

Minutes from Meeting of February 9, 2005 – Murphy, Piper, Wilkins, Bulldog, Oak Ridge Draft Discussion

Members Present: Robert Cadle, Chase Duffy, Cindy Maxwell, Jay Prager, Mark Mulligan, Stuart Schulman, Shaun Sullivan

The Acting Chairman reconvened the Murphy hearing.

George Barringer, via fax, presented some findings/conditions that he suggested that the Board incorporate into the decision.

Discussion ensued regarding the conditions and the applicant said that they are all standard practices that he is happy to incorporate them into the permit.

The applicant said that he spoke to the Building Inspector and additional site plan review would not be necessary.

Mr. Cadle wanted to be sure to involve the Fire Department and BOH, as suggested by Mr. Barringer.

The Board felt that all of the suggestions should be incorporated into the decision with the exception of #4, which provides that a list of hazardous materials, etc. are supplied to the ZBA. The Board suggested that such a list be provided to the BOH and Fire Chief to be monitored in conjunction with the Zoning Enforcement Officer.

The applicant said that this is not the type of lab that requires an emergency shower or eye bath. He said that there is no plumbing and no plans to install plumbing. He said that he would be willing to install a sprinkler system and noted that that only requires a water supply and not waste disposal. He said that he will put in a/c and heating.

Mr. Prager moved that a condition that no building permit shall issue until all provisions in the memo from Mr. Barringer be met be put into the decision, including that the Fire Chief and BOH provide in writing that these concerns have been addressed.

The motion was seconded and passed unanimously.

The Chairman convened the Wilkins hearing by reading the Legal Notice.

The applicant was present, and said that he feels that he has improved neighborhood by cleaning up a very messy site and putting it to an agricultural use.

Ray Chiami, neighbor, noted that the applicant has done a great job, although he stated one big

concern. He said that when exiting, Fitch's Bridge is a blind corner. He said that it is a safety hazard when people turn around from Rt. 119 and whip around the parking lot onto Fitch's Bridge Road. He suggested building some sort of fence so that people turning around would have to go about 40 ft. down the road to turn around. He said that it would slow down traffic.

The board moved to grant a permit to Gary Wilkins for 6 years with the condition that he build a fence dividing his property from Fitch's Bridge Road for approximately 40 feet.

The motion was seconded and passed unanimously.

The Chairman convened the Piper hearing by reading the Legal Notice.

Discussion ensued regarding whether the conditions of permit #24-03 are being met.

The applicant said that they were.

Tom Orcutt, abutter, said that the operation was working well.

The Board moved to grant a permit for five years.

The motion was seconded and passed unanimously.

The Oak Ridge draft decision discussion ensued.

Of note: 36 units with 11 affordable would have a 13.4% profit. 32 units showed an 11% profit.

The Chairman convened the Bulldog Realty hearing by reading the Legal Notice.

Discussion ensued regarding whether the Board has the power to grant a permit for a three family dwelling. The general consensus was that because the building has been demolished, a permit cannot be granted. Further discussion ensued regarding whether sewer pipes and some pieces of stairs could be construed as part of a structure.

Mrs. Duffy felt that the new building would look like an apartment building, which the by-laws have been trying to avoid.

The applicants said that the new building would not look like an apartment building.

Discussion ensued regarding the 40B route.

The Board moved to deny the special permit because the Board does not have the power to grant when there is no existing structure. The Board moved to grant a variance from acreage and

frontage.

The motions were seconded and passed unanimously.

The discussion moved back to the Oak Ridge draft discussion.

Atty. Bobrowski said that he added Mrs. Collette's comments from today into the draft. He said that the last certificate of occupancy should be held hostage, rather than the first.

Discussion ensued regarding the site distance and whether there should be a condition regarding clearing in order to maintain the site distances. Atty. Bobrowski said that there is nothing in Mr. Hebert's final recommendations about that, but Mrs. Duffy felt that there was a strip that needed to be dealt with. Atty. Bobrowski added that the applicant will make sure that site distances are dealt with.

Of note: the opticom units must be installed before the Four Corners light becomes operational and that was added that to the list of conditions.

Dr. Horowitz said that it seems like the retaining wall will be 12 feet high. She said that there should be clarification regarding the height of that wall.

Discussion ensued regarding the location of bedrock.

Mr. Slager said that without actually designing the secondary septic system, he couldn't figure the exact height of the wall.

The Chairman suggesting conditioning a review by the BOH and approval by the ZBA if the secondary system needs to be built.

Atty. Deschenes noted concern about #43. c.

Atty. Bobrowski suggested defining the main driveway and put in that the applicant may request additional waivers.

Atty. Deschenes said that he doesn't want to get back into granite curbing, etc.

Discussion ensued regarding why the PB is concerned since the driveway won't be a town road.

Atty. Bobrowski said that condition #12 should take care of road issues.

The Chairman said that he wants the road constructed so that it won't fall apart.

Mr. Sullivan read that methods and materials will conform to both State and PB regs.

Discussion ensued regarding site line and access issues.

Atty. Deschenes said that the major basis for moving the road was to improve the site line.

Of note: #45 was taken out because this is never asked for in other projects and the BOH still has final say before building permits can issue.

Mr. Sullivan suggested putting no parking into the condo covenant instead of posting signs.

Discussion ensued regarding the mounding test study. Atty. Deschenes said that they need to know how much higher to build up the system.

Atty. Bobrowski said that some things are unanswerable until the project is further moved along. He said that he thinks the applicant should defer how much to mound the project until they have a budget in place and then ask for a waiver if necessary. He said that that is why the plan can be modified at any time, pursuant to the 40B regs.

Mr. Slager said that model is conservative and tends to overestimate and thus can lead to unnecessary extremes.

Atty. Deschenes said that they would grant an extension for at least another week. He said that he wants to see Mike Jacobs' costs before discussing money further.

Next meeting is 2/23/05 at 7 pm. Atty. Bobrowski will conference call in.

Atty. Deschenes said that he will submit an extension.

The meeting adjourned at 10:45 pm.