

**Minutes of Regular Meeting  
December 28, 2005  
Town House 7:00**

**Members in Attendance:** Joseph “Charlie” Dolben, Chair, John D. Flynn and Joseph Kruzal, Melissa Reeves, Robert E. Majkut and Anthony Bongiorno, Associate Member

**Members Absent:** none

Meeting Called to order at 7:08

**Minutes-** Minutes from Public Hearing and the Regular Meeting on December 14, 2005 approved as corrected.

**Scantic Meadows** – Tabled until Tony da Cruz, Tighe and Bond 324 Grove Street, Worcester can review the documents submitted by Civil Engineering Associates.

**Tall Pines P.U.R.D.** - John Flynn reported Tony da Cruz had not had a chance to review the revised plans submitted by Gary Weiner, Ecotec Environmental, 180 Denslow Road, East Longmeadow. Flynn also had asked Dave Martel, Town Counsel, to e-mail a report regarding the Declaration of Trust, the Covenant and the Rules and Regulations submitted by Attorney Kenneth Albano, Bacon & Wilson, State Street, Springfield. Martel reviewed and made revisions then e-mailed the paperwork to the Board for the meeting.

Dolben asked Weiner to explain the outstanding issues as required from the Public Hearing. Weiner explained a landscaped buffer has been added along the southerly property line near the Greenleaf access. A row of white pines will be planted, interspersed with the existing trees and vegetation.

Perc tests were performed on the six units with good results.

Legends have been added to all relevant plan sheets

Soil evaluations and perc test were performed at the infiltration locations and noted on the plans.

The results are included in the submittal.

Velocities and rates of discharge have been added to the plan.

A copy of the utilities and access easement and easement agreement have been provided showing the legal authority to use the strip of land owned by the abutter.

The plans now show sloped granite curbing at the driveway entrance.

The retention basin has been designed to accommodate a 100 year storm occurrence without overtopping. The overflow point has, however, been reinforced to provide an armored channel.

Flow, if occurring, would move northwesterly through a thirty foot (30’) undisturbed buffer to land of Western MA Electric Company.

The four hundred fifty foot (450’) buffer line was established by the MA Natural Heritage and Endangered Species as the “take” limit for the 4 toed salamander. Disruption within this buffer zone is subject to a permit from them.

At the request of the Planning Board, they also added a twenty foot (20’) stormwater drain easement for Greenleaf Drive.

Dolben asked if MA Natural Heritage has granted approval yet. Weiner replied the permit gets submitted the first week of January. Weiner explained they have approval from MA Heritage at this time to work up from Stony Hill until the red circled area on the plans, then from the red circled area on the plans to the cul-de-sac. They are not permitted to work in the circled area. They are awaiting approval for that. Dolben reiterated the Planning Board does not want any work to start until all permits have been passed.

Weiner explained white pines have been added to the landscape buffer plantings.

Flynn asked if the trees behind the DelNegro property are tall mature trees or small young trees. John Masuck, Ecotec Environmental, explained there are some tall trees and some shrub and in the spring it is very thick.

Flynn asked if the neighboring wells have been located. Weiner stated not yet, it is difficult with the snow on the ground.

Joseph Kruzal asked if they were still waiting for permits from the Conservation Commission and MA Natural Heritage. Weiner explained this project is outside the Conservation Commissions jurisdiction but they are waiting permit approval from MA Heritage.

Flynn would like to see a condition in the Planning Board approval stating all permits must be granted before anything gets started on this project.

Weiner said the met all the P.U.R.D. guideline stated in the bylaws for the Planning Board. They would like to get approval because of that not be held back because other Boards have not given their approval yet. It would also help with the State if they have been approved by the Planning Board.

Flynn stated this project is on the State's radar as well as the Conservation Commission's radar the Planning Board could consider that. Dolben said the conditions from the Planning Board should not be based on approval from others but construction should not begin until all approvals are met.

Flynn said he would like to see some kind of a construction oversight or inspection. Dolben said if the Town inspects the road it then takes on the responsibility of the road. Weiner suggest asking Tony da Cruz his opinion on the inspection or oversight on this project maybe they have a way of protecting the Town's interest as well as the projects.

Flynn asked if this project would be done in phases. Weiner stated he did not think so, he said Cimmino is going all the way to the cul-de-sac. Flynn would like to make sure this project is done correctly to protect everyone's interest. Dolben felt it is not a problem for the Planning Board to worry about. Weiner again suggested talking to da Cruz to see if he has any suggestions.

Dolben asked Flynn if Martel is ok with the covenant, deed and Rules and Regulations. Flynn said he made the changes.

Flynn asked what the name of the road will be. Weiner did not know but would get back to the Board on that issue.

Dolben asked if all the open items from the Planning Board have been addressed to everyone's satisfaction.

Dolben asked about the spacing of the trees. Weiner said they would be planted eight feet (8') apart.

Flynn asked about the garage on the property line. Weiner said it will be taken care of; either demolished or moved. Flynn said as long as it is done prior to unit construction. He said he would not mind if it was done when they came in to do the road construction. Reeves felt it had been stated at the very beginning and should be done before any construction is started.

Dolben asked when the road construction would begin. Weiner said they are shooting for March. Reeves asked when they think they would be applying for building permits. Weiner said in May.

Kruzal made a motion to approve the permit with the following conditions:

1. Construction is not to begin before all permits are obtained.
2. The garage on the easement line, # 87 Stony Hill Road must be either removed or moved before a building permit is granted.
3. Some kind of construction oversight or inspections by the Town verifying the actual work meets the approved plans.

Reeves seconded the motion. The Board voted unanimously to approve. Vote: Yes- Reeves, Dolben, Flynn, Kruzal and Bongiorno No- 0 Majkut abstained

**Warrant Articles-** Dolben explained the Town Meeting is coming up and the P.U.R.D. bylaw has an issue the Board may want to address. The bylaw now states both parties must be fifty five

(55) or over to live there. This may cause a hardship on some cases. A case at hand is at Southwood at the present time. Mike Hyland, 1 Southwood Circle, was at the meeting and stated his wife is not yet fifty five (55) and cannot live there. Robert Majkut asked if we are talking one spouse is under fifty five (55). Dolben stated yes. Reeves felt a spouse is one thing but then you can get into other situations. Dolben stated the Board should move slowly in his opinion, maybe start at lowering it to forty (40). Flynn said it could be ironed out at a future meeting but the Board does want to obtain a place on the warrant correct. Everyone agreed it should be worked on.

**Shadow Wood-** Flynn heard this land was bought by the bank at the auction.

**Kibbe Land-** The Kibbe Land South Road was presented to the Board of Selectmen for right of first refusal as it is Chapter Land.

**Zoning Map-** Change in the zoning map on the King property on North Monson Road should be brought to the attention of the Assessors.

**South Ridge Road Bill-** Tabled for future meeting

**Tall Pines-** James Morini, 95 Stony Hill Road, asked about the thirty foot (30') buffer along his property. Mark Feeney, Building Inspector, said the road is access to the P.U.R.D.; the P.U.R.D. itself has a thirty foot buffer all around it. Dolben said that is the understanding of the Planning Board also. The buffer goes around the residence and does not have to include the access to the property. Flynn said maybe it is something to look at in the future for clarity. Dolben said they came in with a reasonable plan. Dolben did tell Morini he does have the right to appeal it when the approval has been granted.

Kruzal made a motion to adjourn, Reeves seconded it. The vote was unanimous to adjourn. Yes- Dolben, Kruzal, Flynn, Majkut, Reeves and Bongiorno No-0

Meeting adjourned: 8:10

Submitted by: Jane M. Budynkiewicz, Clerk