



Regular Meeting

Monday, October 17, 2005

ATTENDANCE:

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

Other Attendees: Gary Goldberg, Mark Wilde, Doris Soderman, Bob Duby, Carol Ellis, Steve Wilder.

Neil Bagdis, the Chairperson, called the meeting to order at 7.05 p.m. The September 12, 2005 minutes were unable to be approved as not all the Board Members were present and they will be approved at the next Planning Board's meeting.

Glad Hill Associates LLC , Wilde Wood DR

Mark Wilde confirmed the road is complete and Mike Putnam of the Paxton DPW has checked off everything. The asbuilt is not on the checklist. It is to be completed by tomorrow and Mark will deliver it to Ross and Associates.

M.W. had a couple of questions for the Board on how he must wrap everything up.

The Certificate of Compliance was completed and accepted by Conservation and is in the mail. Mark Wilde asked if a deed is required in turning the road over to the Town. D.B. confirmed that we do require a legal description of what is going to be conveyed, referencing the plan..

They missed the Town meeting as it had been moved up. On Charlie Blanchard's recommendation they are to complete project, to turn it over to the Selectmen.

They are presently working with Charlie to get the road accepted by a vote so that the Town can take it over this winter. N.B. confirmed that the next phase is get the Board the description. The Planning Board needs the entire package. Once it is reviewed and deemed complete the Board will then turn it over to the Selectmen. Once they approve it as completed, it gets put on the warrant. Mark is to turn it over to us at our next meeting but if he gets it to the Town Hall beforehand, then Neil Bagdis will review it and pass it onto the other Board members and make a recommendation and get it back to Select Board.

Mark directed a question to D.B. on the type of wordage that they would use to have an option to travel over A and B should the land become available. A and B would be left as paper streets on the assessors maps. They are there if you purchase land behind and want to use access through parcel A. N.B. we cannot exclude anyone from developing and it is there for future development. It will become Town controlled.

Mark has a check for \$7,000.00 and balance of \$4,000.00 which was a portion of the sale from each lot. This is to be used to set up a fund for the general maintenance of the detention ponds. The checks are to be turned over once the road has been accepted. Both ponds have been dry.

M.W. confirmed the easements off of West Street next to 1st lot and an easement between 1 and 2 which also goes to the pond, as well as an easement between 15 and 16 as per definitive plan. D.B. advised M.W. to check Form L.

Woodland Heights LLC, Highland Village

Kevin Quinn of Quinn Engineering was unable to attend the meeting but submitted his progress report to the Board, (copy attached).

N.B. passed a motion to accept the report from Kevin Quinn, HS (2nd). All in favor (4-0).

- **Septic System Maintenance Account**

As per a letter received from Lou Montzoures of October 5, 2005, it is confirmed that after each closing, money is allocated to the septic system maintenance account, as per a condition of the special permit. A fund will be set up with the Town Treasurer then all the deposits will be forwarded to that account.

H.S. mentioned that at the last Town Meeting the \$100 000 to be received from Woodland Heights LLC was being called a gift and it is not a gift but an impact fee. Memo to be sent to BOS advising that for future reference it is an impact fee and not a gift.

ANR : Petitioner Robert Duby : Owner Doris Soderman 0 Central Ave (Map 30, Lot 149)

Mr. Duby would like to know if the above lot is a buildable lot since he would like to purchase this property and proceed to build a residence on this lot.

At this point it was an approved lot from a subdivision from many years ago. The lot is on the corner of Davidson Road and Central Avenue, about 1/8th of a mile past the Worcester line. According to Mrs. Soderman, the Building Inspector requires approval from the Planning Board before he can issue the building permit.

Mr. Duby had the land surveyed but the Planning Board noted that the figures do not agree with the deed. It was suggested that Mr. Duby request his surveyor to come in to explain what he did, where this plan came from versus the description as nothing matches. The Board needs to ensure that a new lot is not being created. The Board would also like the original plan showing the subdivision as an approved lot.

A motion was passed to take no action by N.B., 2nd by HS. All in favor of taking no action (4-0).

Renewal of Temporary Accessory Apartment Permit

N.B. asked if it is necessary for applicants to come before the Board if it is a renewal. There is a \$10 fee and an affidavit which needs to be signed. If there is a change in the plans then they would need to come before the Board.

Temporary Accessory Apartment Permit: Stephen and Christine Wilder of 30 Nanigian RD

D.B. recused himself as he has given Mr. Wilder legal advice in the past.

Mr. Wilder would like to add a garage with an accessory apartment over, attached to the existing house. All requirements have been met. N.B. said the Board needs to grant a waiver on the 600 square feet, as the actual living space is 711 square feet. J.J passed a motion to accept and grant the waiver on 600 square feet, H.S. 2nd. All in favor (3-1). Mr. Wilder was advised that he can now take it to the building inspector and continue with the process.

13-15 Cutler Road

Mr. Goldberg came before the Board in connection with the strip of land between 13 and 15 Cutler Road where he, together with Mary Dillon and Joseph Fitzgerald, is requesting the Town of Paxton to abandon its interest in this land being reserved as a public way.

Mr. Goldberg and Mr. Fitzgerald have been maintaining and improving this "paper street" over the last 30 years. Mr. Goldberg's driveway is adjacent to his house which is on this paper street. There is no way to access his land any other way. H.S. confirmed he uses the paper street as a driveway. The bottom part of the driveway sits on his land but the top part is on the paper street.

D.B. questioned the frontage since if you take the paper street away there will not be enough frontage which will make the lot non-conforming. His frontage is now on the paper street that is how that lot got approved. The Planning Board at that time left this open for future development. N.B. said these paper streets are all over town right now and are there so as not to landlock land. The access you have right now is out on 122 as you come down to the Richards property. There is frontage out on 122 so they can come into that at any point they want to come in and meet all the requirements for re-grade of road and construction of road.

N.B. We don't have the right to give this land to you nor does the Town. Mr. Goldberg was in disagreement and said that a Town meeting will have the right to hand over the land but N.B. said he would oppose this as it is not right to land lock land which someone owns. Mr. Goldberg is asking the Town, at a Special Town Meeting, to overturn the approval process of a Board in place 50 years ago, who saw the need to prepare for future development. N.B. could understand as a neighbor and abutter his view on it, but it is not correct. Mr. Goldberg feels it has the potential to destroy the neighborhood. N.B. disagreed and outlined some of the advantages:

- Greater access for snow removal
- Better water systems
- Better fire protection

Mr. Goldberg had a petition from 90 % of the resident of Cutler and Walbridge opposing this land being used as a roadway. What concerns him is that this road will be 10ft from his daughter's bedroom window. Neil understands his concerns but said what they are asking is contrary to all Planning Boards beliefs. This land is deeded to the Town but they will always have the Right of Way to drive over it. They cannot take away the road as Mr. Goldberg will then not have enough frontage and his lot will be a non-conforming lot. The problem he will now have is trying to sell it as he cannot transfer it as a compliant structure on a lot. He can try and go before the Board of Appeals and create a hardship, but he self-imposed the hardship on himself by changing the path of the road. When the plan comes before the Board for approval, the Board needs to make sure land does not get landlocked.

The Board recommended after an in depth discussion that the town continue to own the property for future developments as previously approved by the previous Planning Board. If that portion of the street is eliminated the abutting properties would not have sufficient access.

This is not the opinion of this Board; it is what we deemed acceptable.

The next meeting of the Planning Board is to be held November 21st, 2005.

Meeting was adjourned at 9.05 p.m. by a motion from N.B. and 2nd by H.S.
Approval was unanimous (4-0).

Respectfully submitted,

Tracey Coetzee