

**Planning Board  
Minutes of Meeting  
November 30, 2006**

**\*\* Minutes approved 1/11/07**

**Members Present:** Janet LaVigne, Chairman; Mark Montanari, Vice Chairman; Gregg Champney, Clerk; and Steve Wheaton, and Richard Dennis Jr., Members

**Members Absent:** None

The meeting was called to order at 7:30 p.m.

**Board Business** – Draft **minutes** from the meetings of August 17 and 24, September 7, October 12 and 26 were approved. After a brief discussion regarding scheduling, the Board asked that the next joint/Master Plan Subcommittee meeting be held early in January. Mr. Dennis stated that he and Mrs. Toohill had attended the initial **FY 08 Budget** meeting with the Finance Committee, and they had several questions regarding the proposed budget from the Planning Board. Mrs. Toohill stated that the feedback centered on the Board putting together a budget proposal; warrant articles would need to be proposed for any costs associated with updating the zoning maps, or other special projects. Bills and payroll were approved for payment.

**Lexington Place – Paper Street/Buildable Lot – Halloran** – Joyce Halloran stated that she owned land that had been in her family since the 1930s, and she is selling it as a building lot. She stated that the Building Inspector says that the land is not on a road and asked what she would have to do to sell the property as a building lot. She stated that she lives on Worcester Road, and built a house in 1979; she stated that she has all the permits off Worcester Road. Mr. Wheaton stated the problem is that there is no road access at the lot frontage. Mr. Montanari asked about the ownership of the small lots, noting that once you own adjacent small lots, they lose the zoning protection. Following further discussion, the Board suggested that Ms. Halloran take the paperwork to an attorney for their opinion. Ms. Halloran stated that she spent all this money on the septic design and she had been in front of the Board of Health. Mrs. LaVigne stated that did not make it a buildable lot and she should work with an attorney on the question.

**Informal Discussion – 451 King Street – Post Office** – Mrs. Toohill stated that this agenda item had been cancelled.

**178/184 Ayer Road – Site Plan Review** – Tim Casey, Bob Elliott, Jim McNiff, and Cheryl McNiff were present for this discussion. Mr. Casey stated that the proposal was for a building 80 feet by 100 feet with mixed retail, office and warehouse uses, following the suggestions made during the informal discussions regarding this site. He stated that they adjusted the amount of office space and the site is now under the 6-gallon limit and the total impervious is about 42 percent. He stated that for the interior layout, the retail area is in front and the warehouse in the back and 29 parking spaces are needed. He asked about reducing the number of spaces, stating that he would like to remove the 10 spaces closest to the street, stating that he expects 6 to 8 employees and at most 3 customers at once, with another 5 or 6 spaces for safety factor. The Board reviewed the parking

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requirements, noting that they could be flexible, but with a retail use, parking is a priority. Mrs. LaVigne asked what effect that would have on the overall impervious. Mr. Casey stated it was a 3 percent improvement. Mr. Montanari stated that he would consider reducing the parking if it was deed restricted. Mrs. LaVigne asked if they also owned the adjacent lot. Mr. McNiff stated that they did own that as well. Mrs. LaVigne stated that lot should be included in the design, suggesting that it could be restricted to not allow development to reduce the overall impervious; she stated that she sees no hardship; she has a problem with the 42 percent impervious proposed. Mr. Wheaton stated that he agrees that the Board could be flexible in the number of parking spaces to be constructed, but with the lot available, that should be included.

The site engineer asked about using porous pavement. Mrs. LaVigne stated that the board is not yet at that point, adding that the Water Department was conducting studies with UNH with two equivalent parcels of land, studying stormwater management techniques, but this site is not one to test it on. The engineer asked what type of drainage system the Board prefers. Mrs. LaVigne stated that water quality swales and rain gardens are preferred and can make the site attractive from the street; roof runoff needs to be infiltrated directly. Mr. Casey stated that the threshold for a special permit is 20 percent impervious and asked if the Board would consider allowing impervious in the 30s. Mr. Montanari stated that the board has approved sites where developers purchased open space or other aquifer land and deeded it to the Town, so it was possible to have offsite mitigation. Mrs. LaVigne stated that the highest approved before was probably up to 30 percent.

**Informal Discussion – 555 Newtown Road** – Doug Deschenes was present for this discussion. He stated that this site was considered before for a 40B, but that didn't prove to be a very good idea. He stated that there are about 16 acres of land and are proposing a 4-lot subdivision and would like some feedback regarding different scenarios. He stated that they met with Savas and he is pushing the low impact development ideas; they also met with the Conservation Trust, as they are hoping to contribute the majority of the parcel to the Town. He noted that they met with Art Lazarus, who indicated that this would provide a connection to a lot of other conservation parcels and would provide linkage.

Mr. Deschenes stated that the first plan is for a conventional subdivision plan that meets the lot shape factor, the road design, and with a grade under 10 percent. He stated that the site is very hilly, but it can be done, and would result in a significant disturbance. He stated that they would like to propose access from a common driveway and a waiver of the construction of the full subdivision roadway to lessen the impacts and move construction away from the neighbors. Mr. Deschenes stated that the only subdivision requirement they have difficulty with is the off-set from Tahattawan Road, since Newtown Road is a collector road, the requirement is for 400 feet; they have 300 feet centerline to centerline, noting that this is the only frontage they have. Mr. Champney asked about the sight distance. Mr. Deschenes stated that it is in excess of 500 feet towards Tahattawan road and 325 feet towards West Acton. He stated that with service to

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four homes, they feel they can create a very safe access and there were some alternative designs that could make this a better project.

Mr. Montanari asked about the existing house. Mr. Deschenes stated that there is one house there now; it is a nice spot with beautiful views. He stated that they propose a waiver of construction of the road, noting that the lot configurations would not change; the road would exist as a paper road. They are looking for ways to make it as attractive as possible and to provide a significant buffer. The second layout includes a loop so there is no question about turnaround for trucks; it results in the least impact to the site and increases buffers, he noted this could be considered plan B.

Mr. Deschenes stated that plan C proposes a common driveway only to the point of the turnaround with 75 foot radius. He stated that there are other options, with driveway layouts, but all include contributing nearly 10 acres to the town. Mr. Montanari stated that the main focus is for fire and police access. Mr. Deschenes stated that they could meet common driveway requirements but there is a better way to do this than a conventional construction; they propose to use only 4 acres for the subdivision.

Mrs. LaVigne asked about the septic system shown on lot 4. Mr. Deschenes stated that was the current title 5 system for the existing house; he noted that all lots have testing. Mrs. LaVigne asked if this would be an Open Space development. Mr. Deschenes stated that no, the plan would be to propose a conventional plan with a waiver of construction of the roadway.

Mrs. LaVigne stated that she likes the first plan, the one that builds a road to provide frontage. Mr. Montanari stated that the Board has always made people build the frontage; new lots could only be on a road up to subdivision standards. Mr. Deschenes stated that it is this board's prerogative to waive the construction; legally the lots would have frontage on the designed roadway. He stated that they are not asking for additional lots.

Mr. Montanari stated that he would consider it for the open space. Mr. Dennis asked what the advantage was to the Town. Mr. Deschenes stated that having common driveway, low-impact development, reducing construction impacts, mimicking the existing hydrology onsite, not having a big cul-de-sac would be the advantages on top of the open space linking to other sites.

Mrs. LaVigne stated that a couple of the lots barely conform to the lot shape factor and asked if there was a possibility of redesigning the turnaround. She stated that she would prefer the conventional plan was best. Mr. Deschenes stated that the other plan allows buffering the neighbors. Mr. Wheaton stated that he would be open to not having the road built, because the highway would have to plow a new subdivision road. Mrs. LaVigne stated that she would look at it.

Mr. Montanari asked if it would work for fewer lots. Mr. Deschenes stated that they had hoped for five lots; they are really only using six acres of the land. Mr. Dennis stated that he is not inclined to grant waivers, but would sometimes if he can see a benefit to the

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Town; where this connects to two pieces of conservation property, he would consider waivers.

Joe Minior of 553 Newtown Road asked about the road layout. Mr. Deschenes stated that a design with a full conventional road, but getting creative with the cul-de-sac was another possibility. Mr. Wheaton stated that more of a Y turnaround may work. Mr. Deschenes stated that would reduce tree-cutting but would still have the full subdivision pavement. Mr. Minior stated that prior comments from Savas were that this site would support two homes and stated that design of the drainage system is a concern. Mr. Deschenes stated that LID tries to minimize big drainage structures, break up pavement, and recharge water; this discussion is to get feedback on the project.

Mr. Minior stated that his concerns that there is a lot of paved surfaces; the hill now is a wall of water and how much more water would flow towards the existing houses. Mr. Deschenes stated that by law they cannot increase the rate of runoff. Mr. Montanari stated that by law they cannot make the runoff worse. Mrs. LaVigne stated that would depend on how the drainage is designed. Mr. Deschenes stated that they could capture and treat runoff; they are looking to improve the whole situation; capacities of the pipes in the existing street system will also be considered.

Lee Edmunds of 537 Newtown Road asked about the capacity for that piece of land to hold four septic systems and asked what the stage of examination was. Mr. Deschenes stated that they have deep hole and perc testing done that meet the requirements; they have not designed the septic systems. Mrs. LaVigne asked if the tests were witnessed. Mr. Deschenes stated that they were witnessed for 4 systems.

**Shelburne Village Update/Corrections** – Sherrill Gould stated that there were several clarifications that needed to be made to the Shelburne Village project. She stated that the approvals state that all living space needs to be on the first floor, but the submission information clearly showed a second bedroom on the second floor. She stated that it could tie up a title examiner, but Roland agrees with the definition. Mrs. LaVigne asked that a letter clarifying that the Board intended that the one bedroom, the kitchen, and living and/or dining room must be on the first floor, as per the bylaw definition.

The discussion turned to the homeowners association, condo association for the septic systems for the duplex units, and recordings. Mrs. Toohill stated that Town Counsel had agreed that the timing of recording the condo association documents as proposed was fine. Ms. Gould stated that she was modifying the deed rider to state that the Town, not DHCD would do the lottery process and would have the first refusal if the units are foreclosed; affordable units would be sold at market rate with the windfall profit to go to the Town.

Ms. Gould stated that they could not afford to build the whole road, so were proposing a phased construction. Phase 1 is the road up to the first two buildings, using the driveways as a T turnaround; Phase 2 is the road to the duplex buildings, with a similar turnaround. Mr. Montanari asked about the distance from White Street. Ms. Gould stated that the

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units are 100 feet and 60 feet. Mr. Wheaton stated it was similar to a driveway and had no concerns. The discussion turned to completion of the shared driveway. The Board determined if the driveway is not done within the timetable in the decision, we will talk about this when they ask for an extension; topcoat should be installed by the time they get to the 6<sup>th</sup> unit. Ms. Gould asked for a letter clarifying the Board's position. Mrs. LaVigne stated that one would be sent right away.

The meeting adjourned.

Signed,

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Gregg S. Champney, Clerk