

Minutes of the Planning Board Meeting of January 24, 2017

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on January 24, 2017 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

Present:

Brooke Whiting Cash
John Cratsley (arrived at 8:25 p.m.)
John Canally
Rob Easton
Gary Kleiman
Matt Johnson

Absent:

Allen Sayegh

Elizabeth Hughes, Town Planner
Nancy Hausherr, Administrative Assistant

The meeting commenced at 7:00 p.m. and was audio-recorded. Ms. Whiting Cash stated that anyone recording the meeting needs to inform the Board.

Preliminary Subdivision Plan #241 **Keuka Road LLC** **Parcels 3838, 3842-2, 3849, 3850, 3851, and 3825)**

Attorney Matthew Watsky, Ian Rubin, of Markey & Rubin, Inc., and Craig and Hope Beckman appeared before the Board to discuss the application of Keuka Road LLC for a Preliminary Subdivision Plan “Hosmer Meadow Subdivision” to allow a road improvement with waivers for a 5-lot subdivision for the future development by a Planned Residential Development (PRD) of 11 dwelling units on 12.48 acres off Keuka Road.

The Board considered the Planner’s Report dated 1/20/17 and a memorandum dated 1/19/17 from Concord Public Works Engineering Division with comments on the grading plan RG and lot layout LL plan dated 1/9/17.

Town Planner Hughes provided the Board with copies of a memorandum dated 1/20/17 received from the Natural Resources Director with comments the grading plan and lot layout plans dated 1/9/17.

Mr. Rubin distributed to the Board a grading plan sheet RG (sheet 2 of 2) dated 1/9/17, revised 1/24/17, which shows a proposed stormwater retention pond catching the runoff from the proposed cul-de-sac. He also provided copies of the Applicant’s comments on the revised Planner’s Report dated 1/20/17 (Applicant responses in red ink.) Mr. Watsky explained that the RG plan sheet revised 1/24/17 replaces the RG plan sheet dated 1/9/17 which the Board received

in their packets and the plan sheet demonstrates feasibility of addressing Public Work Engineering's comments regarding the stormwater.

Chair Whiting Cash said that she did not recall the Applicant submitting a lot yield calculation. She asked the Applicant to clarify the purpose of the plans sheets which show both a through road and a cul-de-sac. Mr. Johnson said he had the same question. Mr. Rubin replied that they have only submitted a plan for a cul-de-sac. Mr. Beckman stated that Sheet LL was superfluous.

Ms. Whiting Cash expressed concern with the grading plan that shows disturbance within the 25-foot buffer zone. Mr. Rubin commented that he could pull the stormwater drainage basin back if necessary.

The Board had a discussion regarding the building envelope on Lot 4 and the ability to put a house and septic system on that lot. Mr. Rubin stated that the septic system would be located inside the cul-de-sac.

Mr. Kleiman asked about proposed Lot 4 and if a structure could be located in an isolated wetland area. Mr. Rubin explained that a structure is not proposed for the isolated wetland area. Mr. Watsky clarified that, if the Applicant were to propose work in the isolated wetland area, they would be required to obtain approval from the US Army Corps of Engineers, since the isolated wetlands does not fall under Town or State jurisdiction.

Chair Whiting Cash asked about the proposed amount of fill for the proposed road base. Mr. Rubin answered that approximately 2 feet above natural grade of fill would be required for construction of the roadway.

Mr. Johnson asked about the comments regarding Sections 6.20 & 6.21 of the Subdivision Rules & Regulations referenced in the aforementioned Planner's Report. Town Planner Hughes explained that Town Counsel has not reviewed the revised road grading RG plan sheet yet, but that it was her opinion that the revised plan before them was more in keeping with a road improvement plan. She noted that as a Preliminary Plan, the Board can go through the requested waivers and act on them if they feel it is appropriate, but they are not required to act on them.

Ms. Whiting Cash asked about the comments from the CPW Water & Sewer Division that consideration for the required water system loop should be given during the design phase of the proposed roadway improvements. Mr. Rubin replied that the Applicant intends to meet the standards when the time comes to do so.

Mr. Cratsley asked what the proposed retention pond will look like. Mr. Rubin explained that the proposed retention pond will be a dry pond approximately two feet deep after construction and that the pond will be maintained as part of the stormwater management plan.

Mr. Kleiman referred to the letter dated 9/20/16 from the Board of Health citing six concerns relating to whether the proposed septic systems can reasonable be constructed. He commented that the revised RG plan does not provide enough information regarding an onsite sewage system or the amount of fill that would be required if an on-site system were to be constructed. Mr.

Rubin replied that this level of detail was not required at this point, but it is expected that the units will not have basements and that all septic systems will be raised and/or mounded approximately 6 -7 ft. high, with walls.

Ms. Whiting Cash asked if it is expected that the proposed finished grade of the septic systems will be 6 – 7 ft. higher than ground level. Mr. Rubin replied in the affirmative.

Mr. Canally asked for clarification on Sections 6.8.9, 6.20, and 6.21. Town Planner Hughes explained the purposes of those sections of the Subdivision Control Law and gave examples of the types of municipal needs that require an applicant to set aside land for municipal purposes.

Chair Whiting Cash invited public comment.

Michael Bolio, 748 Main Street, spoke in opposition. He asked about the isolated wetland area. Town Planner Hughes explained the purview of the Natural Resource Commission. He commented that it did not make sense to him to apply rules for a “paper” non-existing road to a road to be constructed for present day use and safety. He expressed concern about the development’s proposed location adjacent to his backyard. Chair Whiting Cash explained that the pre-existing 1913 plan and the property owner’s right of access to lots had been addressed at previous Planning Board meetings. She suggested that it may be helpful to review the minutes of past meetings.

Gerard Soucy, 770 Main Street, spoke in opposition to the application.

The Board decided to go through the waivers requested, item by item, in order to take a position on each of the requests. Mr. Kleiman asked for clarification on the criteria to be used in granting discretionary waivers. Town Planner Hughes explained.

The Board decided that it was appropriate to grant waivers to the road right-of-way width, curve radius, and intersections off-set. The Board declined to act on the waiver requests of Section 6.20 Reservation of Land for Municipal Purposes and Section 6.21 Reservation of Land for Housing Purposes, pending the receipt of further information as part of the Definitive Subdivision Plan process. The Board directed the Town Planner to ask Town Counsel whether the Board is in a position to delay action on Section 6.20 and 6.21 until the Definitive Plan submission.

The Board requested the Town Planner to draft a decision of the Preliminary Plan with conditions for their consideration at the 2/7/17 meeting.

Efficiency and Regionalization Grant Letter of Support

The Board reviewed the Draft Efficiency and Regionalization Grant Letter of Support for CrossTown Connect dated 1/24/17 and agreed on the Town’s support of the grant. Mr. Kleiman will incorporate suggested changes and agreed to review the final letter prior to its submittal.

2017 Town Meeting Warrant Article Presentations

The Board reviewed the draft presentation for Articles 35, 36, 37 and 38 with members volunteering to present each article. The Town Planner will send each Board member the presentation for their Article so they can make any final edits.

The Town Planner was not able to complete the presentation for Article 39 Marijuana Moratorium. She informed the Board that Town Counsel will be preparing a memo to the Board prior to the March 7th public hearing giving them an update on the legislation and discussing whether the Board wished to not move the Article. Mr. Easton questioned whether the Board needed to make the presentation at the public hearing if they decided not to move the Article. Ms. Hughes stated she would find out the answer.

The Board reviewed the Article 41 for the Tree Preservation Revolving Fund. Ms. Whiting Cash asked for clarification on the requirements of a revolving fund. Ms. Hughes replied it is an account established by Town Meeting each year for which the funds deposited into that account are spent for a specific purpose each year. The Board questioned whether that information needed to be in the presentation. Ms. Hughes suggested that information on what a revolving funds is could be part of the Planning Board written recommendation handout.

Proposed Tree Bylaw Fee Structure Discussion

Before moving onto the presentation for Article 40 Tree Preservation Bylaw, the Board discussed what is an appropriate mitigation fee for the removal of a protected tree. Ms. Whiting Cash reviewed with the Board a Tree Caliper Cost Calculation sheet she prepared. The Board agreed that the cost needs to be punitive to pay instead of protecting or replanting, since that is the primary goal. It was determined that a fee of \$375 an inch was appropriate.

2017 Town Meeting Warrant Article Presentations

The Board reviewed the draft presentation for Article 40 Tree Preservation Bylaw and discussed the appropriate content needed to accurately and effectively convey the Bylaw to Town Meeting without confusing the issue. It was determined that Ms. Whiting Cash and Mr. Johnson would work on finalizing the presentation based on the input and feedback from the Board and then present the revised draft at the next meeting.

Ms. Whiting Cash noted that the Board would need to be ready to discuss with the Finance Committee at the February 16th meeting not only the Tree Bylaw fee structure, but the burden implementation of the Bylaw will have on the Town. She reviewed the demolition and construction figures for the last three years and the number of building permits for residential development that may apply under the Bylaw. Based on her research of the data, she estimates that implementation of the Bylaw might involve 5 applications a month, on average, and might require roughly 20 hours a month of staff time for review and coordination. The Board discussed how an application fee could help offset additional staff hours.

Mr. Canally noted that this did not include the time for Town staff to purchase plant and maintain trees as part of the Tree Revolving Fund. Ms. Hughes commented she would get that information from Public Works.

Minutes

The minutes of the 1/10/17 meeting were reviewed and amended. Mr. Kleiman moved that the Board approve the minutes as amended. Mr. Canally seconded. All **VOTED** in favor.

On a motion made by Mr. Canally and seconded by Mr. Kleiman, the meeting adjourned at 9:35 p.m.

List of documents presented which are on file in the Planning Division Office at 141 Keyes Road, Concord, MA:

- Revised Planner's Report dated 1/20/17 re: Keuka Road Preliminary Subdivision Plan #241
- Planner's Memorandum dated 1/20/17
- Applicant's response to Revised Planner's Report dated 1/20/17
- Revised plan sheet dated 1/24/17 for Keuka Road Preliminary Subdivision Plan
- Draft Efficiency and Regionalization Grant Letter of Support

Respectfully submitted,

Gary Kleiman, Clerk

Minutes approved on: 2/7/17