

W. T. PLANNING BOARD MEETING, MARCH 16, 2009, 7:30 P.M.

PRESENT: Ginny Jones, Susan Silva, Leah Smith, Eileen Maley

ABSENT: David Douglas

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Glenn Provost, Arnie Fischer, Eleanor Neubert, Philip Spalding, Carly Look, Christian Strom, Doug Brush, Emily Fischer, Vickie Thurber, Simone DeSorcy

MINUTES

Minutes of the 3/09/09 meeting were approved as written.

CORRESPONDENCE

In: Daniel Perry for Robert J. Murphy, Summons, Complaint and Scheduling Order MVC re. Hart extension

Out: Affordable Housing Committee re. Jampel project

NEW BUSINESS

Fischer Farm, Preliminary Discussion: Susan stated that she is a direct abutter, and excused herself from the table. Glenn Provost said that he has been working with the Fischer family to come up with a plan. It has been a long process to design something that will meet the needs of the family while preserving the farm component. He said the purpose of tonight's meeting was to show the Board where they are in the process.

Glenn Provost presented the latest plan. He said it takes the existing five structures and puts a four-acre lot around each. Because these lots are not 4.5 acres, they cannot have guesthouses. He noted that all of the buildings existed when subdivision came into effect. The plan also shows three one-acre Homesite Lots at the beginning of the Fischer property. The balance of the property will remain fields and woods put in conservation, and will not be further subdivided in perpetuity. The family has not yet chosen the mechanism by which the property will be preserved. Ginny requested that the property be preserved for farming in perpetuity.

Glenn Provost said that State law allows "buildings" that preexisted zoning to be put on their own lot via Form A. He said that from a development standpoint, the proposal couldn't be any less; additional development will only be three one-acre affordable lots. No new roads will be created. Ginny asked whether the three affordable lots could be reconfigured to preserve more of the field; Glenn Provost said he could look into it.

Ginny said it was a very well thought out plan.

Leah said that there were some concerns with the road last year when the Board made a site visit. Abutter Christian Strom said he is concerned about overburdening the road. He questioned how much property was truly being conserved once you remove the acreage of the unbuildable shoreline. He said this just came into his head: is there conservation or not? Glenn Provost said you need 100,000 sq. ft. of non-wetland within a three-acre lot to be a viable building lot. He said the point to keep in mind with this plan

is that they're not creating lots that can have guesthouses. He said the concept is minimal compared to what possibly could be done with the property. The only additional traffic generated will be from the three affordable lots.

Eileen asked whether there was a road association. Abutter Carly Look said yes, as a condition of her family's subdivision, but it was inactive. She said that the road crosses through two pieces of her subdivision's property, and horses and children pass over it. Arnie Fischer said he was unaware of the road association, but noted that the neighbors had all been cooperating to maintain the road on an informal basis. Leah suggested creating some turnouts along the road for safety. Ginny said that as someone who lives at the beginning of the road, she is aware of all the traffic generated by uses along the road. She said her concern with the proposed plan was to see if the three youth lots can be squared off with the road.

Leah said she would like to see building envelopes on each lot if possible. Glenn Provost said they would be looking into envelopes in the future; this is currently a broad plan which will be fine-tuned based on the Board's input. This plan is to create a way for the family to continue to farm and use the land. It is very minimal development on this 100-acre piece.

Susan Silva asked whether the one-acre lots could be drawn over an aerial photo. Glenn Provost said that was possible, and that there were still details to be worked out. Leah said she was favorably impressed with the plan at this stage. Abutter Christian Strom said he believed there was a way that something could be figured out.

Ginny noted that the paved apron that was supposed to be created off Tiah's Cove Road onto the Crow Hollow parking area for the Land Bank trail still isn't there. She noted that it had been a condition since the Look subdivision was approved in 1991. Christian Strom said he believed this to be a Land Bank responsibility, but would look into it.

Vickie Thurber, MB District Proposal, M16, L101, 237, 238: Vickie Thurber said she owns a small house within the MB District. It was a Montgomery Ward building kit. She would like to tear it down and build a new building with either two or three commercial/retail spaces (1,600 sq. ft. total) and 879 sq. ft. of living area on two floors. She showed some preliminary drawings. There are several questions with the proposal.

Zoning Bylaw Section 11.2-3 discusses non-conforming lots in the MB District. It says that all uses permitted in the MB District shall be allowable on non-conforming lots, provided that they contain at least 20,000 sq. ft. Vickie owns three contiguous lots. Lot 101 is 19,090 sq. ft., and in the MB District. Lots 237 and 238 are 4,810 sq. ft., total, bringing the combined area of the three lots to 23,900 sq. ft. Lots 237 and 238 are in the RU District. Vicki is looking for guidance from the Town as to whether Lots 237 and 238 could be counted towards the overall area. The plans presented by Vickie do not include any structures on the two small lots, but they would be used for the septic system.

Board members were in agreement that the area of all three contiguous lots should be combined, counting toward the overall square footage of this non-conforming lot. Leah said they should be considered combined, especially as the two small lots are not buildable, and no commercial or MB use would be taking place on them. Zoning Inspector Ernie Mendenhall had indicated to Vickie that counting the two small lots in calculating the overall area may require a variance from the ZBA. Board members did not have an opinion on this.

A second question was whether it is the intent of the Bylaw that the apartments be completely on the second floor. Vickie said that as it is her intent to some day retire in this home, she did not want to have to climb stairs to access all areas. Section 4.4-2 speaks to square footage bonuses for commercial uses in the MB district if second story apartments are provided; Vickie, however, is not seeking a square footage bonus. Section 11.2-3 allows one second-story apartment up to 800 sq. ft. on non-conforming lots in the MB District. Board members agreed that a portion of the apartment could be on the ground floor.

Orientation of the building was discussed. Section 8.3-3, Design Principles, states "Buildings shall have a well-defined front façade with entrances facing the street." The existing building already encroaches into the 40-foot rear-yard setback. Vickie said she believes she can orient the building toward the street without making the rear setback any more non-conforming than it currently is. There was a general discussion about rebuilding pre-existing, nonconforming structures.

Vickie said she is talking with her neighbors at Tea Lane Associates about sharing a single curb cut, per the MVC decision re. Tea Lane. This could save some trees on her property. Susan said it would be nice if the parking could be on the side, and not the front, of the building. There should be a buffer for the residential neighbors to the back. Susan suggested looking at the creative parking arrangement at Polly Hill Arboretum.

Board members told Vickie that her project could require a Greenlands Special Permit. Also, the MVC has a list of high traffic-generating retail uses which require its review. Eileen asked whether she would be using any of the retail space herself; Vickie said she would love to have her therapeutic horse riding business office there, but finances might not permit her to do so right away. She said the number of retail/office uses she has there (2 vs. 3) will depend on parking and septic requirements.

Vickie said she is hoping to build either a log or post and beam building.

The Board directed Simone to draft a memo to the Zoning Inspector, ZBA, and Board of Health outlining the evening's discussion re. the proposal.

OLD BUSINESS

Peter William, LI District: Susan asked Simone to draft a letter to the MVC and DRI Coordinator Paul Foley explaining why the Board felt the Form A creating the Bizzarro lot and the proposed use did not trigger referral. She said the Board felt it was below the MVC referral threshold.

Jampel Property, Stoney Hill Road: Ginny said that she and Simone had been alerted that Michael Jampel seems to be cutting a road from Stoney Hill Road, across his property to Stoney Hill Path, nominated as a DCPC. The Board previously told him that he could not create this new access to the larger lot he owns behind this one. She said she drove by the site and saw heavy earth moving equipment doing the work. This could be in violation of the MVC's moratorium on construction within the nominated DCPC. Ginny said she had reported the situation to Zoning Inspector Ernie Mendenhall.

Breese Veterinary Clinic: Ginny said that as part of her temporary job helping the Town Clerk with the census, she is processing the dog tag applications. One resident told her last week that her dog would soon be neutered by Dr. Breese. There was a discussion re. the definition of Veterinary Clinic in the Zoning Bylaw.

Dubin Single Family Residence, Site Plan Review, M1 L33: A site visit has been scheduled for Friday. Leah said she had already visited the staked site and thought the proposal was appropriate. It is located towards the bottom of a slope, and will not break the skyline as seen from the Sound.

Ancient Way Trust: Ginny said that the area of the roads and driveways shown on the plan discussed last week needs to be subtracted from the overall area of the lot.

250 State Road Hydrant Fund: Derrill Bazzy contacted the office to see when the project would need to provide the money to the hydrant fund, as outlined in the decision. They would rather pay at the completion of the project. Zoning Inspector Ernie Mendenhall said that he would allow putting it off until just before the Certificate of Occupancy is issued. Board members agreed.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,
Simone DeSorcy, administrator