

**TOWN OF NORTHFIELD
PLANNING BOARD
April 12, 2006**

MINUTES

Members present: Doug Read, Bill Dawson, Michelle Bonsteel, Dick Maher, Christopher Hunt, Fran LaBranche, Glen Brown, Alternate Patricia Sawicki. Also present: Mike Izard, LRPC and Eliza Conde, Secretary.

Glen Brown moved, seconded by Bill Dawson to accept the minutes of March 8, 2006 as read. Motion passed.

Glen Brown moved, seconded by Bill Dawson to accept the minutes of March 15, 2006 as read. Motion passed.

Maureen LaRoche/Dwayne and Valerie Sarber: Continuation of preliminary review of an application for a 3 lot subdivision of 69 acres at 572 Shaker Road in the R1 and Conservation zones. Christopher Hunt reviewed the application up to this point, including the site walk held April 1, 2006. Mr. Hunt commented that Lot 2 is an important part of the entire subdivision and it is not the best location for a lot along Whicher Brook. He suggested that the existing woods road would be a better access than the proposed road further down Shaker Road. The general consensus of members who visited the site is that Lot 2 would be better as part of the open space for the future subdivision. Kevin Fife of the Conservation Commission agreed that the woods road would have less impact on the wetlands and the brooks and that Lot 2 doesn't mesh with utilizing the best building areas on the entire lot.

Responding to comments from the Conservation Commission, Marty Wilson, representing the applicants, stated that they would have no problem with locating the home on the most eastern portion of Lot 2 where there is more flat area. They would have trouble not disturbing 100 feet from Whicher Brook, but can meet the town's requirements of 75' undisturbed buffer. Christopher Hunt noted that the applicant is looking at an "open space" development and it would be most desirable to protect the area along Whicher Brook from development.

Marty Wilson also stated that on further planning for this lot, it would not be to their advantage to use the "Open Space" conservation plan for development. They will probably go with larger lots to meet the public's demand for larger privately owned lots. The applicant has not made a final decision on this issue yet. He also responded that using the old woods road would impact more wetlands and reduce land to be developed.

Rick Fink, representing the applicants, stated that there was no need to apply for a Special Use Permit as suggested by the Planner and the Conservation Commission as the Code Enforcement Officer had stated that upgrading an existing road would not require the permit. He stated that this was not a change of use for the woods road. Christopher Hunt responded that placing fill or excavating with 50 feet of any wetlands requires a Special Use Permit. He added that the Planning Board has an obligation to protect a future homeowner by being sure there is adequate access for emergency vehicles.

Marty Wilson wanted the records to show that the Code Enforcement Officer considered the upgrading of the road to be maintenance and that the Planning Board wishes to overturn that decision. Christopher Hunt restated that changing the road from a woods road to a driveway and adding gravel would require a Special Use Permit. He asked George Corliss if heavy emergency vehicles could access a home by that woods road as it exists. Mr. Corliss responded that the road is wet year round and he wouldn't suggest heavy vehicles use it in its current condition. Marty Wilson asked if the board is overstepping the Code Enforcement Officer's decision. Michelle Bonsteel replied that the Board has an obligation to ensure safe passage of vehicles. Mr. Wilson responded that the applicant is only trying to get three lots with a temporary driveway for one lot. Both Mr. Fink and Mr. Wilson continued their argument that the Special Use Permit is not needed and that it is only holding up the subdivision by creating more paperwork and costs. In response to their comment that they have been before the board for 6 months for a three lot subdivision, Mike Izard pointed out that the original application was for a preliminary subdivision and dated December 27, 2005. He stated that his review of the plans led him to the need for a Special Use Permit for an area approximately 900 feet from Shaker Road where the woods road is close to the wetlands. Furthermore, the applicant only proposed the use of the woods road as a temporary access at the March meeting and he believes the Board is acting in good faith and proceeding with the application in a timely manner. It may be that the Code Enforcement Officer did not have a full understanding of the required upgrading of the woods road.

After further argument of the need for a Special Use Permit, Marty Wilson agreed that they would apply for a Special Use Permit.

Mr. Fink explained why the proposed road to the future subdivision was located further down Shaker Road and not in the location of the woods road:

1. Using the woods road as the permanent road would take away from the character of the existing home
2. The proposed location satisfies site distance requirements, the woods road location would not.
3. Using the woods road would far exceed the maximum length of road allowed for a new subdivision.

Mr. Fink agreed to direct the purchaser of Lot 2 to place the building in the furthest east flat area of the lot. At this point Mr. Fink presented a letter to the Board requesting final approval for the 3 lot subdivision with a list of waivers that may be required for the second phase of this development. He urged the board to grant final approval for this subdivision because the applicant has complied with the Planning Board's suggestions and has been before the board for 6 months. Again, Mike Izard corrected Mr. Fink that the original application was submitted December 27, 2005, that the plans have changed considerably, that using the woods road for temporary access to lot 2 was presented at the March meeting and that insinuating that the Board is not acting quickly enough is not appropriate. Marty Wilson responded that they have changed plans according to suggestions made by the Planning Board and the woods road is only a temporary access until the proposed road is built. Fran LaBranche stated that temporary plans can become permanent. The Board does not know at this time whether or not the proposed road will ever be built. The Board has an obligation to protect both the owner of Lot 2 and the town from having an inadequate access and must deal with what is actually before it now. Dick Maher agreed, saying that if emergency vehicles can't get to the home on Lot 2

because of poor planning by the Board it's not a good situation. Christopher Hunt asked Mr. Fink and Mr. Wilson if they agreed that the change of access at the last meeting is what brings the board to this discussion at this meeting. Mr. Fink stated that the access is a minor change, simply changing the driveway location. Christopher Hunt commented that a 12-1400 foot long driveway is not a minor change.

Upon Mike Izard's questioning, discussion followed relative to site distance for the proposed road. Mr. Fink explained the requirements of the town are more restrictive than the states. Discussion then turned back to the need for a Special Use Permit for the woods road. Mr. Fink stated that they would apply for the permit, but it will not add any more information for the Board but will take time and more paperwork. Fran LaBranche commented that Special Use Permits are not always granted, so that it is not appropriate to assume they would receive the permit. Mike Izard explained that if there is an alternative to impacting the wetlands then the permit would not be granted. Marty Wilson commented that perhaps they could move the woods road so that it did not require a permit. Rick Fink asked the Board to grant a conditional approval with the Special Use Permit as a condition. Michelle Bonsteel responded that the approval would be premature as there may be an alternate location for the driveway. Mr. Fink stated that there is no alternate location that would not impact the wetlands. Bill Dawson moved, seconded by Glen Brown to continue this application until May 10, 2006. Motion passed.

Rene Fauteau: Informal discussion – Marc Fauteau asked the board what would be required for a subdivision for back land on Keasor Road. The access road would be more than 1000 feet long. The plan needs to be surveyed, wetlands delineated, slopes determined, may need to upgrade Keasor Road, need to talk with the Conservation Commission.

Ginger Hume: Minor Site Plan application for home occupation of Day Care Center in property located at 87 Park Street, Map U08 Lot 4 in the C/I zone. Ginger Hume stated that she is seeking a state license for a Day Care for up to 9 children from 2 to 11 years old. She will have no employees. 4 rooms of her house are dedicated to this use, she has installed hardwired smoke detectors, has the appropriate plumbing and access. Fran LaBranche expressed concern about the driveway and lack of parking space with little kids being transported. Ms. Hume stated that there is a turn around at the end of the driveway and two cars can pass in the driveway. She has been baby sitting up to 9 children for a couple of years and there has been no problem with parking as parents do not arrive at the same time. Christopher Hunt asked Ms. Hume if board members could visit the site without scheduling a formal site walk. This is agreeable to Ms. Hume. Mr. Hunt asked members to at least drive by the property to observe the driveway.

Public hearing: Abutters Joseph and Sabina Auger strongly oppose this use. They thought Ms. Hume already had gotten approval as she has had at least 9 children there for 2 to 3 years. Ms. Hume explained that she did not need a license for baby sitting family members. The Augers stated that the business is obtrusive and loud and very close to their home. Christopher Hunt asked them if a buffer would help. A solid fence would help. The Augers have dogs and they are afraid that there could be a problem with young children and the dogs. Joseph Auger commented that he is concerned about the resale value of their property with the loud day care next door. Dick Maher asked Ms. Hume if she could install a fence that can't be seen through. Mr. Auger would prefer a stockade fence similar to that in the back of the property. Dick

Maher asked Ms. Hume if she can meet the State's regulations. Yes, to both the fence and the states requirements. Public hearing closed.

The board requests the following information:

- Fire Department report
- Safety and health report
- State licensing
- Sketch to scale showing the width of the driveway
- ADA specs with ramp access
- PB members will look at the driveway.

Bill Dawson moved, seconded by Michelle Bonsteel to continue this application until the May 10, 2006 meeting. Motion passed.

Anthony and Audrey Larosa: Major Subdivision application for a four lot subdivision on property located on Knowles Pond Road and Shaker Road, Tax Map R19 Lot 18-1, 13.53 acres in the R1 and Conservation zones. Members of the board reviewed Mike Izard's report which noted that the lots do not meet the requirements of the zoning ordinance. Wetlands are not to be included in determining lot size and lots are not to be more than 4 time deeper than wide. A wetlands delineation is also required. Mr. LaRosa stated that this is a special situation because culverts and ditches created by the Town of Northfield have directed the water onto his lot. He stated that there is an 8% slope and the water does not stay on the property. He also commented that the town changed the zoning to larger lots. He asked for a waiver from the soil scientist stamp requirement, from the site specific soil mapping and the septic approvals. Bill Dawson asked about site distance for the driveway of the first lot. Mr. LaRosa stated it was more than 400 feet. After discussion of the request for waivers Fran LaBranche moved, seconded by Michelle Bonsteel to consider this application to be incomplete. Motion passed.

Informal discussion of this subdivision followed with Mr. LaRosa contending that the town's requirements of excluding wetlands are not based on any scientific reasoning, that the water is coming from the town's drainage, etc. Christopher Hunt responded that the town's people voted for the restrictions in order to maintain the rural nature of town and to protect the wetlands. Another developer has volunteered to correct a drainage problem at his expense and the LaRosa's are welcome to do that also. The Board directed the LaRosa's to comply with the zoning regulations when they submit a new application.

Other: Cross Mill Village. Discussion of the many irregularities occurring within this development, not adhering to the site plan as approved, not having appropriate inspections, etc. Lisa Martin is in the process of developing a report and new contract with the developer. Glen Brown commented that the Selectmen would like the project stopped until the problems can be corrected. Michelle Bonsteel and Fran LaBranche felt strongly that the project should be stopped before it gets beyond correction. Michelle Bonsteel moved, seconded by Glen Brown to begin the revocation procedure as outlined in a letter from Bart Mayer dated 3-27-06. Motion passed. A hearing on the revocation will be held May 4, 2006 at 7:30 PM.

Read subdivision: Letter from Assessor and copy of court documents which may require revoking the Read subdivision and re-subdividing. No comment at this time.

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Officers: Fran LaBranche nominated Christopher Hunt to be Chairman. Glen Brown seconded. Motion passed.

Christopher Hunt nominated Fran LaBranche as Vice Chairman. Glen Brown seconded. Motion passed.

Meeting adjourned at 10:30 pm.

Respectfully submitted,

Eliza Conde, Secretary