

**Planning Board
Minutes of Meeting
September 6, 2007**

**** Minutes Approved October 4, 2007**

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

Members Absent: Mark Montanari, Chairman

The meeting was called to order at 7:15 p.m.

Nancy's Way – Bond Release Request – John Sweeney and Matthew Sweeney were present for this discussion. John Sweeney stated that they had provided a written request to get the bond money released from the road. Jim Clyde stated that they finally got the paving as good as it is going to get, and noted that the drainage works correctly. Mr. Clyde stated that the hoods were installed in the catch basins and the Water Department had approved the As-Built plans. Mr. Wheaton asked if the seeding issues had been taken care of. Mr. Clyde stated that he thought the residents were taking over caring for the circle since they were not happy with the lack of maintenance from the developer. Mrs. LaVigne asked about street signs, street trees and the lights. Mr. Clyde stated that they were all done but there was one issue with the lights; the Light Department had recommended trying a reduced-wattage bulb to reduce glare from the street light lantern. Mr. Clyde stated that the detention basin was approved with the smaller size, it had been cleaned up and the bounds were certified as shown on the plans.

Mr. Wheaton noted that the Board had reviewed every item on the bond spreadsheet. Mrs. Toohill stated that LandTech, the engineering and survey company was owed a substantial amount of money for their work for Mr. Sweeney on this project; they had requested some of the bond money be released directly to them. Mr. Dennis asked what the Board would usually do in this situation. Mr. Wheaton stated that it is not up to the Town to step in on this private issue. Mrs. LaVigne stated that she was not sure the Town could step in. John Sweeney stated that he would not agree to allow some of the bond to go to another party; he stated that their intention is to pay LandTech for their services.

There being no further discussion, Mr. Wheaton made a motion to release the remaining bond amount, estimated to be \$34,424. Mr. Champney seconded this motion and the Board voted 4 to 0 in favor of this motion.

Continued Public Hearing – Extend Aquifer District Special Permit – 225 Taylor Street – Gutierrez

Continued Public Hearing – Extend Major Use Special Permit – 225 Taylor Street – Gutierrez

Mr. Dennis noted that The Gutierrez Company had requested that the Public Hearings for this site be continued until a later date. Mr. Wheaton made a motion to continue the two public hearings to Thursday, September 27 at 7:30 p.m. Mr. Champney seconded this motion and the Board voted 4 to 0 in favor of this motion.

Planning Board Minutes – September 6, 2007

Preliminary Subdivision – Mr. Dennis stated that The Gutierrez Company had requested that the Board extend the deadline to file a decision on the Preliminary Subdivision 90 days. The Board agreed to extend the deadline to file a decision on the Preliminary plan and rescheduled this agenda item to September 27 at 7:40 p.m.

Informal Discussion – Cemetery Commission – Crematorium – Several members of the Cemetery Commission were present for this discussion, including Deb Williams, David Badger, and Walter Higgins. Mr. Badger stated that they are trying to go forward with requesting funding for and addition to the building at the cemetery for the purposes of a crematorium. He stated that this meeting was to provide information to the Board and get their feedback. He stated that the industry is changing very rapidly; they are seeing a lot more cremations. He has to go to Mount Auburn, Newton, Haverhill, or Worcester; he stated that he was not speaking as a funeral director but as a cemetery commissioner. He stated that the Town has an opportunity to make some money, to produce income. He stated that they have to continue to open up new sections of the cemetery as needed but the perpetual care needs grow in order to maintain all of the areas. He stated that cremation is becoming a more favorable as well. He stated that the Town has the availability of a site and it is a business to business issue; they would deal with funeral homes only.

Deb Williams stated that in Massachusetts the only place a crematorium can operate is in a developed part of the cemetery over a certain size and we meet that standard. She stated that they want to go to Town Meeting to get architectural money for a design. She stated that they have not been back to the Board of Health yet for their input, but it would be regulated by the EPA and DEP, not the local Board of Health. She stated that they are trying to meet with various Boards for any feedback; she noted that they would expect to be profitable within 3 years of construction. They see considerable up side. She stated that concerns raised at Town Meeting regarding mercury emissions and possible effects on childhood development. She stated that it would be far below the standards of a household thermostat. She stated that other concerns seemed to be noise or smell; noise is a hum on top of the building and there is no smell because the temperature is high.

Mr. Wheaton stated that he would be a direct abutter but did not have an opinion either way, but there was a lot of information being circulated prior to the last Town Meeting. Mr. Badger stated that typically there are several small cemeteries at various locations in a Town; Littleton has a cemetery that is large enough and in a good business location near the intersection of 495. He stated that the only other municipal crematory is in Duxbury, and that one has been there since 1978; they are busy doing about 3,000 per year.

Mr. Dennis stated that he would keep an open mind but feels that he had not received enough information before the last Town Meeting. He stated that if the EPA and DEP standards are stringent he is confident that those aspects would be taken care of. He asked why they were coming forward with it at this point. Ms. Williams stated that it had been in front of the Finance Committee for 10 years and was part of the original plans for the cemetery building. She stated that they heard that they needed to provide more information prior to Town Meeting, so they were hoping to meet with several Boards like this.

Planning Board Minutes – September 6, 2007

Mr. Wheaton stated that the Planning Board involvement would be minimal, with the site plan requirements being the same as for any other proposal. Mr. Champney asked about equipment lifespan. Mr. Badger stated that depends on the amount of use, but equipment can be re-built or re-lined; maintenance is needed every 2000 cremations. Mrs. LaVigne stated that she feels this is a good idea and thanked the Commission for providing the information.

Public Hearing – Definitive Subdivision – Village at Newtown Hill – At the request of the applicant, Mr. Champney made a motion to continue the Public Hearing to Thursday, September 27 at 7:45 p.m. Mr. Wheaton seconded this motion and the Board voted 4 to 0 to continue the Public hearing.

Public Hearing – Water Resource District Special Permit – 341 King Street – Nashoba Garage – At the request of the applicant, Mr. Wheaton made a motion to continue the Public Hearing to Thursday, September 27 at 8:15 p.m. Mrs. LaVigne seconded this motion and the Board voted 4 to 0 in favor of this motion. The Site Plan review will be scheduled for the same time.

Village at Reed Lane Over-55 Development – Barbadoro – Lot Release Request and Affordable Units – John Barbadoro and attorney Sherrill Gould were present for this discussion. Mr. Barbadoro stated that he would like to have the lots released so he could continue building. He stated that the model home is up and sold; a second is under agreement and he would like to start construction on that. He stated that the bank is asking about the form of the bond, but Mr. Barbadoro stated that he would post whatever the Town requested. Mrs. LaVigne stated that the Board would be comfortable with whatever the Treasurer wanted, but usually it is a passbook or a check to the Town. There being no further discussion of the bond, Mr. Wheaton made a motion to release the lots 1 through 9, inclusive of the Village at Reed Lane Over-55 development contingent upon deposit of a bond in the amount of \$53,468.10 in a format acceptable to the Treasurer. Mrs. LaVigne seconded this motion and the Board voted 4 to 0 in favor of this motion.

Mr. Barbadoro stated that his second question was regarding the designation of which units were affordable units. He stated that the single units are more salable; the permit requires if he builds 3 market rate units he then has to build one of the affordable units; this would force the bank to allow the less desirable units to be constructed as the project progresses. Mrs. LaVigne asked about the ability to sell the units. Mr. Barbadoro stated that there had been more interest shown lately and invited the Board members to attend the open house this Sunday.

Ms. Gould stated that they would have to modify the documents anyway, but would like to trade the affordable unit from lot 3 to one of the units on lot eight. Mrs. LaVigne stated that she was concerned with the overall number of affordable units, but was not concerned with which ones would be designated. Following a brief discussion, Mr. Wheaton made a motion to switch the designation of one of the affordable units from lot 3 to one of the units on Lot 8. Mrs. LaVigne seconded this motion and the Board voted 4 to 0 in favor of this motion.

Planning Board Minutes – September 6, 2007

Mr. Barbadoro thanked the Board for their approval. He stated that one problem he is having is that this project is in competition with similar projects in Tyngsboro, Acton, and Maynard, and the main problem is that the units are small. He stated that people like the location because of the Town, but he would like to be able to offer units up to 1700 to 1800 square feet. He asked that the Board consider amending the Over 55 Bylaw to include larger units; he would like the ability to offer larger units rather than being restricted to 1500 square feet.

Mrs. LaVigne stated that the intent was to keep the units small to allow for down-sizing without a large footprint, easily maintained, and at a reasonable price. The Board reviewed the wording of the bylaw and noted that it defined living space specifically.

Board Business – 95 Spectacle Pond Road – Mrs. LaVigne reviewed the ANR plans and deed references for the lot at 95 Spectacle Pond Road. She noted that the deeds referred to the ANR plan that includes a “site easement” that was intended to allow adequate sight distance from Whitetail Way to Spectacle Pond Road. Mrs. LaVigne asked that this information be forwarded to Tidan Corp, the developers for Whitetail Way.

Ms. Gould stated that the size of the units at Village on the Common 40B project was being reduced, going from 14 feet to 12 feet in width; she noted that the market price of the units seemed to be an issue.

The Board signed the payroll and bills for payment and a payroll authorization, congratulating Mrs. Toohill on her upcoming 10-year anniversary working for the Town. Mr. Wheaton noted that the Board would be meeting with the Selectmen Monday night to discuss moving forward on economic development issues. He stated that it would be good to have a consultant concentrate on moving forward these issues.

The meeting adjourned.

Signed,

Gregg S. Champney, Clerk