



Regular Meeting and Public Hearings

Monday, April 9, 2012 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 *	

*Jeff Kent was present only during the discussion of New Business. He attended the BOS meeting and joined the PB meeting afterwards.

Other Attendees: Kevin Quinn (KQ), Rick Fenton (RF), Sue Ann Bock (SB), Caitlyn Kelleher

(NB) Chair called the meeting to order at 7:02pm.

Meeting Minutes

Motion (HS) seconded (RJ) to accept the minutes as written, of March 12, 2012, vote 4-0 unanimous.

Public Hearing Continuance

Spaulding Woods – 5 lot subdivision Definitive Plan (Map 11, Lot 16), owners Robert Clark and Raymond Daly.

Kevin Quinn presented a letter of response to Ross Assoc. review comments and also a letter from Ross Assoc. in response to Quinn Eng. responses. Both are included in the file in the TSC office.

(KQ) A survey has been staked out and soil testing has been done for the roadway. The landfill has been capped and closed and the owners have looked into options of what to do with the 5 acres of land from the former dump. KQ has met with Greg DeStasi from the Light Dept. about a possible solar farm. It could only have 1 megawatt of power or less. The State encourages old landfills for renewable energy with a permit program. There would need to be a permit for the reuse of the land. This discussion was just exploratory in nature. (WB) There is a method of using concrete pads for the placement of the solar panels and the ground would not be penetrated.

(KQ) Waivers requested are:

1. Sec. 3.3.3.20 waiver from showing all existing trees with trunks over 12" in diameter. It is a wooded area and would be difficult to do this. Nothing will be removed is not necessary.
2. Sec. 4.2.2.1 waiver from sidewalks on both sides of the subdivision roadway. This was discussed at the Dec. meeting. The sidewalk will continue all around the house lot frontages though from the beginning of the street at Pleasant. It won't continue past the last house lot.
3. Sec. 4.3.1 waiver from providing granite transition pieces at all catch basin locations. This was requested by the DPW. They prefer to have a Cape Cod berm instead.
4. Sec. 4.8.6.3 waiver from storm water discharging within 10" of the perimeter of the subdivision.
5. Sec. 4.11.4 waiver from the street tree requirement for the section of roadway at the wetland crossing.
6. Sec. 4.11.7 reduction in the grass plot width within the right of way for the wetland crossing from 4.5 ft. to 1 ft.
7. Sec. 5.4.2.1 waiver from 12" min. drainage pipe diameter
8. Sec. 5.4.2.2 waiver from min. 4ft. cover over drain lines.

The suggestion from Ross Assoc. about submitting plans that are certified by a qualified Structural Engineer, for the walls and arch culvert construction prior to the start of construction is a good idea. There will need to be a building permit for the wall anyway because they are bigger than is allowed by the state.

(KQ) Orders of Condition still need to be received from the Conservation Comm.

(WB) The landfill area is an open area and could be attractive to kids for playing. Is a fence proposed or is there something else that could be done to lessen the attractiveness of it?

(KQ) No, the DEP doesn't feel that a fence is necessary. If they think that there is a health issue, they would issue an AUL, Activity Use Limitation and there is no AUL on this land. (NB) Who is going to maintain the land? (KQ) The owners will. (NB) We may want to have a condition of notification when mowing has been done at least twice a year.

No vote was taken but a list of conditions were developed and agreed upon by the board members.

1. To minimize the clearing/cutting of the trees.
2. To notify the Planning Board when maintenance/mowing has been performed at least twice a year.
3. As suggested from Ross Assoc., that plans are submitted by a Structural Engineer for the walls and arch culvert construction prior to the start of construction.
4. The ways should be completed within 2 years of the date of approval of the Definitive Plan. An extension may be granted for 1 year afterwards, with proper application.

(NB) We will give you time to have discussion with your clients. KQ signed a hearing continuance for 45 days, expiring May 23, 2012. He will ready the Mylar plans.

Public Hearing

Zoning Bylaw for Large-Scale Ground Mounted Solar Photovoltaic Installations

(WB) The reasoning for creating this bylaw is so that if a project were to come before the town, we would have something available to help regulate it. With nothing, we would have less say on what happens. The town's electrical system can only accommodate a project with 1 megawatt or less. (NB) Asked if anyone present has anything to add. No comments were made.

Motion (RJ) seconded (HS) to accept as written the new zoning bylaw for a Large-Scale Ground Mounted Solar Photovoltaic Installation. Vote 4-0. A letter with a copy of the bylaw was brought to the Board of Selectmen's meeting in order for them to vote to add to the town warrant.

New Business

Discussion about Lot 1 and 1A Camp Street- (NB) An issue regarding a right of way has been brought to our attention by Kate Oftring who is represented by SueAnn Bock here tonight. When I asked an attorney about right of ways, she said that they are good forever. The right of way in question is egress for a parcel of land behind the Camp St. lots. It is Map 29, Lot 89, Ch.61 Forestry land which also has land in Holden. (WB) He added that his wife's real estate office is the agent for the Camp St. lots and Sue B. was there as a favor to Kate O. If any vote took place, he would not participate. (NB) Read aloud part of an affidavit(ROD bk 2147,pg30) from 1969 by Herbert Carlson that a right of way existed and was used from 1921 to the early 1930's but has been abandoned since and is impassible. I don't believe this is a Planning Board issue to decide and cannot give a legal opinion. It seems to be more of a title company issue. (SB) It isn't on the deed from the last sale of the property. (NB) The last title company that performed the search may be the one to go back to. (SB) Kate O. thought that it may be an issue in the future if it could possibly be used as a road for a development. (NB) It is possible as long as it met all the zoning issues and if the right of way exists.

Jack Malone briefly asked the Planning Board to look into obsolete towers and fees for owners who abandon property. Mainly if there is something in the bylaw as written now or if something could be added/changed. (NB) Asked to formally write a request to the board and the PB would hold a hearing to make the change to the bylaw with all of the proper procedures.

Next meeting will be on Wednesday, May 16, 2012.

Motion (RJ) seconded (WB) to adjourn the meeting at 8:15pm, vote 5-0, unanimous.

Respectfully submitted,

Sheryl Lombardi