

Approved

October 31, 2007 Mason Planning Board

In attendance: Chris Guiry (ex-o), Dotsie Millbrandt, Bruce Mann, Pam Lassen, Jo Anne Carr (SWRPC), Linda Cotter-Cranston (alternate)

Absent: Joe McGuire (alternate), Mark McDonald (chair)

Call to order: 7:40 pm

Next Meetings: Regular meeting, November 28, 2007.

Old Business: Approved minutes:
September 26, 2007 – Approved

New Business:

Chris makes a motion to not have a meeting on the last Wednesday of December, because it is December 26th. Bruce seconds. Board votes in the affirmative. The meeting will be on the last Wednesday in January.

Public Hearings:

07-07 Robert Lipin and Evelyn Ellis, Scripps Lane, 9 Lot Subdivision and Lot Line Adjustment, Tax Map E-30, E-31, E-36. Randy Haight of Meridian Land Services presenting.

Robert Lipin and Evelyn are present.

Abutters present: Fred Andersen

Bruce Mann recuses himself from this hearing.

This plan shows 9 lots all together, comprised of 6 new lots and 3 reconfigured lots.

Near where the cistern will be located there is some basswood growing. It's special, though not really rare, and used for making baskets. Fred Andersen wants to harvest it before the equipment gets in there.

Since the last meeting, the lot numbers have been corrected on the plat, and notes updated accordingly. State subdivision approval has been received for lots E-30-2, E-30-4. Those are the only lots that needed state approval, being under 5 acres.

A site walk was early held on October 13. The board looked at the upgraded road, drainage, the hammerhead turnaround, and the intended cistern site.

Conditions for approval:

- Review of the cistern easement by Town Counsel.
- A document describing the 13.2 acre conservation easement on lot E-36, southeast of the property, designated for open space.
- Granite bounds set along Scripps Lane.

- Fees paid.

Dotsie makes motion to a grant conditional approval to this subdivision and lot line adjustment, subject to the conditions listed above. Linda seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve. The application is approved. Conditions to be met by January 31, 2008.

07-08 Howard M. Turner, 9 Lot Subdivision and Lot Line Adjustment, Brookline Road, Tax Map F-38, F-38-1, F-38-2. Randy Haight of Meridian Land Services presenting.

Abutters: Doug Whitbeck, Kirk Farrell, Shawn Jodoin.

A hydrology report has been received from Don Cedarquist of EnviroSense. It stated that the water recharge rate for the parcel was greater than the anticipated water usage rate of the 8 new houses. It also added the statement that the yield of any particular well at any particular site cannot be guaranteed.

Chris spoke to Town Counsel. The town does not have any liability if someone buys a subdivided lot and can't get a usable well, unless the town has specific knowledge of a problem before subdivision, or if the town caused the problem through such activities as road or drainage construction.

Shawn Jodoin presents a document, signed by a list of abutters. It states:

- The configuration of the lots does not conform to the town subdivision regulations because the lots do not intersect the road at 90 degree angles. This may lead to zoning disputes.
- All collective waters should be treated to insure no possibility of pollution to the enclosed and nearby streams and wetlands.
- All natural courses of flow should be maintained and detailed on the site plan, including seasonal springs and streams that help feed surrounding wetlands.
- Roadway and drainage construction should be completed before any structural development takes place, due to excessive slopes and drainage.
- The driveway cuts for the lots abutting Brookline Road should be made off of Tom Pasture Road instead of Brookline Road.

Bruce makes a motion to show two potential driveways cuts each for lots F-38-1 and F-38-7, with the alternate driveway cut on Tom Pasture Road. Linda seconds. Board votes aye unanimously. Motion carries.

Bruce says that in Massachusetts a town asked for wells to be drilled before a subdivision was completed, to assure sufficient water. He asks if it would be reasonable to require wells to be drilled before subdivision. Chris and Jo Anne say that the state regulations have no support for this.

The board wants to assert for the minutes that the board has done due diligence regarding the sufficiency of water supply by requesting the hydrology report and noting its findings.

Bruce makes a motion to ask the applicant to reduce the number of lots. Pam seconds. Vote: Bruce – aye, Chris – aye, Linda – aye, Pam – aye, Dotsie – nay. Motion carries.

Add a note to the plan stating that the treatment swale should be completed before any construction begins, so that runoff doesn't drain to Kirk Farrell's lot.

Board discusses what the right angles provision means. Many subdivisions have lots that are roughly at right angles through the lot, but some have more varied boundaries. The lots at right angles are primarily on existing roads. Lots surrounding new road construction, where a no-outlet road is constrained to 1000' in length, tend to be more varied in shape, particularly if the parcel being subdivided has considerable backland beyond the end of the road.

Chris makes a motion to continue this hearing to November 28, 2007 at 8:15 pm. Bruce seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve. The hearing is continued.

07-10 Kenneth Grant, Minor (2-lot) Subdivision, Starch Mill Road and Abbott Hill Road, Tax Map B-2.

While this hearing was correctly noticed in the newspaper, abutter notices were not mailed in time. Chris makes a motion to continue this hearing until November 28, 2007 at 8:15. Pam seconds. Vote – aye, unanimously.

07-11 Dimension Spas Unlimited, Robert Lavoie, Minor (2-lot) Subdivision, Hurricane Hill Road, Tax Map L-25-1.

While this hearing was correctly noticed in the newspaper, abutter notices were not mailed in time. Chris makes a motion to continue this hearing until November 28, 2007 at 8:30. Pam seconds. Vote – aye, unanimously.

07-09 Peterman Realty Trust, James and Bette Connolly, Boundary Line Agreement and 2 Lot Subdivision, Brookline Road and Depot Road, Tax Map G-31, G-32, G-33. Attorney Charles Moser presenting. David O'Hara of O'Hara Associates is present.

Parties present:

For Lot G-31: Jim & Bette Connolly, Trustees of Peterman Realty Trust II, represented by Charles Moser, Esq. Jim, Bette and Charlie are present.

For Lot G-32: Bank of NY, trustee, represented by Andrew Piela, Esq. Attorney Piela was present. Bank of NY is the successor in interest (by foreclosure) to Richard and Kim Patterson.

For Lot G-33: William Doonan, managing member of Doonan Family, LLC, represented by Morgan Hollis, Esq. Mr. Doonan and Mr. Hollis are present.

Bruce Mann recuses himself. Chris Guiry recuses himself. The remaining board members choose Pam to chair the hearing.

Abutters present: None

A variance has been granted by the ZOA for 100' of frontage for proposed lot G-31-1. The boundary on the western side of lot G-31-1 has been in dispute. This has been tentatively resolved by an agreement in court between James and Bette Connolly (Peterman Realty Trust) and The Bank of New York. This agreement depends on a subdivision being granted for Lot G-31-1, owned by the Doonan Family Trust LLC.

The ZBA granted a variance giving relief from the 250' frontage requirement for this specific case. The Selectman brought suit, and the State Superior Court found in favor of the ZBA. As a

consequence, this application is not bound by the frontage requirements in the Town of Mason Planning Ordinance.

Checklist:

- State subdivision approval has been received
- The 100' frontage carries through to the building site
- Fees are paid

Pam makes a motion to declare this a Completed Application. Linda seconds. Vote: Pam – approve, Dotsie – approve, Linda – approve.

Atty. Hollis describes the history of the boundary dispute.

Conditions for Approval:

- Add a note referencing the decision of the Town of Mason vs the Town of Mason ZBA, Hillsborough County Court, in the plat notes.
- The west boundary, currently in dispute, must be resolved and agreed in writing by the three parties, Peterman Realty Trust, Bank of New York, and Doonan Family Trust. The plat will have signature lines for the three parties. A boundary line agreement will be drawn up and filed at the same time as the plat.

Dotsie makes a grant conditional approval to this subdivision and lot line adjustment, subject to the conditions listed above. Linda seconds. Vote: Linda – approve, Dotsie – approve, Pam – approve. The application has received conditional approval, conditions to be met by January 31, 2008.

Adjourn: Pam makes a motion to adjourn. Dotsie seconds. Meeting is adjourned at 10:25.