Commission reviews the plans.

Mr. Scalise said he disagrees.

Mr. Rembold said he was under the impression the project had a Notice of Intent.

Mr. Scalise said no. He only has what was approved for the 15 houses in the original definitive plan. We have not submitted, but will soon. We believe we have a prior permit in place to begin the work.

Mr. Rembold said he believes Mr. Scalise is correct in the procedure he has stated.

Mr. Fick said the bylaws say we can't close the public hearing until it has been submitted to the Conservation Commission.

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Mr. Scalise said we already have conditions from the Conservation Commission.

Mr. Fick said you don't have conditions for this plan.

Mr. Scalise said the road has already been built. You could make it a condition that we have to submit before we build the extension but we already have 1000 feet of road approved and we don't exceed the threshold for the road. Mr. Scalise said it creates more cost to keep going back.

Ms. Nelson asked if the condos would be built first.

Mr. Dave Ward said yes. We need to get the front of the project done first.

Ms. Nelson said she is not clear on the phasing.

Mr. Scalise said it will be market driven.

Mr. Scalise began discussion of the second handout dated July 11, 2013 responses to the Planning Board's comments.

Mr. Matt Ward commented on #2 saying the Home Owners Association exists. There will be a master HOA made up of three sub-associations, the current HOA, the condo HOA and the estate HOA. Each sub-association will have one vote in the master association.

Mr. Dave Ward said the existing homeowners are ok with the new HOA.

Ms. Nelson said each of the units will contribute fees for the maintenance.

Mr. Matt Ward said yes based on the existing HOA that was approved.

Mr. Rembold said Town Counsel will review and approve before the Board accepts it.

Mr. Musgrove asked Mr. Dave Ward how many units will be sold before he loses control of the HOA.

Mr. Dave Ward said 95%.

Mr. Hankin asked that the Open Space Management plan also be included for review by Town Counsel.

Mr. Scalise continued going through the responses to the Planning Board comments.

Mr. Scalise said there will be a sewer main installed on Christian Hill Road at the request of Tim Drumm of the Waste Water Treatment Plant. Mr. Drumm requested that the odor be controlled on site. There will be new receiving manholes located along Burning Tree Road.

Mr. Scalise said the forced main is more efficient when frequently used. If it is not getting used enough, it will be flushed once a year. He said this is a tested maintenance plan that works.

Ms. Nelson asked that this be included in the annual maintenance plan.

Mr. McCormick commented after #8 was read. He said fire engines carry 1,000 gallons of water each and they carry 1800 feet of 5 inch hose. Average house fires require 200 gallons of water to put out. The trucks have enough water to take care of any residential fire without having to hook up to a hydrant. He said the hydrants cost \$1400 per year to rent.

The Planning Board seemed satisfied with this answer.

Mr. Hankin said he had a letter from Fire Chief Charlie Berger who has reviewed the project. He said he would read it into the record.

There was a brief discussion of lights. Mr. Hankin asked if the lights would have horizontal cut-offs.

Mr. Scalise said yes, they are high-pressure sodium in a fixture designed for horizontal cut-off. They can be shielded as well.

Mr. Dave Ward said the lights are rented from National Grid, who will provide all the maintenance.

Mr. Scalise discussed item #11 which dealt with storm water. He said 8 driveways will have a permeable surface.

Ms. Nelson commented that she thought the material to be used was a good choice but said it needs to be maintained so the holes do not become filled which would make it impervious.

Mr. Scalise said the material would be used just in the driveways and a vacuum truck would remove the dirt once a year.

Ms. Nelson asked about enforcement.

Mr. Dave Ward said the HOA will maintain the driveways. We will control that part of the deal.

James Wilson Kelly was present. He said he is a forester with many years of experience in forest management planning. He went through the Open Space Management Plan for Barrington Brook dated July 9, 2013. Mr. Kelly said the developer is making a long term commitment to open space management. He said he works with his clients to see what they want. He said he has a plan and he will work within it.

Ms. Fowle said she would like more information on how the homeowners will recognize the vision of the open space plan.

Mr. Kelly read through his vision guidelines for the open space in his document dated July 9, 2013.

Mr. Musgrove asked Mr. Dave Ward if the HOA will make the homeowners comply.

Mr. Dave Ward said yes.

Mr. Fick commented that the purpose of the open space is not to make it forbidden space.

Mr. Hankin said the HOA has an easement describing what can happen in the open space.

Ms. Fowle said an annual fee of \$100 per homeowner will not come close to providing the necessary maintenance.

Mr. Fick said that is what was approved during the special permit process.

Ms. Fowle said it seems that the homeowners will be left to decide if they want to manage the open space.

Mr. Kelly said the HOA will determine where they want to focus.

Ms. Fowle said she is really concerned that the average home owner does not understand the ecological issues.

Mr. Dave Ward asked what is required now for homeowners in the rest of the town.

Ms. Fowle said nothing.

Mr. Dave Ward said we are going to battle the invasives on our property and maintain the open space; the neighbors should be required to do the same thing.

Ms. Fowle said there is a lack of understanding of forestry practices.

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Mr. Matt Ward agreed and said that is why Mr. Kelly has been retained to educate the homeowners. Every 5 years the plan will be reviewed and revised to keep up with the land.

Ms. Fowle said people don't want to pay money for natural resources. She said she is concerned that this is not fail safe.

Mr. McCormick said nothing is fail safe.

Ms. Fowle said she thinks the Board needs to look at it more.

Mr. McCormick said this plan is better than any other plan in the Town. He said this is a start when the HOA agrees to do what needs to be done. It might turn out to be very important to them.

Mr. Fick said he thinks it is up to the home owners to clean up the property and keep it clear.

Mr. Musgrove said while Mr. Ward is in control Mr. Kelly will be retained.

Mr. Dave Ward said that is correct. This is a long term process and we feel we are setting a precedent.

Mr. Musgrove said the HOA will maintain this plan while you are in control.

Mr. Matt Ward said they can not stop paying as it is mandated. There will be up to \$4,400 per year for maintenance of the open space.

Ms. Nelson said the bulk of the bittersweet is located in Phase I. She said she wants to encourage that the removal continue. She said she does not want to mandate the removal.

Mr. Dave Ward said he agreed with Ms. Nelson. He said we won't get a second chance on a first impression. We want to maintain the work that is done.

Mr. Kelly said goal #1 is to control the invasives, goal #2 is the health and survival of the trees.

Mr. Hankin said the open space management plan is part of the process like the HOA it is not part of the definitive plan.

Mr. Hankin moved to discuss the performance guarantee.

Mr. McCormick said there is \$2 million in infrastructure that is done. There is still some work to be done such as the finish coat on Burning Tree Road. The final coat will be applied when the

construction is done. Mr. McCormick said he is proposing a Form D covenant on 10 of the estate lots to guarantee the roads are finished according to the approved plan.

Mr. Hankin asked if the Form D would be in lieu of a performance guarantee.

Mr. McCormick said yes. The covenant would have to be released before a certificate of occupancy can be issued.

Mr. Musgrove said this is the same as what we had before.

Mr. McCormick said yes.

Mr. Hankin asked what the road condition would be.

Mr. McCormick said before we would ask for the release we would be positive the road would be finished. Before any release the roadway and infrastructure, with the exception of the final coat of blacktop, would be done.

Mr. Dave Ward said he expects to get the road done fairly quickly.

Mr. Rembold asked how many housing units in Phase II.

Mr. Dave Ward said 16. We need to get the road done for the property to be saleable. We anticipate getting going as soon as possible.

Mr. Musgrove asked if the covenant was on any 10 lots.

Mr. McCormick said the covenant would be on all 16 lots with the agreement that the first 6 lots would be released when requested.

Mr. Fick clarified the covenant would be on the last 10 lots.

Mr. Musgrove said it makes sense.

Mr. Rembold asked about the force main change from 2" to 3" as shown on the drawings.

Mr. Scalise said the number of bedrooms would be monitored. The main would be modified when necessary based on flow calculations.

Mr. Rembold said there should be an infrastructure function to monitor for the covenant release.

Mr. McCormick said a condition can be put on that the final coat of blacktop won't be put down until the last two units are in.

Mr. Musgrove said there are some conditions from the previous approval that might be attached.

Mr. Rembold said he is trying to get a concrete list of waivers.

Mr. Scalise said he would submit them.

Mr. Rembold said he has a draft list of waivers.

Mr. Hankin read letters He read a letter from the Board of Health dated July 12, 2013 in favor of the project. Another letter was from the Fire Chief, Charlie Berger dated June 27, 2013, stating there is adequate access. There was one other letter from George Klemp and Lynne Sebastian, land owner, dated July 11, 2013 in support of the project. There were no other letters for or against.

Mr. Hankin asked if anyone in the audience had any questions or comments.

Mary Vanasse from 111 Christian Hill Road asked if the road would be paved to reduce the dust during construction.

Mr. Dave Ward said yes.

Mrs. Vanasse asked if there would be anything about work hours.

Mr. Rembold said there is a noise ordinance that would need to be considered.

Mrs. Vanasse said there is nice screening at the south entrance. Will it be left?

Mr. Dave Ward said it will be left and maintained.

Mr. Hankin said there is a waiver request to reduce Thrushwood Lane from 22 feet to 20 feet.

Ms. Nelson said she thought it should be granted. The Board agreed.

Mr. Rembold asked about proposed conditions.

Mr. Musgrove said we are not going to draft conditions tonight.

Mr. Hankin said there are two things to be borne in mind, the conditions of the special permit and the original conditions of the previous definitive plan.

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Ms. Fowle said the Open Space Management plan needs more teeth so the HOA can start with some knowledge and guidance. There need to be some standards. It doesn't need much more, but some specific ecological basis for their decision making.

Ms. Nelson said it could be worked into the marking plan as a selling fact.

Mr. Dave Ward said he will make a positive statement.

Ms. Nelson said it should be presented as actively managed open space and referenced, so they get it.

Ms. Fowle said there should be reference to best management practices and some description of what that is and it must be clear that it is irrevocable. It is required.

Mr. Dave Ward said #12 of the original conditions prohibits the use of herbicides. He said this should be addressed.

Ms. Fowle said yes it should be permitted by a licensed applicator. She said the policy on hunting should also be clear.

Mr. McCormick and Mr. Dave Ward both stated that there would be no hunting allowed on any of the property.

Mr. Kelly said if you try to draw every line in the open space plan there will be problems. The open space plan should be more guidelines. Don't be so specific. He discouraged the Board from stating specific management practices but rather the best management practices at the time of the activity. He suggested this would be a better approach.

Mr. Rembold had a copy of the original conditions for the Board's review. The document was dated October 15, 2003.

Mr. Hankin read through the conditions.

Mr. Scalise commented on the condition for no salt on the roads. He said there is always some salt mixed in with the sand. The sand would freeze and not be able to be spread if there were no salt in it.

Mr. Hankin looked over the special permit for the OSRD to make sure nothing had been missed in this discussion.

Ms. Fowle said she wants something in the conditions to require that the open space management will remain in perpetuity.

The Board concluded their discussion of the conditions. Mr. Hankin said the Board did not hear from the Police Department, Conservation Commission or the Fire District. He said it has been more than 30 days so that would mean there is constructive approval by those agencies.

Mr. Musgrove made a motion to close the public hearing, Ms. Nelson seconded, all in favor. The public hearing was closed at 9:35 P.M.

The Board went through the list of waivers as prepared by Mr. Rembold. There was discussion of street trees along the Navarino property.

Mr. Ward asked for latitude for planting along both sides of the road.

Mr. Rembold said the applicant meets the requirement except for in front of the existing homes. He said they are not trying to get around the requirement.

Mr. Hankin said he is in favor of the latitude, but, he said, we don't want to give up complete control of the street trees.

Mr. Musgrove suggested it could be condition that they report to us about what they intend to plant and where.

Mr. Dave Ward said he was ok with that.

Mr. Hankin said the condition can be that the Planning Board would have final approval of the street trees prior to release of the covenant.

Mr. Hankin said the Board needs to vote. The vote needs to be to approve, not approve or amend with waivers as discussed. He said the decision would be filed with the Town Clerk and there will be a 20 day appeal period.

Mr. McCormick suggested the current definitive plan be rescinded.

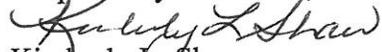
Mr. Rembold said when the newly approved plan is recorded it will automatically rescind the previous plan.

Mr. Musgrove made a motion to approve the definitive plan for Barrington Brook subject to the final wording of the conditions and waivers as per tonight's discussion. Mr. Culleton seconded, all in favor.

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Without objection, Mr. Hankin adjourned the meeting at 9:54 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary