

W. T. PLANNING BOARD MEETING, SEPTEMBER 24, 2007, 7:30 P.M.

PRESENT: David Douglas, Ginny Jones, Susan Silva, Mark Yale, Leah Smith, Erik Hammarlund

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Ellen Kaplan, Chuck Gilstad, Carol French, Rob French, Kent Healy, Joe Corbo, Simone DeSorcy

MINUTES

Minutes of the September 10, 2007 meeting were approved as written.

CORRESPONDENCE

In: State Ethics Commission re. potential conflicts;
William Coogan re. Bizzarro Refuse;
Land Bank re. application fees.

Out: Building Inspector re. Burke Site Plan Review;
Rachel Baumrin re. Site Plan Review.

OLD BUSINESS

Public Hearing: Estate of Eleanor Norton Bennett, M.V. Land Bank M11, L82.1, Special Permit: David stated that the public comment portion of the public hearing had been closed, and the written comment period left open until tonight. No additional correspondence was received. Chuck Gilstad from Sourati Engineering presented a revised site plan showing 3 lots, one curb cut shared by Lots 1 and 2, and additional curb cut detail. Simone reported that the Estate's attorney Ellen Kaplan had provided draft covenant language to Planning Board Counsel Rob McCarron, who is still reviewing it. Rob McCarron advised that should the Board take any action tonight, it do so pending his review of the documents. Ellen Kaplan said she had discussed the covenants with Rob and that they agreed on the concept but not yet the language. She submitted a copy of the covenants she provided to Rob.

Mark made a motion to approve the special permit applications as presented pending legal counsel's review of the covenants; all in favor.

Susan made a motion to endorse the Form A pending legal review of the special permit covenants and following the 20-day appeal period; all in favor.

NEW BUSINESS

Joe Corbo, Kent Healy, Discussion re. Wellness Center: Joe Corbo, part owner of the Wellness Center in the MB District, discussed drainage issues on his property that abuts State and Indian Hill Roads. He said a previous Special Permit disallows any further building on the back of the lot which is a hollow. He and engineer Kent Healy said that it appears that adjacent property owners are allowing water from their lots to drain into the hollow. Kent said that the 1987 Special Permit obtained by previous owner Ms. Piatelli has a condition that land will not be disturbed more than 250 feet back from State Road in the gully. David said that the ZBA should be approached if they wish to change this condition of approval. Kent said they just wanted the Planning Board to be aware that

water from Cronigs, the post office, and Jim Hart's property is being diverted onto Mr. Corbo's property, and that this is not allowed. This is an issue within the MB district. Ginny said that neighbors should put drains on their own property. Joe Corbo said that he has no immediate plans for his property, but as he is paying taxes on the entire piece he would like to be able to utilize it to its fullest, practical extent.

Mark said that as long as the gully is not of historic or archaeological importance he didn't see why the gully couldn't be filled in. He said the condition of approval seems overly burdensome on the property. David said the Town should not be discouraging uses in the MB district unless there is a good reason not to allow Mr. Corbo to fill in the gully and utilize his property. Susan said that perhaps Bill Wilcox, MVC staff person should look into this issue. There was a discussion as to whether the property is within the Greenlands.

Joe Corbo asked whether the Town has any proposals for the future of the MB district. David said that the Board has made proposals but that residents don't want to see any change. Leah noted that Townspeople have rejected expanding the area. Joe Corbo said he would like to be part of any future planning; Mark said the Board would be eager to hear any of his ideas.

ZBA Public Hearing Notice, Andre Proposed Wind Turbine: Board members reviewed the public hearing notice for the proposed wind turbine on the Andre property, 674 Old County Road. The notice states that the Zoning Inspector concluded that this is not a listed use in the Zoning Use Table and therefore prohibited unless the ZBA determines that the use is similar in character and impact to listed uses to include it within a given use category.

Board members do not agree with this interpretation. A footnote on the Dimensional Table directs readers to Section 4.3-2, height exceptions. Section 4.3-2 C states, "Barns, silos, and **wind energy conversion systems** may exceed applicable height limits, provided...." Further, wind turbines fall within the definitions of Accessory Non-residential Structure and/or Accessory Structure. There are many accessory structures/uses not listed within the Use Table; swimming pools and tennis courts are specifically called out because the Town decided they should be via Special Permit. The Board directed Simone to draft a letter to the ZBA.

Site Plan Review, Maciel Residence, M10 L58, 30 Pine Lane: Leah made a motion to approve this single-family residence; all in favor. The Board directed Simone to send them a letter urging the use of energy efficient appliances and drawing their attention to the outdoor lighting bylaw.

Committee Reports: Mark reported that Michael Jampel attended the Affordable Housing Committee meeting. He discussed his plans to apply to the Planning Board for a

special permit to have 3 dwelling units on a 2.9-acre parcel off Stoney Hill Road, and to build approximately 40 units on a 16 acre lot via 40B.

Leah reported on the Capital Improvements Committee; Susan reported on the Land Bank; and Ginny reported on the Town Hall Renovation and Community Preservation Committees.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Simone DeSorcy, assistant

Approved 10/01/07