

**PLANNING BOARD  
APRIL 21, 2016  
MINUTES**

John Giger called the meeting to order at 7:30 PM at the Town Hall.

Members present: Burke, Giger, Perkins, Vega, Svarczkopf, and Wilson

Member absent: Barringer and Vega

Perkins opened the meeting at 7:30 pm.

**PUBLIC HEARING – ROCKY HILL (Starter Home Phase)**

Attorney Bob Collins represented the Applicant concerning this matter. He explained that he had not yet received the definitive subdivision plans from the engineer so he did not think it was appropriate to proceed with the public hearing at this time. He suggested that the Planning Board extend the public hearing to June 23, 2016 so that the special permit and subdivision applications could be considered concurrently. Burke made a motion to continue the public hearing to 7:30 pm on June 23, 2016.

Wilson seconded the motion. The vote was unanimous.

Perkins suggested postponing discussion of the waivers of the setback requirements for Lots 27, 29, 30, and 31 until that same meeting.

**530 OLD DUNSTABLE ROAD**

Attorney Bob Collins represented the Applicant concerning this matter. Collins explained that the Applicant wants relief from satisfying various prerequisites of the special permit so that he can obtain a building permit for a single lot. In particular, he wants to begin construction on the home prior to demolishing the multifamily structure, constructing the common driveway and recording various documents (ANR plan, special permit, maintenance agreement, and conservation easement). All of these provisions would be satisfied prior to obtaining a building permit for the second lot. Also, the Applicant is willing to provide \$5,000 in cash as a performance guarantee for demolition of the structure.

Perkins read Bonavita's email to Building Inspector Ed Cataldo dated April 12, 2016 requesting that he deny issuance of a building permit on the grounds of the Applicant's failure to construct the common driveway to the binder course and comply with various conditions of the special permit.

Collins discussed the difficulty of recording documents against registered land. Registered land is under the jurisdiction of the Land Court. He plans to petition the Land Court to remove this land from the registered category. This should be resolved by the end of June.

In response to a question from Svarczkopf, Attorney Collins explained that the three tenants' leases are up on June 1<sup>st</sup> therefore they would be living in the structure while construction on the single family home is underway.

In response to Burke's concern that \$5,000 is insufficient to cover the demolition costs, Collins explained that the Applicant approached the Fire Department about using the building for training prior to demolition and that the Applicant has a quote in hand for \$5,000 for removal of the structure. Giger asked Collins to provide a copy of the demolition quote. Bonavita explained that, in the case that the Town has to demolish the structure because the Applicant fails to do so, it will cost the Town more because of the State's prevailing wage requirement.

Collins suggested that the Planning Board institute a condition requiring the Applicant to bear all costs of demolition above and beyond \$5,000, as offered by Applicant.

Svarczkopf expressed concern about the Applicant doing site work in addition to the home construction. Collins replied that the only site work to be done at this time is associated with Lot 1.

In response to comment from Perkins, Collins agreed to provide the maintenance agreement to the Planning Board. Collins also explained that he is scheduled to meet with the Conservation Commission during the 3<sup>rd</sup> week of May to discuss the open space conveyance.

Giger reiterated that he doesn't want the taxpayers to pay for the demolition of the multi-family structure. Svarczkopf concurred. Svarczkopf is also concerned that the tenants will be living in a construction zone.

Collins said that he will return next week with additional information.

#### **CRYSTAL SPRINGS**

Attorney Bob Collins represented the Applicant concerning this matter. He explained that the Applicant is seeking relief regarding the bound requirement. Burke made a motion to approve the Applicant's request for field change to accept installation of pk nails in place of stone bounds as stipulated in the Nitsch Engineering letter dated 3/1/16. Wilson seconded the motion. The vote was unanimous.

#### **120 BOSTON ROAD**

John Amaral summarized his letter dated April 14, 2016. The Applicant partially built the retaining wall per plan. Sand from abutter's property (decommissioned septic system) slid onto the Applicant's property. When they backfilled the retaining wall with this material, the abutter ordered them to stop work and has prevented this work from continuing. The Applicant seeks approval for an alternative to the retaining wall. The plan modification depicts a riprap slope in lieu of the retaining wall and shift of the swale, grading, second retaining wall and driveway up to 2' from the property line. The modification has already been reviewed and approved by MA DEP and the Conservation Commission. Bonavita explained that she forwarded the proposed modification to the Earth Removal and Stormwater Management Committee for their review. Wilson made a motion to approve the modifications identified on the plan entitled "Grading Detail, 120 Boston Road, Groton, Massachusetts" prepared by Ducharme & Dillis Civil Design Group, Inc., dated 3/66/16 (plan date typo to be corrected by the Applicant to read 3/16/16). Svarczkopf seconded the motion. Burke amended the motion to preface that the Planning Board determined that the field change was minor in nature. Svarczkopf seconded the motion again. The vote was unanimous.

#### **ACADEMY HILL SUBDIVISION**

Mike Feldman asked the Planning Board to release the tri-partide agreement with Middlesex Savings Bank and accept a surety bond in its place. Burke made a motion to accept the performance bond from Philadelphia Indemnity Insurance Company dated April 14, 2016 in the amount of \$58,748.24. Wilson seconded the motion. The vote was unanimous.

Burke made a motion to release the tri-partide agreement with Middlesex Savings Bank dated November 15, 2006 in the amount of \$58,748.24 in consideration of acceptance of bond. Wilson seconded the motion. The vote was unanimous.

Feldman told the Board that he is interested in lot releases so that he can build more houses. He informed the Board that Nitsch Engineering is in the process of preparing a cost estimate and he will

submit a third bond to cover the construction costs associated with that section of roadway. Feldman expressed the desire to shift the requirement to build the access road (Woods Road) to the detention basin from the prior phase to the new bond. The value of this work, according to the Nitsch Engineering estimate dated July 25, 2013, is \$5,000. Perkins asked him to put his request in writing and the Planning Board will consider it at a future meeting.

#### **FEE SCHEDULE**

Bonavita explained her proposed application fees for special permits, major site plan review and rezoning petitions to Burke and Perkins, who were unable to attend the April 14<sup>th</sup> meeting. She explained that it costs \$500 to modify the Zoning Map. After some debate, the Planning Board decided to charge \$500 for rezoning petitions that affect the Zoning Map. The Planning Board has the power to reduce or waive the fee if they believe it is warranted.

Burke made a motion to accept the fee changes, but then amended his motion to advance consideration of the fee changes, as part of the Subdivision Regulations, at a public hearing to be held at a future date. Wilson seconded the motion. The vote was unanimous.

#### **MINUTES**


March 31<sup>st</sup> minutes- Bonavita explained after she emailed the draft minutes to the Planning Board that Burke emailed her some suggested changes. Wilson made a motion to approve the March 31<sup>st</sup> minutes as amended. Giger seconded the motion. Burke, Giger, Perkins, and Wilson voted in favor, Svarczkopf abstained.

April 14<sup>th</sup> minutes- Wilson made a motion to approve the minutes of April 14, 2016. Burke, Giger, Svarczkopf, and Wilson voted in favor, Perkins abstained.

Svarczkopf made the motion to adjourn. Giger seconded the motion. The vote was unanimous.

The meeting adjourned at 8:30 pm.

Respectfully submitted,



Laurie Bonavita

Land Use Director/Town Planner