



Town of Boylston Planning Board planning@boylston-ma.gov
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MEETING MINUTES
Monday, February 6, 2017

CHAIRMAN:	Richard Baker
MEMBERS PRESENT:	Laurie Levy, William Manter, Judith White
MEMBERS ABSENT:	Kim Ames
TOWN COUNSEL:	Patricia Davidson
RECORDER:	Nina Gardner

Mr. Baker called the meeting to order at 7:06 p.m.

Ms. Levy motioned to approve the Meeting Minutes of January 9, 2017 with typographical error corrected. Mr. Manter seconded and all voted in favor.

Mr. Baker asked members about expiring terms. Ms. Levy stated her term will expire, and she was unsure if she will seek re-election. She will decide by next month's meeting.

Public Hearing Continued-Gulf Street Definitive Subdivision Plan-Chip Burkhardt, Heidi Verock and her husband were present. They presented a revised set of plans. Sidewalks are shown, but the applicants confirmed their request for a sidewalk waiver. Mr. Baker referred to the Graves letter dated January 11, 2017: #2 is acknowledged, #25 is acknowledged, and #26 is acknowledged. A split-rail fence is shown on the plan at the end of the "T" to protect the basin and alert snow plow drivers. After review, there are no outstanding issues.

The Board reviewed the requested waivers: Minimum travel width of 20 feet; "T" type dead end rather than circular; elimination curbing at intersection of Gulf and Sewall; elimination of sidewalks; and, monuments being pins rather than granite or concrete. The Board will allow iron pins except for bounds at the right-of-way. There was also a waiver requested to allow recycled paving. Mike Andrade strongly suggests bituminous concrete paving, and the Board agreed. The Board is in favor of that paving. The plan now shows an 8" water main on Sewall and an 8" water line up Gulf into the Subdivision. There was discussion regarding the street width and sidewalk waivers. Mr. Manter stated he was in favor of the 20' width without sidewalks. Other members agreed.

There were no comments from the public. Mr. Manter motioned to approve the waiver Section 6.2.4 of the Subdivision Rules for a 20-foot travel lane width. Ms. Levy seconded; all voted in favor. The Sidewalk waiver was discussed further. The view down the subdivision street is unobstructed. There are no sidewalks on Gulf Street presently, and there will only be three homes on the new street. There was a brief discussion about the possibility of further subdivision to increase the number of homes using the street. Mr. Burkhardt referred to the plan and pointed out that the wetlands and house locations would make further subdivision unlikely. If a future

owner were to further subdivide, a new subdivision application would be required. Ms. Levy motioned to approve the sidewalk waiver. Mr. Manter seconded; all voted in favor.

Ms. White motioned to grant the additional requested waivers. Ms. Levy seconded; all voted in favor.

The Board will require a Homeowner's Association for maintenance of the basin. They will require that the Town be allowed on the property to maintain the basin if needed. Road construction will not commence without consulting Mike Andrade of Graves Engineering for scheduled inspections. The completion time is two years. If an extension is required, it must be requested 30 days prior to expiration. The road will be maintained by the applicants until it is accepted by the Town. Mr. Burkhardt stated that the Storm Water Control Permit has been applied for.

Parking was discussed and it was pointed out that at Nature's View parking is limited to one side of the street. Ms. Levy feels there should be a sign at the end of the street stating parking on one side only. Mr. Verock felt that was not consistent with the low-impact design but agreed to the sign. The applicants will name the street Burkhardt Farm Road and will execute a no-build Covenant. They will construct the road before obtaining building permits. The Covenant could be replaced with a Bond which the Board briefly discussed with the applicants. The Decision, Plan, Covenant and Homeowner's Association document must all be recorded at the Registry at the same time.

Ms. Levy motioned to close the hearing and approve the Definitive Subdivision Plan with conditions as discussed. Mr. Manter seconded. A roll call vote was taken: Motion passes 4-0.

Mr. Manter-yes

Mr. Baker-yes

Ms. Levy-yes

Ms. White-yes

The Decision will be ready later this week or by next Monday. There is a 20-day appeal period.

Barnard Hill-Lot release/swap-Nick Sivieri and Richard Chehade were present. They presented a plan of the development indicating the lots that have been released and bonded. They pointed out which lots are already occupied. They requested that Lot 3, previously released, be swapped with Lot 10 which they have sold. They also have a buyer for Lot 7 which is not released. They asked the Board to release Lot 7 at this time. They plan to create a second egress in the Spring and they will bond the next section of roadway as they progress. There is a chain link fence at the end of Jacobsen Drive. There was discussion regarding finishing the whole road. There are already 9 lots released on the cul de sac. Mr. Baker expressed concern regarding the number of lots over the 6-lot limit. They have every intention to complete the entire road to binder. Mr. Baker expressed his concern with bonding section-by-section as there is no guarantee they will finish the entire road. If they don't, there could be 20 or more houses on a cul de sac street. The board has no objection to swapping Lot 3 for 10, but Mr. Baker objected to the release of the additional lot. Mr. Manter motioned to release Lot 7 and switch lot 3 for Lot 10. Ms. White seconded.

Ms. Levy expressed concern that this puts the Board in difficult situation and from this point forward bonding must be in place to complete the road. Mr. Sivieri stated they want to finish and will come back and discuss bonding options with the Board. There being no further discussion, the vote was taken. All voted in favor of the motion.

Compass Pointe-ANR and Bond Discussion-Jim Haynes was present with John Grenier. Mr. Haynes presented a new bond estimate from Mike Andrade of Graves Engineering dated 12/19/16 in the amount of \$297,470. They reviewed lot plans dated 11/28 and 12/16. Mr. Haynes explained how Mike Andrade credits the Bond as he completes homes. He is asking for a reduction of the 20% contingency. The requested bond amount is \$237,976. Mr. Baker suggested \$238,000. Mr. Manter motioned to accept the reduction in the Bond to \$238,000 as surety for the remainder of Compass Pointe based on Graves report dated December 19, 2016 with update of 2/6. Ms. White seconded; all voted in favor.

Mr. Baker received a letter from Town Counsel regarding inconsistencies in recorded lot releases caused by renumbering of lots. There was a discrepancy with Lot 40 as noted on Plans. Counsel provided wording for a vote to be taken that would put on record the actions of the Board with respect to Compass Pointe lot releases. Mr. Baker read verbatim the suggested "Vote" to be taken.

"The Planning Board hereby authorizes the release from the Covenant recorded at the Worcester District Registry of Deeds in Book 45064, Page 191, lots Numbered **40A, 41A, 42A, 43A, 4B** and **5B**, as shown on a Plan recorded at said Registry in Plan Book 924, Plan 74, and authorizes the Chairman to sign any documents necessary, subject to review and approval by Town Counsel, to release said lots from the Covenant and to secure the completion of the roadway to serve such lots with the security posted by the Developer in the form of an Irrevocable Letter of Credit in the amount of One Hundred Twenty Thousand Thirty-six Dollars (\$120,036.00), issued by Rockland Trust, No. 3047, dated June 24, 2016."

Ms. Levy made a motion to confirm the statement. Mr. Manter seconded; all voted in favor.

The Board reviewed an ANR with lot line adjustments on Cheryl's Way to create two additional lots. Mr. Grenier explained that the new homes will have shared septic systems. They are drafting a Homeowner's Association Agreement and maintenance of the shared systems will be included in that. There was a brief discussion regarding shared septic systems. The Board verified the frontage for all lots. Ms. Levy motioned to approve the ANR for the "Plan of Land on Compass Circle and Cheryl's Way" dated 2/6/17 and to authorize the Clerk to endorse. Mr. Manter seconded; all voted in favor.

ANR Polito-land off Shrewsbury Street-Mr. Grenier presented an ANR plan to the Board and explained that the applicant is moving lot lines and adding to lot 38B. Mr. Manter motioned to approve the ANR of the "Plan of land owned by Frances J. and Judith Polito" and to authorize the Clerk to sign. Ms. Levy seconded; all voted in favor.

Mr. Baker moved that the Board vote to enter executive session pursuant to Mass. General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to litigation, Secured Financial

Limited Partnership II et al. v. Scannell Properties #267 LLC, et al, Land Court Case Nos. 16 Misc. 000751 and 16 Misc. 00750, as the Chair finds that an open meeting may have a detrimental effect on the Board's litigating position.

Ms. Levy seconded. A roll call vote was taken: Motion passes 4-0.

Mr. Manter-yes

Ms. White-yes

Ms. Levy-yes

Mr. Baker-yes

The Board returned from executive session, and the meeting was adjourned.

Meeting Materials:

Gulf Street Definitive Subdivision Plan dated 1/16/17 (on file in PB Office)

Graves Review of Gulf Street 1/11/17 (on file in PB Office)

ANR Compass Pointe (on file in PB Office)

Clarification lot numbers Compass Pointe (on file in PB Office)

ANR Polito Land (on file in PB Office)