

Town of Paxton
Planning Board



Regular Meeting

Monday, March 12, 2007

ATTENDANCE:

| MEMBER | PRESENT(X) | ABSENT(X) |
|-----------------------|------------|-----------|
| Neil Bagdis | x | |
| Julie Jacobson | | x |
| David L. Bennett | | x |
| Henry B. Stidsen, Jr. | x | |
| Pamela Vasil | x | |

Other Attendees: Steven Balcewicz, Joseph & Debra Mita, Gary Goldberg, Edward Blanchard, James Berthiaume, Carl Hultgren, Deb Shriver.

Neil Bagdis, Chair, called the meeting to order at 7:10 p.m. The February 12, 2007 minutes were approved on a motion by H.S., seconded by P.V. (3-0).

ANR, f/k/a 65 Suomi ST (Map 12, Lot 11) owned by Fidelity Financial, Inc. by Stephen Balcewicz of B C Engineering. This was a continued hearing for revisions requested by the Planning Board, now three lots rather than two. After review of the plan to be sure it met the R-factor and other requirements, on a motion by H. Stidsen, seconded by P. Vasil, the ANR was approved. Vote was unanimous in favor (3-0).

ANR, owners Debra and Joseph Mita, to combine their two lots at 441 and 0 Marshall ST (Map 7, Lot 1A and Map 7, Lot 1C). They have two parcels which they wish to combine into one to build a barn for livestock. When they purchased the house, they purchased land behind it. N.B. said there were two deficiencies on the plan: 1) no ownership is shown on the other side of the street. Instructions require that all abutter ownership within 300' be shown on the plan. 2) Wetlands were not shown on the plan. Beaver Brook needs to be delineated as a wetland. He also cautioned them to be sure they do not have any issues with wetlands where they decide to place the barn. H.S. made a motion, seconded by P.V., to take no action. Unanimous. Mrs. Mita requested continuation in writing to the April 9, 2007 meeting.

Prior to the start of the Stormwater and Open Space Residential Development hearings, N.B. pulled the Town Administrator aside from the BOS meeting and asked what happens if no one appears from the Open Space Committee who can answer questions. The Stormwater hearing was scheduled first. It was felt that if no one showed up, Planning Board should continue the OSRD hearing until next month if the Board had uncertainties. The Town Administrator said the Committee got it to this point. He said the hearing is supposed to be an open public hearing with the Planning Board taking it to conclusion.

Stormwater Bylaw Regulations: The Stormwater Bylaw itself was voted in at the May 1, 2006 Annual Town Meeting. This hearing is to accept the regulations to govern the Stormwater Bylaw. This Bylaw regulates any construction, new or otherwise, that disturbs 10,000 square feet or more (equal to 100' x 100'). H.S. made a motion to adopt, P.V. seconded. There was no discussion. The motion was unanimously approved (3-0).

Open Space Residential District: Ed Blanchard of Hubbardston shared his town's experience in accepting the OSRD. They have a 28 building permits per year limit, a maximum of five to any one developer, thus a developer doing a large project has to phase it in, five per year maximum.

Hubbardston has an 80,000sf lot size minimum, 200' frontage; however for SRD's, it is 125' frontage with one-acre minimum lot size.

Deb Shriver, WWLP, came directly from a meeting in another town. Points she made in answer to questions:

- In regard to regulations for the Bylaw, the Open Space Bylaw incorporates the regulations within it.
- If accepted, the Planning Board still has the right to grant or deny the Open Space concept.
- If accepted, the Planning Board is in control until it grants an Open Space Residential Development. At that point a developer can proceed with an OSRD or still do a conventional approach.
- Re ultimate authority, the Planning Board can terminate an application. The Board can say the materials presented do not meet the qualifications.
- If the Planning Board tells a developer they must go conventional, that is the way they must go.

Under Open Space requirements, a minimum of 50% of the site shall be open space. Within that 50%, upland must be at least 75%.

N.B. There has to be some use granted by the upland requirement.

D.S. Open space must be contiguous other than a road; a road within is still considered contiguous. The burden is on the applicant, that you have adequate yield, that you can put that number of houses in that amount of space and save land which is important for conservation, watershed, etc. This tool gives us flexibility.

Why would a developer be interested in it? E.B: He would first have to bring to you a plan that could be done conventionally. D.S. Planning Board still has the right to deny OSRD. If you had to do permits, do replication, etc., in opening up development which would not otherwise occur. D.S. stated she spoke with Andrea Cooper of EOHC, the basis of her email to N.B.

Comparison, Paxton's OSRD to other towns: It is in the smart growth toolkit reviewed by architects, landscape architects, engineers, with very few changes. There are options to allow density bonuses. Your local [OSRD] bylaw committee chose not to use this.

Difference between individual septic versus shared system or town sewer: There are septic systems that can be used for multiple units with easements for the town for any inspections or oversight. If they do it with a common septic system and a problem arises? It is deeded to the homeowners association so they share in the cost.

N.B. Reserve space for common space? D.S. Those particular features are not addressed here. The common space gets deeded or conveyed to the town. Ownership can be by the town, conservation commission, non-profit land trust or homeowners' association. Condo-type ownership documents get attached to the development. You would have all of the documents, or the language around easements. Reserve areas would be spelled out in those documents before approval.

D.S.: This is the totality. Regulations are incorporated in the OSRD bylaws. They would be reviewable by Town Counsel.

E.B: Your Board of Health would have to be sure there are not nitrogen-loading problems, sufficient common easements.

D.S. Build all those things into your agreement. If the soils do not handle the septic requirements, concept plan should provide soil information. You can still say the only subdivision we will accept is conventional.

E.B: The Open Space Bylaw is successful because a lot of towns do not have a lot of green space. You can protect some green space.

D.S. Even in more rural areas, towns may wish to protect important land. This is a way for a landowner to develop and a town to protect. You can prioritize what you want to protect or set aside.

E.B: The Bylaw gives the town the legal teeth. Does this help us protect the town? D.S. You are trying to establish a more collaborative town with developers.

- This protects the town if the town feels a developer can take advantage. Approval is by discretion; **nothing is by right**.
- You can tell the developer the only development you would entertain is a conventional development.

OSRD needs to be adopted at Town Meeting. Because it is a zoning issue, it requires a 2/3 majority vote. Amend subdivision regulations after a public hearing and vote of the Planning Board if the town has voted to accept the OSRD.

N.B. Tonight we are voting Planning Board approval of the Open Space Residential Development Bylaw. Following that, a 2/3 acceptance at a town meeting is required.

D.S. The Bylaw goes into Paxton's Zoning Bylaw. You should also amend subdivision regulations to make things really clear.

N.B. asked N.W. to submit Ms. Shriver's document "Proposed Amendments to Paxton Subdivision Regulations to Accommodate Provisions of the Open Space Residential Development bylaw (5/25/06)" to Town Counsel, Peter Dawson for his review and recommendations [done 3/16/07].

H.S. made a motion **to accept the Open Space Residential Development Bylaw as submitted, pages 1-8, the item to be put on the May 7, 2007 Annual Town Meeting warrant.** P.V. seconded. Unanimous in favor (3-0). N.B. Do we need a super majority? D.S. Once you close the public hearing, it becomes a simple majority. N.B. We can close the hearing but we may not have a super majority. If there is a problem, we will amend, cancel this. Hearing will not be re-opened. The vote is basically 3-0.

END OF HEARING

Muir Meadows, 0 Pleasant ST (Map 28, Lot 58A), 52.71 acres by request of Ed Blanchard and Kevin Quinn (Quinn represented by C. Hultgren): E. B. stated that they originally envisioned a subdivision. Access would be on Route 122, after losing what they thought was access on Cutler Road. We have received copies of documents from the Town relative to the Cutler Road issue. We are going to review those, send to counsel. Nothing has come forward to have Cutler Road accepted and go through the registration process. Others may have the right to use that access.

E.B. continued, since then we have taken another look at the plan. The property is all flagged by Szoc Surveyors and a plan put together by Quinn. Assumption is that we cannot use the access at Cutler Road. Drainage runs onto our property. Taking a look from a SRD (Senior Residential Development) posture, we would access from Route 122 on a loop or boulevard road. We envision single or unattached senior residences 1,500 to 1,900sf in size. 23 buildable single-family, if not senior, residences. 61 total, if all SRD, or may do a combination. A common septic system would be in Leicester. Parcel is split between the two towns. A reserve area is included in the common septic area (on the bottom right of the plan). All pine treed, good perking soils. Have had all perked.

E.B. stated that Board of Health Title V septic regulations call for only 75gpd per bedroom for SRD's as opposed to the usual 110gpd per bedroom for single-family residences.

The only shared septic system in Paxton is at Highland Village. We would want to be sure conditions are adequate to support this.

E.B. We would eliminate units if septic system is not adequate. We would like to have the town vote to make this an SRD overlay district. We wish to move forward and ask the town to put the entire parcel into the SRD district. We think this is a great product. Base price would be around \$250,000 for the 1,500sf senior residence. No figure is yet available for the 1,900sq size. All units would have space they would be responsible for.

E.B. All of original parcel would be included except the 1.629 acre parcel (205 Pleasant St) and the 11,246sf north side of Route 122. Access would be right across from Indian Hill Road. There is a curb cut there already. There is a better sight view there. For safety, we would have signs on both ends stating there is an entrance.

61 units with at least one car per unit. Is access adequate with one in and out? It is like an esplanade down the middle. It would be 18' wide plus an island in the middle plus 18'. Units are drawn with a double garage per unit. Planning it for two-car, give people an option if they want just one. Neighbors on Cutler road. Dotted line is the side setback.

E.B. wants to take this to a vote at the upcoming May 2007 Annual Town Meeting rather than a Special Town Meeting, would like a public hearing for the Senior Residential District overlay district. N.B. We will schedule the Overlay District public hearing for the next Planning Board meeting, April 9.

E.B. I talked with Paul Cranston, our attorney in Barre, who would submit it to the Board of Selectmen. We have to have a public hearing prior to the Annual Town Meeting. All public comment could be made at that time.

Next meeting is April 9. We need to advertise the Overlay District hearing for 0 Pleasant St (Map 28, Lot 58A). Would you want to look at the OSRD concept? E.B. We would still have the right to take a look at that.

N.B. Twenty-three house lots if conventional. If you went open space, the rest would stay as open space. E.B. Could do. Of the 60, 12 would have to be affordable (20%). N.B. Increased density. E.B. Four to five year build-out.

New business: re: Master Plan. H.B. shared copies of the Town government Draft 3 portion of Paxton's Master Plan referencing "2. No Revolving Fund for Planning Board Review Fees" stating that MGL C. 46, S.53-G allows planning boards to set up funds separate from the town's General Fund for the collection and expenditure of fees collected re development plans. On a motion by N.B., seconded by P.V., the Planning Board opted not to set up such a revolving fund, stating it is working well the way it is (upon receipt, passing bills on to developers for payment).

On a motion by P.V., seconded by H.S., and a unanimous vote, the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Nancy Wilby