

OXFORD PLANNING BOARD MEETING MINUTES MARCH 25, 2013

Meeting brought to order at 7:00 p.m. by Chairman Richard Escolas. Members present at this time: Richard Escolas, Jeffrey Stafford, Norman LeBlanc, Thomas Sullivan, Donald Mosher, and Dale Mahota. Also present: Randa Tawadros, DPW Engineer.

7:00 p.m.: Plans Not Requiring Subdivision Approval: Mr. Escolas turned the ANR's over to the Clerk, Mr. Stafford.

- 112 Old Webster Road – ANR – Applicant: Conrad Allen for 112 Old Webster Nominee Trust (3 lots). Mr. Stafford read the application into the record. Present for the applicant was Mr. Mark LaPrad, engineer from LaPrad Land Surveying. He stated that the property is located on the right side of Old Webster Road between Harwood Street and Dudley Road, consisting of 16 acres which currently has a 2 story house and detached cinder block garage. He stated that the purpose of the plan is to divide the 16 acre property into 3 buildable lots; lots 1 and 2 being standard lots and lot 3 being a reduced frontage lot, all having frontage on Old Webster Road. Ms. Tawadros stated that she has been working with the engineer on the plan and is satisfied with the plan. She displayed an image of the property on the monitor. There were no further comments.

MOTION was made by Mr. Escolas and seconded by Mr. LeBlanc to approve the ANR plan for 112 Old Webster Road for 3 lots as a plan not requiring subdivision approval. There being no further discussion, the Board voted in favor and the Motion carried. Abstain: Mr. Sullivan.

- Lots 4 & 5, Hall Road – ANR – Applicant: Mutual Builders, Inc. (2 lots). Mr. Stafford read the application into the record. Present for the applicant was Mr. Jay Pelletz, President of Mutual Builders, Inc. He stated that he has been working with the Town for lots 4 and 5, Hall Road; met few weeks ago with the Fire Chief, Fire Captain, and DPW Director to discuss outstanding issues. He stated that he forwarded a copy of the plan to the Fire Chief who indicated that she seemed satisfied with the plan. Mr. Stafford read into the record a memorandum from the Fire Chief to the Board dated March 21, 2013. The ANR plan was displayed on the monitor. Mr. Pelletz stated that an issue is the corner which will be widened and the telephone pole will be relocated which accomplishes a safer turn. He stated that the Fire Department also desired a turnaround area for fire apparatus which he has provided an easement for on lot 5 which could also be used for Town vehicles. Ms. Tawadros stated that she does not understand why it is not feasible to widen the road; Fire Chief had previously said that 2 vehicles can't pass each other on the road. She stated that the DPW Director had previously indicated that he would be satisfied with a couple of feet of gravel on either side of the road. Mr. Pelletz stated that it is not feasible from a financial point of view for 2 lots. Ms. Tawadros stated that the Fire Department previously wanted the entire road widened to 24 feet with a cul-de-sac. Mr. LeBlanc read from the memorandum from Chief Bemis: "I believe that the plan submitted by Mr. Pelletz accomplishes this goal as well as possible. While not the ideal solution, we understand that widening of the roadway just is not feasible. I, as a department head, appreciate his desire to assist with making this area more accessible and safe for both the residents and the town departments." He stated that although the issues were discussed several months ago, he has to go by the latest correspondence from the Fire Department. Mr. Escolas stated that when this ANR was originally before the Board some time ago, it was discussed about widening the entire road and the Board took the position to address the corner and the hammerhead turnaround and requested that the applicant come to a

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resolution regarding those issues. He stated that unfortunately, Hall Road is a poorly designed public road and he has an issue with widening the entire road; applicant is willing to help with the corner. He stated that he doubts that the applicant would have an issue with widening the road with some processed gravel in front of the 2 proposed lots which he believes is reasonable and asked the applicant if he feels that is reasonable, to which Mr. Pelletz replied in the affirmative. There was further discussion regarding the condition of the road and the applicant's future plans for development. Ms. Tawadros questioned how it would be guaranteed that the applicant makes the proposed improvements; she suggested that the Board hold off on the endorsement of the plan. Mr. Pelletz stated that he does not trust that if he makes the improvements, something else will not occur to delay the ANR; would rather withdraw this plan. Mr. Escolas stated that if the applicant withdraws, the improvements will not be made. Mr. Pelletz stated for the record that before he pulls a building permit or sells a lot, the corner will be improved and the turnaround will be constructed. There was discussion that an ANR can't be conditioned.

MOTION was made by Mr. LeBlanc to approve the ANR for lots 4 and 5, Hall Road, and stated that although an ANR can't be conditioned, approval is based on the fact that the developer has given his word that he will not sell the lots or request a building permit until he widens the road in front of the lots by 2 feet, relocates the telephone pole and widens the corner, and constructs the hammerhead turnaround. Mr. Mahota seconded the motion. There being no further discussion, the Motion carried unanimously.

Mr. Pelletz stated that he will contact National Grid to relocate the pole; would like to get improvements started right away.

Mr. LeBlanc stated that the Board appreciates Ms. Tawadros's input and cautioning the Board.

Mr. Stafford turned the meeting back to the Chair.

Old Business: Millennium Manor. Mr. Escolas stated that the next ANR is tied into the Millennium Manor Subdivision. He stated that at the last meeting, the Board had deferred to Town Counsel regarding an ANR lot that is tied into a subdivision. He read into the record e-mail correspondence from Jonathan Eichman of Kopelman and Paige to Joseph Zeneski dated March 20, 2013. Also read into the record was a memorandum from Joseph Zeneski to the Board dated March 20, 2013. Mr. Escolas stated that the ANR refers to the address of 2 Sandpiper Lane which is not the case because it is not built. Mr. Stephen Balcewicz was present for the applicant. He stated that the reason the plan has the address of 2 Sandpiper Lane is because his tax bill for that lot is for 2 Sandpiper Lane. He stated that he spoke with his own attorneys who advise him that he can cut out the lot and have it released from the covenant. Mr. Escolas stated that the Board is also in receipt of correspondence from the Assessor's Office to the property owner dated March 20, 2013 changing the address to 29 Mt. Pleasant Street. It was confirmed that the driveway access to lot 16 will be from Mt. Pleasant Street. Mr. Balcewicz expressed disagreement with the memorandum from Mr. Zeneski that the Board would be "buying a lot of headache later" if lot 16 was released. He stated that he has an approved septic system design for the lot and once the ANR is endorsed, he will be submitting the plan for the stormwater management. Mr. LeBlanc stated that it appears that Town Counsel thought the access to the lot was going to be from Sandpiper Lane when it will

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be from Mt. Pleasant Street. Ms. Tawadros stated that the plans show an easement for the lot from Sandpiper Lane; future owner may not know that a roadway will be built. Mr. Balcewicz stated that the ANR plan shows Sandpiper Lane as a 50 foot wide future street easement. He stated that the plan also shows the temporary grading easements. Mr. LeBlanc stated that he thought the issue was that since lot 16 is tied to the covenant for the subdivision, could the ANR lot be cut. Ms. Tawadros stated that if the ANR plan is endorsed, the Board will be required to do a partial release for lot 16. Mr. LeBlanc stated that it appears from a legal standpoint, the Board has the right to do that. Mr. Stafford stated that the ANR needs to reflect the correct address of 29 Mt. Pleasant Street. Mr. Balcewicz stated that he did not know the Assessors were going to change the address; he will revise the plan to change the address. Mr. Escolas stated that the partial release of covenant should reference the recorded ANR plan. Ms. Tawadros stated that regulations require the driveway to be located where the lot has frontage.

Abutter: Mr. Stuart Tully, 60 Mt. Pleasant Street. Mr. Tully asked what the developer's next plan is for the development to avoid confusion in the future as he thought construction was to begin on Holbrook Road. Mr. Escolas stated that he believes that lot 16 is the only lot that abuts Mt. Pleasant Street. Mr. Balcewicz stated that there are 2 lots that are not shown on the subdivision plan. Mr. LeBlanc asked if the applicant was going to develop those lots. Mr. Balcewicz replied that they are already ANR lots. He stated that he is not going to say what his next step is; is not going to show his cards. He stated that had Mr. Tully been a better neighbor, he would not have a problem. He stated that he plans to develop lot 16 next and when the subdivision is started, which are lots 1 through 25, minus lot 16, he knows he has to start at Holbrook Road. Mr. Tully stated that he assumes he can expect more surprises from the developer. Mr. Escolas stated that as far as the subdivision is concerned, the applicant has to start at Holbrook Road, but if he has any other ANR lots, he is free to develop them.

Mr. Escolas stated that the Board can accept the ANR submission tonight and will have 21 days from tonight to endorse it. Mr. LeBlanc asked if Ms. Tawadros was satisfied with the plan. Ms. Tawadros replied in the affirmative. Regarding obtaining an opinion from Town Counsel, Mr. LeBlanc asked what the typical procedure is. Ms. Tawadros stated that she would check with Mr. Zeneski first who decides whether the question goes to Town Counsel. Mr. Escolas turned the ANR over to the clerk, Mr. Stafford.

- 2 Sandpiper Lane (29 Mt. Pleasant Street) – ANR Application – Applicant: BC Realty Trust (1 lot). Mr. Stafford read the application into the record. Mr. Escolas stated that the Board is requesting that the applicant revise the mylar to show the appropriate address of 29 Mt. Pleasant Street; application will be listed on the agenda for the April 8, 2013 meeting.

Minutes: March 11, 2013.

MOTION was made by Mr. Stafford and seconded by Mr. Sullivan to approve the Minutes of March 11, 2013. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

Old Business: Deer Hill Estates Subdivision. Ms. Tawadros stated that she is reviewing the road acceptance plan and is not finding any major issues but because the Board of Selectmen's

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last meeting before the Warrant closes for the Annual Town Meeting is tomorrow, she is requesting that the Board recommend that the Deer Hill Road acceptance be put on the Warrant, conditioned that she complete her review and that the applicant address anything outstanding. She stated that she is currently reviewing the easement language and right of way plan. She stated that the topcoat is complete, and sewer and water are in. Mr. Escolas questioned if the recommendation can be conditioned or if the Board has to hold a public hearing. There was discussion that if the project is not complete, the Board does not have to recommend that it be approved at Town Meeting. Ms. Tawadros stated that she wants the applicant to be aware that the Board has the right to not recommend the road and that he is required to rectify all issues. The Planning Clerk stated that she will check with the Town Manager if the Board needs to hold a public hearing.

MOTION was made by Mr. LeBlanc to notify the Board of Selectmen that the Planning Board is requesting that road acceptance for Deer Hill Road be added to the Warrant for the Annual Town Meeting. Mr. Sullivan seconded the Motion. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

Old Business: Jasmine Road – Oxford Crossing Subdivision. Mr. Escolas stated that the Board is in receipt of a Partial Release of Covenant for lot 4 of the subdivision and read the same into the record. He stated that the Board is being requested to endorse the release of covenant to clear the title.

MOTION was made by Mr. Sullivan and seconded by Mr. Mahota to endorse the Partial Release of Covenant for Lot 4 of the Oxford Crossing Subdivision. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

Miscellaneous. Mr. Sullivan asked if the Board will wait for reorganization to fill the Vice-Chairman position left vacant by Mr. LePore's resignation. Mr. Escolas stated that there are only 4 meetings until reorganization.

Adjourn:

MOTION was made by Mr. LeBlanc and seconded by Mr. Stafford to adjourn. There being no further discussion, the Board voted in favor and the Motion carried unanimously. 8:01 p.m.

Respectfully Submitted,



Richard A. Escolas, Jr., Chairman
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/mh

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DOCUMENTS AND EXHIBITS

1. 112 Old Webster Road: ANR application and plan
2. Lots 4 & 5, Hall Road: ANR application and plan; memorandum from Sheri Bemis, Fire Chief, to the Board dated March 21, 2013
3. Millennium Manor: e-mail correspondence from Jonathan Eichman to Joseph Zeneski dated March 20, 2013; memorandum from Joseph Zeneski to the Board dated March 20, 2013
4. 2 Sandpiper Lane (29 Mt. Pleasant Street): ANR application and plan
5. Jasmine Road (Oxford Crossing Subdivision): Partial Release of Covenant

All documents and exhibits are on file in the Land Management Department