



Regular Meeting and Public Hearing

Monday, March 16, 2009

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: Robert P. Clark, Raymond C. Daly, Alice K. Livdahl, Esq., and William A. Coyle, P.E. of Coyle Engineering.

Chair, Neil Bagdis, called the meeting to order at 7:12 p.m.

**Minutes:** D.B. made motion, J.J. seconded, to accept February 9, 2009 minutes; approved.

**Continuance of Definitive Plan, Spaulding Woods, proposed 6-lot subdivision, property at 0 Pleasant ST (Map 11, Lot 16). Owners Robert Clark and Raymond Daly, 84 Coderre ST, Boylston, MA. by William Coyle of Coyle Engineering and Alice Livdahl, Esq.**

Chair turned meeting over to Coyle Engineering. Points made by Bill Coyle:  
\_\_Resubmitted plans to Town's consulting engineer, Kevin Hardiman of Ross Associates. Holding off submitting multiple copies to town until he is satisfied with all points.  
\_\_Few changes, most engineering, that K.H. specifically enumerated in Ross March 16, 2009 letter to N. Bagdis, Chair:

Hardiman's March 16, 2009 Letter's "Subdivision Regulation Comments":

#4 (s. 3.3.3.9) Mathematical and traverse computations were not provided, will do prior to submitting mylars. #10 (s. 3.3.3.23). Erosion Control guidelines now on Plan Sheet 13. NPDES Const. Gen. Permit required, will be obtained prior to construction.

Above letter's "General Comments":

\_\_#2 grading, Shirley Court. M. Putnam, DPW Supt., okay with 6% grade. PB asked that Coyle request written okay from M.P.

\_\_PB would like erosion controls added to individual lot plans; B.C. stated Sheet #13 has erosion guidelines, lower left corner; also separate septic and conservation filings would contain those. Through dialogue he has submitted, the only concern now is to file with the EPA. PB, still concerned, B.C. said they submitted on Sheet 9. N.B. will send Kevin Hardiman an email requesting confirmation.

Comments #5 and #6, conservation issues. #5: Replication plan was provided by EcoTec, now in process of preparing conservation filing. #6: 2,330sf of roadway wetlands. Total area includes to cross Lot 5's driveway (limited frontage lot); wetland crossing 1,300 plus 2,300 roadway equal 3,600sf. Can place a deed restriction or file a

separate environmental document with water quality certificate. Each lot that needs one will have a deed restriction; one deed restriction on the larger deed; when lots are cut out, will still reference the 5,000sf.

Some lots have no issues. Lot 5 is only lot that crosses a wetland. Discussed how a new owner would recognize a lot's limitations: Owner to talk with Atty. Livdahl as to how to handle. Fifteen years from now, technically the conservation committee would allow them to build house, though probably unlikely they would approve it. Conservation would be the agency to monitor fill. B.C. It is not that you cannot do more extensive filling than 5,000sq; you just have more extensive permitting process.

Discussed water service crossing, existing cart path off, but close to, Davis Hill Road was flagged. EcoTec has since gone back out and said is not a wetland. Water service in that area is going along cart path. Can tuck it elsewhere so it will not cross the wetland, would rather loop around Davis Hill Road and not get onto Route 122.

PB's engineer recommends PB get third party to inspect wetland delineation on town's behalf. N.B. to ask K. Hardiman to clarify recommendation in #6 re water route.

The next step is Water Board's meeting Thursday, March 19 [later changed to 3/26]. Applicants must comply with seven Water Board comments. Water pressure is not a problem; pipe is.

DEP Certificate: Alice Livdahl: Have filed definitive plan. Have recorded Notice of Landfill. Now they want formal closing report summarizing all data, will comply. Phil Smith, Environmental Analyst, DEP, contacted N.B. re: completion of BWP SW43 Landfill Closure Certification required by Sect. IV.D of 7/8/06 Initial Site Assessment permit issued by MassDEP. His comment: Stop the project until that is obtained or at least until that permit is applied for. Atty. Livdahl will talk with DEP's Atty. Anne Blackman. Applicants cannot get building permits until done.

Time limit for infrastructure is two years. Applicants feel they should be exempt; regulation requiring SW43 came into effect after they started the process. PB asked if an ongoing process that needs to be renewed. Atty. Livdahl said the only restrictions were that it must be mowed once a month and that test walls may not be removed.

Moore State Park's interest: MA DCR is not interested in acquiring back property at this point. N.B. felt it might be wise to deny the definitive plan process now and resume when owners are ready. They are not happy with the \$2,100 fee for the landfill closing documentation, a relatively new regulation. Condition says no work starts until this is approved.

PB: If this needs to go 90-120 days, withdraw and come back once you have this agreement. would have to notify abutters again. B.Clark: hoping to get that waived. PB: If you withdraw the definitive, you can come back with no further fees and no new review process, continue where we left off. In the alternative, 15 sets of final plans are to be submitted to TSC (one to Ross) by March 30; all items can be addressed Monday, April 13, the next meeting.

PB asked applicants to sign a continuance request to April 30 in case April 13 meeting is changed. Need DEP resolution, water system adequacy, DEP situation resolve with Phil

Smith. We want to know where the lot lines are. B.Clark: Gerry Cushing, Brown & Caldwell did the work, never mentioned \$2,100 fee. Record deed restriction. Need to record a plan; Final submittal with Ross. Owners are aware Lot 5 would not be a buildable lot until a special permit is filed and approved.

HEARING ADJOURNED UNTIL APRIL 13, 2009 CONTINUANCE

**Re-election to Planning Board:** Henry (Hank) Stidsen is up for re-election and will attend Town Caucus March 17, 2009.

**Permitting Guidebook:** Draft copies were distributed of Paxton Permitting Guidebook, being written and compiled by Trish Settles of CMRPC with editing to date by Town Hall personnel. NW requested PB review. PB supported the document and will make individual comments as members see fit.

**Temporary Accessory-Use Apartment query:** Michael Putnam has purchased Timothy Galvin's 345 Marshall Street home which has an expired Temporary Accessory-Use Apartment. Mr. Putnam questioned whether he needs to start the process all over again or just renew the permit. PB said he definitely needs to begin new application for two reasons: 1) He is a new owner; 2) the permit was allowed to lapse.

**Planning Board fee discussion:** Page 36 of the pending Permitting Guidebook lists PB fees adopted March 12, 2001. These still existing PB fees are:

Form A (Approval Not Required): \$200 plus \$75 for each new building lot created.  
Form B (Preliminary Plan, Subdivision) \$300, plus \$50 per lot, minimum \$500.  
Definitive Plan: If Preliminary Plan was filed with proper filing fee as above, the fee is \$800 plus \$150 per lot, but not less than \$1,300. If no Preliminary Plan was filed: fee is \$2,000 plus \$250 per lot.

"Review Fees" in effect: Waiver Request: \$50 per lot to maximum of \$500 per waiver to be paid when waiver is requested. If requested during Preliminary review but Board declines to act, waiver request may be re-submitted at no additional cost during Definitive review stage, if filed prior to expiration of Preliminary Plan approval.

Engineering Review: Planning Board voted in 2006 to have its engineering consultant (currently Ross Associates) bill applicant directly rather than PB handling billing.

On a **motion** by D.B., seconded by N.B., **the Board raised the Pl. Bd. filing fees to the amounts listed below, effective July 1, 2009** (the start of fiscal year 2010):

**Form A (ANR) fee was raised to \$350 plus \$100 per lot.**

**Preliminary Plan: \$750 plus \$100 with a minimum of \$1,200.**

**Definitive Plan: \$1,200 base plus \$200 per lot with a minimum of \$2,000.** (An example given for a 4-lot subdivision was \$1,200 base plus \$200/lot x 4 lots=\$800 totaling \$2,000 which the board felt reasonable.

**Definitive Plan, if no Preliminary Plan was filed: \$3,200 plus \$250 per lot.**

**Waiver (per lot) fee: \$100 per lot base with a maximum of \$1,000 per waiver.**

**Temporary Accessory-Use Apartment:** (Present fees are \$75 for an initial application; \$10 for a two-year renewed permit). The new **fee approved for initial application is \$250 with a two-year renewal fee of \$50.**

**2.5.1.3 Plan Revision fee:** (current \$300 plus \$150 per lot for review of plan revisions). The new **plan revision fee approved is \$500 plus \$200 per lot.**

**2.5.1.4 Inspection Fee:** (was \$200 per lot or \$2,000 whichever is greater). **Raised Inspection Fee to \$300 per lot.**

**2.5.1.5 Lot Release:** (was \$250 per lot up to a maximum of \$1,000 per request). **Raised to \$300 per lot with no maximum.**

**Special Permit or Site Plan Review:** These fees need to be added to the Subdivision Rules and Regulations. **Planning Board approved \$500 permit fee for each such filing.** As with Preliminary and Definitive Plans, any engineering consulting fees would be billed directly by Town's consultant to applicant.

All above fees appear on page 6 and 7 of Subdivision Rules and Regulations and will be amended to reflect the above increases.

On a motion duly made, seconded and unanimously approved, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Nancy Wilby