



Town of Boylston Planning Board planning@boylston-ma.gov

221 Main Street, Boylston MA 01505 ** Telephone (508) 869-6019 ** Fax (508) 869-6210

MEETING MINUTES

FEBRUARY 3, 2014

CHAIRMAN: William Manter

MEMBERS PRESENT: Kim Ames, Richard Baker, Laurie Levy, Ralph Viscomi

MEMBERS ABSENT: None

RECORDER: Mr. Manter (from audio recording)

Mr. Manter called the meeting to order at 7:00 p.m.

He stated the board would review the minutes, the annual report, and one piece of correspondence from SBA Communications regarding 221 Main Street.

The Board reviewed meeting minutes from January 6, 2014. Mr. Viscomi suggested a correction to page 3, paragraph 2. Ms. Levy motioned to accept the minutes as amended by Mr. Viscomi. Mr. Viscomi seconded. The Board voted in favor to accept the minutes, Mr. Baker abstaining.

Mr. Baker inquired about the decision and notice of decision for the Special Permit for an accessory apartment, which was on the January 6, 2014 agenda. He also asked if Nature's View delivered all the documents for Mr. Viscomi to sign. Mr. Viscomi confirmed everything had been completed. The Board briefly discussed procedures for Special Permits, and Mr. Manter will verify with Ms. Gardner that all was in order.

The Board reviewed its report for the Town Annual Report, and Mr. Viscomi noted that the new Sign Bylaw, approved in May, was omitted from the report. Mr. Manter will add that to the report. Mr. Baker suggested that the report state "amendments to the Subdivision Rules and Regulations were approved, including pdf forms for applicants to download." The section on Solar Panels will be omitted, and the wording for the Barnard Hill section of the report was amended.

Mr. Baker motioned to accept the report as amended and Mr. Viscomi seconded; all voted in favor.

ANR – 7 Barney Road, Adams Realty Trust – reconfigure lot lines – David LeRoy, Professional Surveyor for David E. Ross Associates was present representing George Adams. Mr. LeRoy presented an ANR for the Adams Family Trust which owns Lot 1 and Parcel A which is being subdivided. Parcel A is not a building lot and will be conveyed to George and Rebecca Adams, the remaining parcel being Lot 1. Parcel A will be added to Lot 2. Lot 1 will be sold, and Mr. Adams would like to retain use of the cart path. George Adams lot was a pre-existing, non-conforming lot, and adding parcel A will allow it conform to the current zoning. The remaining Lot 1 will meet all the rural residential zoning requirements. There was discussion regarding frontage and depth.

Mr. Baker made a motion for the Board to find that the newly formed Lot 2 and the remaining Lot 1 will have frontage and area meeting the rural residential zoning requirements and to approve the ANR Plan. Mr. Baker then amended his motion by adding authorization for the Clerk to endorse. Mr. Viscomi seconded, and all voted for the motion as amended. The Fee for the ANR will be \$100.00, which was submitted with the application by Mr. LeRoy.

ANR – Boulder Way – Ken and Betty Sydow- The Sydows would like to split conforming Lot 1A into two building lots, 1B and 1C. Boulder Way is a private road approved under the Subdivision Control Law and shown on a plan recorded on 4/12/2002 in Book 779, Page 60. The road is paved with T Base. There was discussion regarding access, which is proposed via a common driveway shown on the subdivision plan but not yet built. Mr. Baker stated the issue is, for an ANR, each lot has to have practical access from Boulder Way; otherwise, it is not eligible for ANR endorsement. It would be a subdivision. There was a lengthy discussion regarding this issue.

Mr. Sydow stated there is frontage on the Boulder Way, but there would be problems if each lot had a driveway on Boulder way.

Mr. Baker read from the ANR Handbook, “Decisions that have concerned as to whether the proposed building lots have practical access have focused on the following two issues: adequacy in the way in which the proposed lots front and adequacy of access from the way to the buildable portion of the lot.” Mr. Baker is concerned about the latter. Mr. Viscomi referred to the ANR handbook, page 68 which addressed practical issue and steep slopes. There followed more discussion regarding condition of lots, accessibility, and zoning common driveways.

Mr. Baker stated the board could deny the ANR, finding that lot 1B does not have access, and the remedy would be for Mr. Sydow to file a subdivision plan. If the Board were to approve the ANR and one of the neighbors were to object, they could appeal the ANR stating the lot does not have access.

Mr. Manter feels the applicant should take the advice of his attorney and continue with the ANR and risk having the neighbors appeal. There was discussion regarding the previously approved subdivision plan. Mr. Sydow is requesting to split a lot meeting all the zoning

requirements on a way shown on a plan that was approved and endorsed in accordance with the Subdivision Control Law, effectively adding one lot to a common driveway that was already approved. Mr. Baker pointed out that the common driveway does not in fact exist. Mr. Viscomi pointed out that access is required to the lot, not the house. Access to lot 1B from Boulder Way would qualify it as an ANR.

Ms. Levy made a motion to accept the plan for the ANR. Mr. Baker requested the record show the Board considered access from Boulder Way to Lot C and determined it was possible, though difficult. Mr. Viscomi seconded the motion; all voted in favor. All members of the Board will sign the Plan.

Eric Tobiesen, 7 Garfield Road – Mr. Tobiesen is looking to divide his mother's property on Heywood Street off of Mill Road. He has come to the Planning Board for guidance as to how to proceed. There are potentially three lots on Heywood Street in addition to the existing lot with the house on it. The land was purchased in 1900. The property abuts Worcester Sand and Gravel. Heywood Street is a "paper" street, but the paved end is used as a public way, and the Town maintains it. There was discussion about the lots and the depth of Lot 3. There was a suggestion to lay out two lots via the ANR process, shifting lot lines to meet zoning requirements. Another option would be selling the entire property to someone interested in building a subdivision. Low Impact Development projects have been constructed in Town, and Mr. Tobiesen's Civil Engineer can contact the Planning Board for input. Mr. Manter also suggested the option of a cul de sac bulb to create extra frontage.

Mr. Baker offered the example of Duffy Way. Like Heywood, part of Duffy is used as a public way, with the remainder being a discontinued street leading into DCR land. In the case of Duffy, the Board found the unused portion of the street could not provide adequate access to qualify lots for ANR endorsement. The issue for Heywood is whether the entirety of Heywood was ever a public way. Proof would have to be provided from plans and Town Meeting Minutes.

Mr. Tobiesen will contact his surveyor, then come back to Planning Board with an ANR plan.

Compass Pointe Discussion – There was discussion as to whether the Compass Pointe bond is still in effect and valid and if there are any limits or other conditions. These are the type of things that fell through the cracks for Stiles Crossing. Mr. Manter stated the applicant has made no inquiries regarding Phase 2. The 53G account was closed, and there are no funds in the account. A new account will have to be opened. The last estimate on the Bond was 180,000. Mr. Baker questioned if the surety is a bond or lender's agreement.

The Conservation Commission has requested that the Building Department not issue any more permits for Compass Pointe, and the homes in process are under an Order of Conditions. Those homes will not be released until the catch basins are built. The estimate for that work is 39,000. Ms. Ames stated homes have been released with liens on them. The Building Inspector cannot issue occupancy permits for the homes that are in process until Conservation has signed

off and catch basins are completed. There was discussion regarding lots released in error. The road is paved to where the Board approved.

There was a brief discussion regarding subdivision extension. Mr. Manter will verify the status of the surety and subdivision extension with Ms. Gardner. The Board agreed unanimously it will not approve any improvements in Phase 2 without additional surety. It was mentioned that the Board has the option to call the Bond and finish Phase 1.

A motion to adjourn by Mr. Viscomi at 8:59 was seconded by Ms. Levy; all voted in favor.

MEETING MATERIALS

Letter from SBA Communications dated January 15, 2014 (on file in PB office)

Planning Board Annual Report for Town Report (on file in PB office)

2013 Meeting Minutes Notebook (on file in PB office)

ANR – Ken Sydow, Rocky Pond Road (on file in PB office)

ANR – Adams Realty Trust 7 Barney Road (on file in PB office)