

Approved

March 29, 2006 Mason Planning Board

In attendance: Mark McDonald (chair), Dotsie Millbrandt, Meredith Cooper (SWRPC), Bruce Mann, Pam Lassen, Chris Guiry (ex-o)

Absent: Joe McGuire (alternate), , Linda Cotter-Cranston (alternate)

Call to order: 7:45 pm

Next Meetings: Regular meeting, April 26, 2006.

Voting members tonight: Mark, Pam, Dotsie, Chris, Bruce

Old Business: Approved minutes from January 11, January 25, and February 25, 2006

New Business:

Public Hearings:

06-03 Martin and Linda Ruggiero, minor subdivision, Tax Map J-22 and lot line adjustment, Tax Map J-22 and J-11-1, on Fitchburg Road and Old Turnpike Road. Phil Tuomala is presenting.

Abutters present: Marion Deschenes, Liz Fletcher representing the Conservation Commission which is an abutter.

Checklist items being resolved:

- o Missing structures now shown within 200 feet of property
- o Status of Bell Road. An abutter has upgraded part of Bell Road. Letter from Selectmen: "Town accepts that portion of Bell Road that was upgraded from a Class VI to a Class V road by Birmans, owner of lot J-12 as a Class V road portion. The plans are on file in the Town Office."
- o Placed granite bound on Rt 31 between lot J-22 and J-22-1 behind stone wall
- o The driveway permit has been received from the state for shared driveway for lots J-22 and J-22-1
- o Shared driveway easement: The board has agreed to strike the word 'residential' from the shared driveway easement template for this applicant, on advice of town counsel. A shared driveway is being allowed for reasons of safety (to minimize driveway cuts on state highway, which has a high traffic volume).
- o Determine location of abutters' septic systems; show on plat if within 100' of property
- o Fees of \$150 have been paid

Chris makes a motion to allow a common driveway on this subdivision. Mark seconds. Bruce is concerned that we will be establishing a precedent that lots can be created that are not capable of having their own driveway, by allowing a common driveway. Vote: Mark – aye, Bruce – abstain, Chris – aye, Dotsie – aye, Pam – abstain.

Conditions for approval:

- o Show the new delineation of the Class V portion of Bell Road from the Class VI portion on the plat
- o Strike the word 'residential' from the shared driveway easement
- o Show new frontage for lot J-11-1
- o Conditions to be met by May 31, 2006.

Mark makes a motion to grant conditional approval, subject to the conditions listed above. Chris seconds. Vote: Bruce – abstain, Dotsie – aye, Mark – aye, Pam – abstain, Chris – aye.

05-17 Deer Run Real Estate, minor subdivision, Hurricane Hill Road, Tax Map L-25-1. Land is owned by Eugene Dancause. Mr. Dancause is presenting.

Abutters present: Jerry and Susan Bird.
Roger Parsons, Town Consultant, is present.

Roger Parsons discusses the Fire Pond remediation plan he has drawn up for the fire pond area and the access to the fire pond from the road. It addresses the planning board's concerns about erosion and access concerns. He has reviewed it with the Fire Chief, Dave Cook.

Letter from Silas Little, Town Counsel, recommends taking these actions before subdivision approval to ensure that the DES-approved wetlands remediation plan will be adhered to:

1. Acquire certification from the engineer/soil scientist for the plans for remediation of the wetlands, in accordance with DES approval
2. Plan for remediation to include a timetable
3. Removal of culvert crossings to be part of plan
4. Acquire estimate from the engineer/soil scientist for the cost of the remediation plan
5. Board of Selectmen will determine the amount and time of the bond to be posted and also set the time for remediation work

Discussion: What is the effect of the wetlands remediation on the subdivision proposal? The DES remediation plan is independent of the subdivision proposal; the applicant is required to comply with it whether or not the land is subdivided. Also, the wetlands under remediation is a small portion of the total property, and that land remains as part of the larger (20 acre) parcel of the subdivision. The board decides that it should establish the five points above as conditions for subdivision approval, along with other conditions for fire pond, etc, as appropriate.

Items needing resolution:

- o The five points regarding the DES remediation plan
- o Fire pond remediation status
- o Fees remaining for town and SWRPC activities: \$172
- o Fees for Roger Parsons: \$262.50

The applicant will re-notice the hearing for May 31, at the applicant's cost, of course.

Mark makes a motion to continue the hearing to May 31 at 8:00. Chris seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Chris – aye. The hearing is continued to the stated time and date.

05-18 Tymar Land Development, major subdivision, Pratt Pond Road, Nutting Hill Road, Batchelder Road, and Greenville Road (Tax Map A-22). Mark Martell of Bedford Design Consultants presenting. Attorney Alec MacMartin is representing the interests of Tymar Land Development.

Abutters present: Marshall Buttrick
Roger Parsons, Town Consultant, is present.

Roger Parsons wrote an impact report discussing runoff and drainage. Bedford Designs wrote a letter in response, received this evening. These letters are lengthy and can be found in the subdivision file. The applicant agrees to place a culvert on lot 22-10 on Pratt Pond Road. The applicant's engineer states in writing that the runoff will not affect adjacent properties. By state regulation, a permit will be needed for any disturbance greater than one acre in extent. The applicant states they will be getting state permits as needed.

Roger Parsons indicates that there is not sufficient information on the plans to determine whether or not there will be any effect of runoff on the road.

Attorney MacMartin suggests that the plan contain notes to reflect what the board wants potential owners to know. Particularly, the EPA Phase 2 storm water prevention plan: New federal regulation, covering one acre of soil disturbance or larger, requires an individual or entity to keep an ongoing record of activities that take place. At the end of that process there is a signoff (lawn is seeded, grass has grown, etc). (The previous storm water plan addressed areas greater than five acres.)

Note for plan: For each lot, the owner may be required to file for a permit under the EPA Phase 2 Storm Water Prevention Act.

Roger Parsons wrote a separate report addressing road impacts and road improvements, and suggests improvements that would cost approximately \$2000 per lot.

Attorney MacMartin responds that the applicant agrees that the lot owner will provide \$1950 per lot for incremental improvements on the roads that abut the subdivision, payable at the time the lot owner gets a building permit. A note on the plan will describe this encumbrance. The town needs to establish an individual trust fund for these funds, and these funds can only be used on the abutting roads. This is an exaction, not an impact fee. Also, other properties on the abutting roads should be subject to a commensurate fee, even if road improvements have already been completed.

The turnaround at the town boundary on Nutting Hill Road has been approved by the road department.

Atty MacMartin has written an easement for the turnaround and a fire pond easement which the road agent and fire chief have reviewed.

Atty MacMartin has drafted an open space easement that he is reviewing with town counsel. No more than 50% of the area can be logged at a time, providing open browse area for wildlife. No structures are allowed in the easement area. Its location makes it unlikely that any utility lines or driveways will cross it.

Fees to Roger Parsons for Feb/March 2006: \$1200

Conditions for approval:

- o Install a standpipe for the fire pond
- o Provide three easements: Fire pond easement, turnaround easement, open space easement, as discussed above
- o Add note to plat indicating that a \$1950 per lot offsite exaction fee will be the responsibility of the lot owner, payable to town at the time a building permit is obtained
- o Add note to plat about EPA Storm Water Pollution Prevention plan owner responsibilities
- o Fees: No more than \$1200 to Roger Parsons. \$300 for filing.
- o Conditions to be met by July 31, 2006.

Mark makes a motion to grant conditional approval, subject to the conditions listed above. Chris seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Chris – aye.

06-06 Susan Rodil, minor subdivion of 2 lots, Tax Map K-3-1 on Valley Road. Phil Tuomala is presenting.

Abutters: Marc Rodil, spouse of applicant.

Two lots will be created. Lot K-3-1 will be 17.354 acres, lot K-3-4 will be 2.02 acres. There is a house on the larger lot, with an existing driveway of several hundred feet, which crosses over Mason Brook with a bridge.

There is a reserve space for Little Child Park, burial site of the first white child born in Mason.

The applicant wants to use the beginning part of the long driveway for the new lot, also. The common driveway entrance will be part of the new lot, and a driveway and utility easement will be provided.

Mark makes a motion to accept this plan as a Completed Application. Pam seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Chris – aye.

Mark made a motion to allow a common driveway, for safety, and to allow removal of the word 'residential' from the driveway easement template. Chris seconds. Vote: Bruce – abstain, Dotsie – aye, Mark – aye, Pam – aye, Chris – aye.

Conditions for approval:

- o Receive DOT driveway permit for common driveway
- o Add building setback lines on lot K-3-4
- o Receive state subdivision approval
- o Provide driveway easement
- o Pay fees \$201
- o Conditions to be met by May 31, 2006

Mark makes a motion to grant conditional approval, subject to the conditions listed above. Chris seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Chris – aye.

Adjourn: Mark makes motion to adjourn at 11:25 pm. Seconded. Approved.