

W. T. PLANNING BOARD MEETING, JANUARY 3, 2011, 5:30 P.M.

PRESENT: Ginny Jones, Susan Silva, Leah Smith, Jim Powell, Bea Phear

ABSENT: David Douglas

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Skipper Manter, Richard Knabel, Eileen Maley, Simone DeSorcy

MINUTES

Minutes of the November 15, 2010 meeting were approved as written.

CORRESPONDENCE

In: Brian Roberts re. Simon Athearn Road;
ZBA Hearing Notice re. minibikes at Nip 'n Tuck Farm.

Out: Personnel Board re. vacation rollover

NEW BUSINESS

Discussion, Purchase of a Portion of Field Gallery: Eileen Maley said she and her husband had had discussions with the Selectmen to see if the Town would be interested in purchasing a portion of the Field Gallery property to be added on to the library/Howes House lot. The question for the Planning Board would be whether this could be accomplished via a Form A application. The area would be about an acre. Voters would need to approve the purchase. The Selectmen are looking into using CPA funds. Bea asked why such a large area was being considered; Eileen said in order to allow for a natural end of the lot at the Gallery and field. Leah said it made sense to keep an access via Sweet William Way. Skipper said the Town could hold an easement over Sweet William and then the Town wouldn't need to buy as much property from the Maleys.

Board members were in agreement that this lot line change could be accomplished via Form A.

There was a general discussion about the existing Conservation Restriction on the property. It prohibits subdivision; by Mass. Law, a Form A is a division, not a subdivision. Bea asked whether a road can go over the CR area. Eileen said the CR doesn't say you can't, but it does prohibit parking.

The Maleys will now hire a surveyor to draw the plan.

Fire at Deep Bottom Subdivision: There was a discussion re. the recent fire that destroyed a single family home in the Rosbeck subdivision. It is rumored that the hydrants within the subdivision weren't working. The Board directed Simone to research whether functioning fire hydrants were a condition of approval.

OLD BUSINESS

Crow Hollow Farm: Ginny gave an update on the dust situation at the farm as a result of all the topsoil removal and replacement Steven Rattner did on the property to create different footing for his horseback riding. She has had several conversations with abutter Philip Spalding who is being negatively impacted by the silt blowing off the Rattner

property onto his. It is significant when the wind is blowing out of the NW. The Board of Health came and took photos. The Environmental Police have documented that the dust is indeed blowing onto the Spalding property. When the new material was being spread, large, loud earth pounding machines were used which cracked the walls and ceilings on Mr. Spalding's house. The Building and Health Inspectors have told him they cannot do anything about the impacts because Mr. Rattner did not need to apply to the Town for any permits for his horse facility.

Ginny noted that State law says that in order to be considered agriculture a horse farm must be for public use, not merely a private recreational facility.

Bea asked whether Rattner should have gotten permits for this project. Ginny said it is her perception that he should have. Susan, noting that Philip Spalding is her brother, said that the Town told him it was a civil matter, not a Town issue. Ginny drew attention to Section 3.2 Prohibited Uses in All Districts, which reads, "Any...use of any...premises which is injurious, obnoxious, offensive, dangerous or a nuisance to the community or to the neighborhood through noise, vibration, odors, fumes, smoke, gases, **dust**,...or other objectionable feature detrimental to the community or neighborhood's health, safety, convenience, or welfare."

Leah said that the transformation of these premises has caused an injurious situation which is hazardous for people downwind. The property owner has an obligation to stop it from happening. Dust is a health hazard. This material could be harming the environment – we don't know what it is. It could be detrimental to the Great Pond. Susan said a considerable amount blows off the premises. Ginny said it blows right over the Land Bank trail. The Board directed Simone to draft a letter to the Zoning Inspector.

Capital Improvement Committee: Leah reported on this Committee. She said they are discussing recommending two Town Meetings, separating out budget/financial issues from other topics. Ginny said this would be unfortunate, as it is already difficult to get a quorum. Susan said that many articles at ATM are so rushed because there are so many, so there is inadequate discussion.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted, Simone DeSorcy, Administrator

Approved 1/24/11