

Town of Paxton  
Planning Board



Regular Meeting

Monday, December 10, 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	

Other Attendees: Ernest Leveillee (EL), Beverly Leveillee (BL), Howard Potash (HP)

(NB) Chair called the meeting to order at 7:05pm.

**Meeting Minutes**

**Motion (HS) seconded (JK) to accept the minutes as written of October 15, 2012, vote 3-0 unanimous in favor.**

**Motion (RJ) seconded (WB) to accept the minutes as written of November 19, 2012, vote 4-0 unanimous in favor.**

**ANR**

**180 Richards Avenue**, Lots 1&2, owners Ernest and Beverly Leveillee. (NB) I would like to find out why the BOA granted variances for 2 non-conforming lots. (HP) We would like to not vacate the variances we already have and maybe risk an abutter challenging it plus the time and money that has already been put into the process so far. (NB) Yes and we don't want to cause any further unneeded cost to the Leveillee's. (HP) Also, as the plan is now, there is room for a driveway to service Lot 1 if desired in the future but the current right of way will always be there.

There was brief discussion on the difference in plans between the originally submitted plan\*\* to the BOA and the current plan\*\*. (WB) We need to clarify what it is the lots need to look like. (NB) As of this plan, both lots are non-conforming. Two rear lots could be done or just one rear lot and the other with a variance for frontage, which it already has. For example, Lot 2 could be set at 50ft. of frontage and Lot 1 could have the rest of the area, approx. 142ft. The board reviewed the zoning bylaw for a Rear Lot Sec. 4.4.7. Other lines could be moved to accommodate the total square footage needed for a Rear Lot. Also, the variances could stay in effect and no action would need to be taken on that issue. Both the applicants and the board agreed that a new plan could be submitted that would comply with the Zoning Bylaws more conservatively.

**Motion to continue to the next meeting and take no action at this meeting (NB) seconded (WB), vote 5-0.**

\*\*on file in the TSC office

**New Business**

Discussion on Spaulding Woods Covenant. The applicants/owners have not taken any action to record the Definitive Plan so the board agreed that a stop work order should be issued through the Zoning Enforcement Officer, Rick Trifero. It would be in effect until both the plan and covenant have been recorded properly at the Registry of Deeds.

Richard Faucher had asked the board to sign a different mylar for an ANR which was approved in 2006 for Lot 186D on Davis Hill Road. He did not record the signed mylar he received in 2006 at the Registry of Deeds. Mr. Faucher had stated that the Registry, recently, would not record the signed mylar from

2006 but he didn't explain why. The board asked for further information such as if the plan expires and what to do because only two out of the three signatures are current board members. A third, David Bennett, is no longer a PB member and at least three signatures are required for an ANR approval. Mr. Faucher may need to resubmit another ANR if the plan is no longer useful. SL will look into it.

**\*\*On 12/11/12, Mr. Faucher came by the TSC office to pick up the plan. SL asked him why the Registry would not record the signed approved plan from 2006. He said he hadn't gone there to record it yet, contradicting what he had said beforehand. SL gave him the plan back and told him that he shouldn't have any issues at the Registry of Deeds. SL called the Registry to confirm that they would utilize a 2006 list of members who were approved to sign an ANR and that ANR plans do not expire.\*\***

#### **Correspondence**

SL read aloud a letter from Highland Village Owners, received by the Town Administrator, expressing the need for a bond to be required when a road is built. (NB) The road is a private road so no bond was required. Bonds are required if the road will be a public way. Highland Village is private property. The letter was given as an FYI at this time.

Next meeting will be on Monday, January 14, 2013 if needed.

**Motion (WB) seconded (JK) to adjourn the meeting at 8:16pm, vote 5-0, unanimous.**

Respectfully submitted,

Sheryl Lombardi