

Town of Paxton
Planning Board



Regular Meeting

Monday, April 14, 2014 at 7:00pm at the John Bauer Senior Center, 17 West St. Paxton, MA

ATTENDANCE:

MEMBER	PRESENT (X)	ABSENT (X)
Neil Bagdis	x	
Robert Jacobson	x	
Warren Bock	x	
Henry B. Stidsen, Jr.	x	
Jeffrey Kent	x	

Other Attendees: Howard Potash (HP), Stephen Madaus (SM), Ernest Leveillee (EL), Beverly Leveillee (BL), Bobby Ouimet, Karen Ouimet

(NB) called the meeting to order at 7:04pm.

Meeting Minutes

Motion (JK) seconded (WB) to accept the minutes as amended of March 18, 2014, vote 5-0, unanimous in favor.

Temporary Acc. Use Apartment Renewal for 46 Brooks St., applicants Karen Hyson and Heather Larson, application was received with the \$50 fee; no changes have been made to the residence.

Motion (HS) seconded (JR) to approve renewal of the TAUA permit for 46 Brooks Rd., vote 5-0 unanimous in favor.

Public Hearing

Definitive Subdivision Plan – 180 Richards Ave., owners Ernest and Beverly Leveillee. (SM) Stated that there is an ongoing court case involving this property. The Leveillee's have received a frontage variance from the BOA for the two lots proposed. After this decision, an ANR was filed with the PB and was denied which prompted the applicants to file a suit against the PB and the Town. The judge gave a 60 day time period for the Leveillee's to file a Def. Plan. The filing received before the board is not a Definitive Plan submission. It is the same ANR plan which was denied last year. The Ross Associates review from Rob Oliva does a good job bringing all of the issues to the forefront.

(WB) The Lisa Lane Def. Plan needs to be addressed. Is it still valid? (SM) Presented a copy of a plan from 1967 for a 10 lot subdivision named Lisa Lane. (NB) Does the Assessor's office have this on record? Have they been taxed on each lot? (HP) Another question that arises is if it meets current zoning. (SM) It may or may not have been rescinded but a title search could be done. The application is unusual but it still needs to ask for waivers and gone through the Rules and Regulations. (HP) The Leveillee's are reluctant to spend more money if they don't think they will be successful. (NB) We can't give a guarantee but we do need a completed application to review first. The board cannot advise the applicants on how to go forward. (HP) Even with a Def. Plan, it won't address some of the other zoning questions Ross Assoc. states. We will go back to the surveyor and redo the plan.

(RJ) Even if you do a new plan, why should we approve it, we denied it in October of 2013, if the same nonconforming lots are presented. (WB) We would really be creating 3 lots. The first is 178 Richards Ave, which was part of the Lisa Lane Plan at Lot 2 and the other two are nonconforming. (SM) The PB cannot override the BOA variances but they can adjust for safety, etc., reasons from the Rules and Regs.

A continuance was signed by the Leveillee's and later given to the Town Clerk for the file. Two main issues need to be addressed, one, the validity of the Lisa Lane Def. Plan and two, the incomplete Def. Plan submittal.

Motion (NB) seconded (WB) to continue the hearing until June 16, 2014 to allow the applicants to submit a new plan and additional information, vote 5-0 unanimous in favor.

New Business

The board members signed the annual form from the Registry of Deeds requesting current member signatures for FY15. SL will send in after Town Elections on May 12, 2014.

Next meeting will be on Tuesday, May 13, 2014, if needed.

Motion (WB) seconded (JK) to adjourn the meeting at 8:00pm, vote 5-0, unanimous.

**documents referenced located on file in the TSC office

Respectfully submitted,

Sheryl Lombardi