

**NORTHFIELD PLANNING BOARD
MARCH 1, 2010**

MINUTES

Members present: Doug Read, Wayne Crowley, Dick Maher, Michelle Bonsteel, Deb Shepard, Fran LaBranche and Todd Ryan. Also present: Dave Jeffers, LRPC and Eliza Conde, Secretary.

Chairman Bonsteel asked Todd Ryan to sit at the Board replacing Glen Brown for this meeting. Doug Read moved, seconded by Wayne Crowley to approve the minutes of February 1, 2010 with a correction. Motion passed.

Bruce Havey: Application for a 4 lot subdivision of 113.863 acres at 606 Bean Hill Road, Tax Map R17 Lot 37 in the R1 zone: Jim Bolduc, representing the applicant informed the Board that the applicant has paid for a review of the plans by Quantum Construction which is currently underway. He has submitted new plans to Quantum which allow for the withdrawal of 2 waiver requests. By locating the entrance to the driveway further uphill than originally planned, the required 2% down slope and the required depth of coverage for the culvert can now be met without waivers. The application still requires waivers for:

1. The topographic mapping of the remaining land
2. Deferral of asphalt paving of the proposed private road
3. The 4-1 ratio for the remaining land
4. Allowing a hammerhead turnaround instead of a cul-de-sac.

Additional notes added to the plan include:

1. Maintenance and upkeep of the road to be the responsibility of the lot owners
2. Construction of the road to be inspected by the Town's engineers
3. Including the wording "proposed public road".

To address an abutter's concern that Bean Hill Road is too narrow for cars to pass, Mr. Bolduc spoke with Tracy Scott of the School Bus transportation company who indicated that buses currently turn around at 630 Bean Hill Road, and that this development would have no impact on the existing bus route. Mr. Bolduc added that he is waiting for the review from Quantum and Mike Summersett before any further steps can be taken.

Fran LaBranche expressed concern about the "proposed public road" nomenclature which might indicate the road would become public when the plan is signed. He would prefer it to say "proposed private road" on the plan. Jim Bolduc replied that if this wording is on the plan, it won't be seen as a possible public road in the future. Michelle Bonsteel assured him that the Planning Board sees this as a private road at this time.

Fran LaBranche also was adamant that the town make sure that the dollars estimated for engineering fees be made clear and that no expenses are incurred without money in the

applicant's escrow account for this purpose. He stressed that this account will need to be closely monitored to avoid problems such as those on Cross Mill Village.

Dick Maher suggested that provisions for snow removal in the hammerhead area be made to avoid wetlands while keeping the area open for turn around. Dave Jeffers added that Note #8 on the plan should say "proposed private road", Note #11 needs "standards" included and Note #10 should read "*maybe*" adopted by the town. Mr. Jeffers also asked about the change in the design of the treatment swale. Mr. Bolduc explained in detail the need for the straighter design and the workings of the level spreader as the water spills into the wetlands. The abutting property is uphill from the treatment swale, therefore drainage will not enter that property.

Dick Maher suggested that wording be included in the deeds to the properties indicating that the road is shared and is not to be blocked, etc. Michelle Bonsteel stated that this is a civil matter, not one that the PB deals with. Deb Shepard added that a note to that effect could be included on the plan, but not in the deeds. Fran LaBranche noted that the contract between the Town and Quantum CC does not include the applicant and he wants to be sure the applicant is responsible for the cost of the engineering for the road. This issue will need to be carefully monitored to be sure dollars are in the escrow account to cover the cost of engineering.

Wayne Crowley moved, seconded by Todd Ryan, to continue this application to April 5, 2010. Motion passed.

David & Barbara Foster: Request for mylar signature for a lot on Gale Ave. (Tax Map U8 Lot 71-1) in the R1 zone. Michelle Bonsteel informed the Board that the ZBA approved the lot in question as a building lot by granting variances for the lot size and road frontage. The ZBA required that the applicant return to the Planning Board for recognition of the lot. The mylar shows the two lots with Lot 71-1 no longer having the note that it is not a building lot. Members questioned why the Planning Board Chair would sign the mylar when no subdivision has occurred and no decision was made by the PB. Dave Jeffers replied that the Reg. of Deeds requires a signature for recording. Doug Read objected to discussing this issue without notifying the abutters. Dick Maher stated that the Planning Board had put restrictions on this lot during the original subdivision for a reason and those restrictions are supposed to be permanent. He did not agree with removing that restriction 20 years after Planning Board approval. Regina Nedeau, representing the applicant, replied that in this case, the restriction was imposed because the applicant did not want to go through a major subdivision. Michelle Bonsteel added that it was put through this way because the applicant wanted to avoid the requirement of sprinklering the homes. Regina Nedeau responded that there is nothing in the minutes or any records indicating that sprinkling of the homes was an issue. Michelle Bonsteel added that regardless of the reason for the restriction, the Planning Board does not want to sign a plan that undoes an old approved subdivision which included a restriction. Attorney Nedeau replied that the reason for the restriction does matter because if it was only because the applicant wanted to avoid the requirements of a major subdivision

application, it was a condition that could be changed because the lot in question met the zoning requirements at the time.

Michelle Bonsteel explained that the ZBA made the decision that this non-conforming lot is now a buildable lot and in so doing ignored that restriction that had been placed on the subdivision plan. The ZBA also required that the PB acknowledge the lot. Dick Maher added that the lot in question was supposed to be merged with the Foster's abutting lot. Attorney Nedeau replied that the restriction says the lot was to be merged to the Foster's lot "unless sold to a third party". She argued that there cannot be undue restrictions placed on a property. Ms. Sen, the original owner of the property, needed the fastest subdivision possible to avoid foreclosure and the minor subdivision application met that need. Doug Read again pointed out that the Board is listening to this discussion without a public hearing and notice to the abutters. Atty. Nedeau stated that the mylar can be filed with the Registry of Deeds without the PB signature but with the Notice of Decision from the ZBA.

Kip Cormier: Gary Spaulding, representing Mr. Cormier, informed the Board that DES has changed the requirements for reporting activities of a gravel pit. Updated plans are now required every 5 years instead of the previously required reporting every two years. The approval from the town required the same reporting, following the state's requirements. Mr. Spaulding stated that due to the economy there has not been much activity at the pit and they are only about half way through Phase II of the plan. Further questions from the board included:

- Has there been any reclamation? Not yet as Phase II is not complete.
- Is the bond up to date? Yes, just resubmitted to the town
- Is the bottom of the pit lower than the level of the river? No, it is several feet above the river.
- State does not require another report until 5 years unless the project is completed.
- Is the bonding of \$2000/acre enough to cover the costs of reclamation? Using their own equipment it probably is.

Wayne Crowley moved, seconded by Dick Maher to amend the original condition of approval dated 01-09-2008 to require a report to the town every 3 years rather than 2 years. Motion passed.

Other:

1. **Approval fees:** It was agreed by members of the board to change the fee schedule to require that approval fees be paid at the time of application, to increase the recording fee to \$50/mylar and set the advertising fee at \$50. A public hearing to adopt these changes to the subdivision regulations will be held at the April 5, 2010 meeting.
2. **Chairman:** Fran LaBranche nominated Wayne Crowley as Chairman. Doug Read seconded the motion. Motion passed.

3. **Earth Excavation Ordinance:** Dave Jeffers noted that the Ordinance was last updated in 1998. He was asked to review it for any needed changes.
4. **Meeting date:** The Rules of Procedure still has the first Wednesday for the meeting date. Research will be done to see if this was officially changed and if not it will be included in the Public Hearing April 5.

Fran LaBranche thanked Michelle Bonsteel for her service on the Planning Board and expressed his appreciation for her knowledge and hard work. Dick Maher concurred and praised Michelle for initially coming to the Board with issues and then joining in to help by putting in her efforts.

Doug Read asked what responsibility the Planning Board has to the CIP. Fran LaBranche is Chairman of the CIP and agrees that the Board is supposed to review and approve the CIP for budgeting.

Meeting adjourned at 9:15 PM.

Respectfully submitted,

Eliza Conde, Secretary