



Regular Meeting

Monday, February 8, 2010

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: Pamela Fleming, James Fleming, Alan Chapman, Steven Wilder, Heather Larson, Karen Hyson.

Chairman Neil Bagdis called meeting to order at 7:05 p.m.

Minutes: On a motion (H.S.; D.B.) and subsequent vote, minutes of the Tuesday, January 12, 2010 meeting were unanimously approved.

Temporary Accessory Use Apartment Renewals:

Yepez, 112 Holden RD: The Yepez family had been sent a letter on January 20, 2010 advising them of the concerns the Planning Board has with their temporary use apartment. They were asked to either respond to the letter or to attend the February 8, 2010 Planning Board meeting or both. They did neither. **A motion (H.S.; D.B.) to deny the apartment renewal** was unanimous. N.B. asked N.W. to notify them and send a copy of the letter to the Building Inspector/Zoning Enforcement Officer.

Larson, 46 Brooks RD: Because they, too, did not appear at the meeting and the plans presented last June were unacceptable, their apartment could be in violation of Paxton Zoning Bylaws' Temporary Accessory Use Apartment regulations. D.B. **moved**, seconded by H.S., **to deny the application**. N.W. was asked to notify them and the Building Inspector. Planning Board asked for an inspection. N.B. stated the Board was willing to re-open the matter but have nothing presently to work with to approve the unit until they submit a scaled set of plans. [Although they were denied at this point, Ms. Larson and Ms. Hyson arrived soon thereafter and, after discussion later in the minutes, the denial was rescinded].

Stephen and Christine Wilder, 30 Nanigian RD: After discussing the original application (2005), whether the file was complete with the appropriate signatures, deed, septic approval (approved for four bedrooms including the temporary accessory use apartment), on a motion by H.S., seconded by D.B., approval was unanimous. N.W. was asked to send permit to the Wilders.

Woodland Heights LLC: Is an extension necessary for the Special Permit? The TSC had been approached by a resident of Woodland Heights LLC's senior residential development, Highland Village, asking whether the Special Permit or any other permits needed to be renewed. This person believed that a renewal of the Special Permit might be necessary. TSC researched this matter in the Paxton Zoning Bylaw, Subdivision Rules and Regulations Governing the Subdivision of Land, minutes of the many meetings it took to approve the Special Permit and the actual Highland Village SRD condominium documents and was unable to find anything which would answer that question. All sources checked appeared silent on this matter.

Chair questioned whether this Board has the jurisdiction in this matter that the residents believe it does. The Special Permit for the Senior Residential Development was granted to construct the road, power, septic system, drainage, etc. The developer, Woodland Heights, LLC, did that in a timely fashion. The only thing they have not completed is some of the homes (19 of 37 units have been sold) and the top coat on the road. Since that is a private roadway, Planning Board may not have jurisdiction over it.

Forestdale Road and Orchard Drive are town roads. The issues are:

1. Does the Special Permit need to be renewed? Talk with Town Counsel
2. Septic escrow account. Is there to date an adequate amount in the escrow fund based on the condo agreement formula?
3. Have the developers complied with the grading plan, including the re-design when there were problems?

The Board will ask Mike Putnam, DPW Superintendent, to take a look at grading before hiring the town's engineering consultant if necessary. Did the grading plan adequately handle water off roofs, off driveways, across the land? N.W. was asked to bring the plans to the March meeting.

There is no bond for the building of the road because it was a private road and would not be taken over by the Town. The existing connection point [Village RD to Forestdale RD] is fine. The developer had to substantially complete the infrastructure. Town Counsel will advise us whether Special Permit needs to be renewed.

More on **Larson Temporary Accessory Use Apartment, 46 Brooks Road**: Heather Larson and Karen Hyson arrived after their matter had been denied. Ms. Larson, owner and trustee of AJ Trust, stated that she had talked with an attorney, who did some research and suggested, from reading letter and from their discussions, to use the measurements from Vision Appraisal on Paxton's website. They used those exact same figures. D.B. stated the Board asked for scale drawings in June. Mrs. Hyson said they did not know why they are not considered scale drawings. The last page of the plans they presented in June is the proposed apartment. Scale was one block equals one foot. Ms. Larson stated that the "UAT" on the Vision Appraisal plans represents the Temporary Use Apartment. A Board member stated the apartment excessively exceeds the square footage that is permitted by the Paxton Zoning Bylaw, and that the apartment never came before the Planning Board as it should have. Mrs. Hyson said if you add the first and second floor together, it ends up being less than one-quarter of the size of the residence. N.B. stated he was going to be a stickler on this. Ms. Larson asked, "What is it you need?" N.B. "It is a set of blueprints." You may have to go through that cost of getting something drawn up. Everyone with a new accessory use apartment must file. Ms. Larson: We did not add on. House was originally built as a single-family residence. Original owners filed for a building permit to incorporate a temporary use apartment, but never finished construction nor never applied for the appropriate apartment permit.

N.B. stated he was no longer requiring the plan be certified by a professional engineer, but that plan should be drawn to a builder's scale, a builder's plan. Mrs. Hyson asked, "What size do you want?" N.B. answered 2' x 3' or similar of the entire house. Break out separate entrances, etc. You are asking us to create a duplex. It cannot be a duplex in Paxton; it has to be an accessory use. Garage is under the house, under grade. D.B. took from the Paxton Bylaw: "Scale is 1/4-inch equal 1 foot."

The Board originally denied the permit this evening; you are asking us to reconsider. Bylaw states size allowed; we need to justify what and why we would allow the larger size. Ms. Larson: We were not changing the structure. The Board specified that scale plan be brought no later than the March 8, 2010 meeting. Builders' plan: same scale on every page, 1/4" = 1'. Basement needs to be drawn in there as well; builder should understand. D.B. moved, H.B. seconded, **that the Board rescind the denial and continue the hearing until the March meeting at the request of the Petitioner, Ms. Larson.** Approval of this motion was unanimous.

On a motion (D.B., H.S.) and unanimous vote, the meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Nancy Wilby

