

Town of Paxton
Planning Board



Regular Meeting and Public Hearing
Monday, May 22, 2017 at 7:00pm at the John Bauer Senior Center, 17 West St. Paxton, MA

ATTENDANCE:

MEMBER	PRESENT (X)	ABSENT (X)
Neil Bagdis	X	
Henry B. Stidsen, Jr.	X	
Robert Jacobson	X	
Jeffrey Kent		X
Richard Doughty		X

Other Attendees: Bob Nichols (BN), Jack Sharry (JS), Howard Stern (HS), Barry Donohue (BD), Deidre Malone (DM), Jack Malone (JM)

(NB) called the meeting to order at 7:06 pm.

Meeting Minutes

The minutes of March 13, 2017 were not voted on as only two members from that meeting were present to vote on the acceptance.

Temporary Accessory Use Apartment Renewals

Applications and fees were received for the following TAUA renewals. No changes were noted on all applications.
176 Suomi Street, owner Gordon Snyder, May 2019
182 Pleasant Street, owner Thomas Carroll, May 2019
263 West Street, owner Theodore Berberian, May 2019
60 Davis Hill Road, owner Pamela Cardaci, May 2019
3 Pond Street, owner William Beaudry, April 2019
60 Suomi Street, owner Wendy Johnson, May 2019

Motion (HS) seconded (RJ) to approve all of the six above TAUA renewals to the corresponding month of 2019, vote 3-0, all in favor.

New Business

Discussion with Highland Village Trustees regarding the unfinished road, to be referred to as a private way. The Trustees gave some background on ownership history of the development which has changed several times over the last 14 years since it was approved as a Senior Residential Development in 2003. The original owner was Woodland Heights LLC which sold its rights to Gapco LLC and in turn sold to M. L. Lussier & Sons. But, it is not clear who the whole owner is. It is believed that all three have some remaining connection to the property. M. Lussier has recently built two buildings holding 4 units (2 in each) and are soon to be all sold. The responsibility of who should finish the private way has been an issue for the Trustees because none of the parties of interest will give a clear answer or answer at all to their requests. In 2010, the Trustees were formed to take over management of the property. Before then had been the developer. (NB) In the Master Deed, the Declarant has some powers but it would need to be determined who the Declarant is, the Trustees or currently, M. Lussier.
(JS) Gapco has done work to the roadway/private way by leveling a large bump which took about four days. The Trustees were not notified of this nor was Gapco asked to do the work. They just came and did it.
(BN) Recently, the Trustees have placed super liens on units 17 and 28 for non-payment of condo fees by M. Lussier. They were removed so that the units could be sold.
(NB) Regarding the structure of the private way, it was built below the standards of the Subdivision Rules and Regs so it cannot be accepted as a public road and also because it is within a SRD. According to the Zoning Bylaw for an SRD, it is to remain a private way. (BN) Asked if there is a time limitation on the SRD plan. (NB) For a Def. Plan, they would have from two to seven years because of the Permit Ext. Act in MA. But given it was approved in 2003, it would have to be determined if that applies to this project or not.
(NB) We should consult with Town Counsel if it is within the purview of the Planning Board to get involved to help the residents of the development come to an understanding with the developer on the completing of the work to the private way. (NB) Asked the Trustees to give a letter or list of issues they would like the board to address. Asked the Trustees if they would be willing to pay for those legal fees associated with the boards inquiries to Town Counsel? They all responded yes, to a limit of \$500. All present agreed that the ultimate goal is the complete all building including the private way.
Jack Malone joined the meeting and was brought up to date on the discussion. He agreed on the next course of action by the Planning Board.

Motion (HS) seconded (RJ) to adjourn the meeting at 8:40 pm, vote 3-0, all in favor.

The next meeting, if needed, will be Monday, June 12, 2017.

**documents referenced located on file in the TSC office

Respectfully submitted,

Sheryl Lombardi