

Approved 3/14/2007

**Minutes of Public Hearing Continuation
February 28, 2007
Town House 7:00 p.m.**

Members in Attendance: All members were present, Charlie Dolben, Chair, Laurie Niles, Neil Flynn, Robert E. Majkut, Joseph Kruzel, Anthony Bongiorno, Associate Member

Meeting opened at 7:03 pm.

Mr. Charlie Dolben stated that Mr. Anthony Bongiorno, Associate Member, had been appointed as a voting member at the start of the Public Hearing on February 14th and would continue as a voting member.

41 Mountain Road Estate Lot/Robinson: Mr. Charlie Dolben briefly explained the application from petitioner was for an estate lot which was fully described when presented at the Public Hearing on February 14th. He inquired if there was any input from anyone present.

Mr. Russ Morton, 12 Genevieve Drive announced that he had property on Mountain Road which abuts the property at 41 Mountain Road and had questions about drainage north of the parcel, coming from Mountain Road. Mr. Gary Weiner, from Ecotec and representing the property owner stated that there is an easement marked as B-1 which has drainage that discharges onto Lyman Wood's property. Mr. Morton explained that the property owned by his family gets wet now and he wanted to know how that would be addressed. Mr. Weiner explained that the property owner's daughter, Susan Robinson, will be building close to Mountain Road which would not impact the drainage Mr. Morton was referring to. Mr. Morton asked Mr. Weiner if he had septic plans in place and if he would be coming back to the Planning Board to present those plans. Mr. Weiner said they have not tested for septic yet and they will be complying with the Board of Health regulations. Mr. Morton inquired of the Planning Board if a plan for the driveway was required for approval of this estate lot, and Mr. Dolben informed him that the driveway was discussed at Public Hearing on February 14th.

Mr. Dolben asked if there were any further questions from those present pertaining to 41 Mountain Road. With no further questions from the public Mr. Dolben asked for a motion to close. Ms. Laurie Niles made a motion to close the Public Hearing on 41 Mountain Road, and Mr. Neil Flynn seconded the motion. All voting members were in favor. Voting yes were Mr. Flynn, Ms. Niles, Mr. Dolben and Mr. Anthony Bongiorno. Voting no – zero.

41 Mountain Road Estate Lot/Robinson continued: Mr. Dolben then asked for a motion to approve the ANR. Ms. Laurie Niles made a motion to approve, and Mr. Neil Flynn seconded the motion. All voting members were in favor, voting yes – Mr. Flynn, Ms. Niles, Mr. Dolben and Mr. Bongiorno. Voting no – zero. The motion passed and the ANR was signed by Mr. Dolben.

South Road 2 Estate Lots/Pepin: Mr. Charlie Dolben briefly explained the application from petitioner was for creation of two estate lots which were fully described when presented at the Public Hearing on February 14th. He inquired if there was any input from anyone present.

Ms. Robin Warner, Chair of the Ridgeline & Hillside Committee stated that there were some concerns after they visited the site. She stated that it was difficult to see where the driveway was proposed, and added that placing the house on the ridge was noncompliant with the Ridgeline & Hillside Bylaw. She requested a more definitive plan.

Mr. Dolben stated that this was not a final review by the Ridgeline & Hillside Committee but it was good to hear the concerns upfront. Ms. Warner also informed the Planning Board that significant clearing had already taken place. Mr. Dolben mentioned that a letter had been received from the petitioner's attorney stating that he was not responsible for the clearing and he does not own the property yet. Mr. James Kibbe stood and presented himself as the property owner and stated that he filed a Forest Cutting Plan with the Conservation Committee. Mr. Dolben questioned the clear cutting and was it approved and being done according to the Forest Cutting Plan. Mr. Robert Majkut said a property owner could clear-cut within guidelines.

Mr. Dolben asked Ms. Warner to share her concerns regarding the placement of the house as far as gradient. Ms. Warner explained that the committee was currently discussing and getting ready to vote on a clearer definition.

Mr. William Pepin informed the Planning Board that the plan submitted shows placement of the house on a plateau and all the rest was steep, so this was the most logical spot. He stated that there were higher peaks and the house is already downgrade. The Ridgeline & Hillside Bylaws had been reviewed after the last meeting as placement had been brought up and the definition did not state specific height requirements.

Mr. Richard DeSanti of Ridgeline & Hillside Committee asked what the elevation was at the proposed house site. Mr. Pepin stated it was at 980 feet. Ms. Warner stated that the house could only be 35 feet in height according to the Zoning Bylaws. Mr. Pepin recited a portion of the Ridgeline & Hillside Bylaws which state "...whenever possible the house will be down grade..." and stated that his application is in compliance as he carefully reviewed the Bylaws. Ms. Warner asked how many acres the property was and Mr. Dolben stated that one lot would be 8.2 acres and the other lot would be 26.8 acres. Ms. Warner questioned whether there were any other locations on the 26.8 acres where they could build the house. Mr. Dolben explained that it was a pretty steep site and that there was one flat open area. Ms. Warner further explained that a house larger than 35' in

South Rd 2 Estate Lots/Pepin continued: height would create a significant break in the ridgeline. Mr. Dolben asked Mr. Pepin if the plan was for a full-sized house, 35' in height, and Mr. Pepin said yes, it would be close to that. Mr. Dolben asked if there were any other questions from those present.

Mr. Russ Morton asked if the utilities would be underground, and inquired about the drainage and basins that were referred to on the plans, as he has concerns about the closeness to South Road and how it would function.

Mr. Keith Terry of Sherman & Frydryk explained that there is an open ponding area, dry until it rains, and when it rains a certain amount will infiltrate, the rest will pond or be let out in a controlled manner. He also stated that the water will be greatly reduced from what it is now. Mr. Morton inquired about testing as he was under the impression that it was all ledge there, and stated he checked that property. He also stated that they have land that is taking on a lot of water because the town has no drainage and wetter and wetter property is being created. Mr. John Dubois of 384 South Road stated that they take on a lot of water at their property. Mr. Terry explained that they conducted 4 tests, with results of 87", 102", 45", and 65"; they also tested the make-up of the soil. He also described the support for the statement that there will be a reduction in the amount of water due to infiltration, absorption, and natural draw on property. Mr. Joseph Kruzel inquired about who completed the hydrology study and Mr. Terry stated that the study was completed by Sherman & Frydryk Engineers and the TR55 process was followed. Mr. Kruzel also inquired about a covenant or agreement between homeowners for responsibility and maintenance of the common drive. Mr. Pepin stated that it was not resolved yet but he understood the need for it.

With no further questions or comments from those present, Mr. Dolben asked for a motion to close the Public Hearing, and that the Planning Board would review all information before making a determination. Mr. Anthony Bongiorno made a motion to close this hearing with the decision pending further review. Ms. Niles seconded the motion. All voting members were in favor. Voting yes were Mr. Flynn, Ms. Niles, Mr. Dolben and Mr. Bongiorno. Voting no – zero.

A motion to conclude the Public Hearing was made by Mr. Kruzel, seconded by Ms. Niles. The Public Hearing concluded at 7:50 p.m.

Submitted by Kathleen Foster, Clerk