

## PLANNING BOARD MINUTES

**JANUARY 8, 2019 at 7:00 p.m.**

*115 Pleasant Street, Gardner, MA  
Room 203, Robert L. Hubbard Conference Room*

**Members present:** Allen L. Gross/*Chairman*, Robert J. Bettez, Sr. /*Vice-Chairman*, Laura Casker, Mark Schafron/*Members*, and Trevor Beauregard/*Director-City Planner*.

**Members absent:** *Robert Swartz.*

**Also present:** Chris Coughlin-Engineering, Christine Fucile-DCDP, Shawn Collette-BBC Development/Brookside Drive, Alan & Susan Rousseau-Residents, Hazem Dani and Kelly Killeen of CHA.

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Director of Community Development & Planning pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

**Mr. Gross called the meeting to order at 7:00 p.m.**

### 1. MINUTES

- ✓ Vote to approve Regular Meeting Minutes of December 11, 2018.
- ✓ Vote to approve Public Meeting Minutes of December 11, 2018 for *MasRed Solar, LLC, Gardner Energy, LLC, Redzico Dev, LLC, Imperial Blue Systems, LLC, and Princeton Repower, LLC.*

**Motion to accept and approve Planning Board Regular and Public meeting minutes.**

**M. Schafron/L. Casker.**

**Vote - All in favor**

### 2. PUBLIC MEETINGS CONTINUATION & OLD BUSINESS

- 2.1** MasRed Solar, LLC
- 2.2** Gardner Energy, LLC
- 2.3** Redzico, LLC
- 2.4** Imperial Blue Systems, LLC
- 2.5** Princeton Repower, LLC

Mr. Gross said the public meeting will continue for the five solar arrays off Keyes Road to our next meeting on February 12<sup>th</sup> at 7:00 p.m.

Mr. Gross explained receipt of a request from the proponents to continue the five projects until the next Planning Board meeting. Further, feedback for peer review has not yet taken place.

L. Casker noted recent article in the Telegram with regard to tax exemption for solar companies, and also noted some cities/towns had to rebate solar monies to the developers.

L. Casker expressed her concern with regard to this, and would like more facts.

T. Beauregard said he knows the past practice for the City is to enter into a PILOT AGREEMENT (*Payment In Lieu Of Taxes*) which is a legal agreement and would most likely prevent any litigation. T. Beauregard also said he will confirm this with the City Assessor.

### **3. OLD BUSINESS**

#### **3.1 Timpany Crossroads**

Mr. Gross commented one of the houses was demolished, and questioned if the proponent has to revisit the Planning Board. T. Beauregard said the proponent only needs to return back for the Road Safety Audit in the summer. C. Coughlin added they received a construction permit for the retaining wall and house demolition. T. Beauregard explained no other permits will be issued until the proponent provides the landscape plan, the lighting plan, the signage plan, and the cash surety for the Road Safety Audit.

### **4. NEW BUSINESS**

#### **4.1 Wilder Brook Estates – Definitive Subdivision Plan Modification**

*Kelly Killeen of CHA spoke and explained he has been involved with the project for close to 20 years, and is representing the owner to discuss a few matters.*

##### First matter:

The owner would like to combine a number of lots into a single lot to sell as a single lot. Mr. Killeen explained Wilder Lane roadway still has not been constructed since the market does not support it. Therefore, the owner would like to take Lot 51 and the frontage on Brookside Drive and combine into one big lot. Also, the area where there is a break for stormwater management, along with the cul-de-sac, could be given to the City, or North County Land Trust as open space. Mr. Killeen commented the reason for this discussion is to find out what is the best way to handle this matter because they do not want to affect the overall subdivision permit.

Mr. Gross questioned why combining into such a big lot. Mr. Killeen's response was so the owner can get a higher value. Mr. Gross asked if the one big lot will be recorded as a deed, and Mr. Killeen said yes.

Mr. Killeen stated this issue is more of a process matter, and wondered if this would be an amendment to the subdivision, or simply an ANR (*Approval Not Required*).

Mr. Gross does not believe an amended plan needs to be filed for reducing 12-15 lots, and since the road structure is not changing, an amended plan could be filed with the Registry of Deeds. Mr. Killeen thought an ANR plan could work also.

T. Beauregard's only concern if someone were to observe this open space subdivision, the lots are fairly small with moderate sized houses, therefore, the one big lot might look out of place.

C. Coughlin commented the lots can be consolidated through the ANR process. Also, could add language on to the plan, or a deed restriction that they do not maintain the rights to the six existing lots. T. Beauregard explained there are a couple ways of going about this, administratively through the Planning Board with the ANR process and carving off the back piece for open space, or through a revised subdivision plan which would require a public meeting, approval by the Planning Board, and re-registering the plan. L. Casker commented if North County Land Trust is not interested in the parcel, it then becomes a land-locked parcel and will be unbuildable.

Mr. Gross commented if the legal portion is worked out, asked if the Board is agreeable to the ANR plan. M. Schafron and L. Casker said this would be satisfactory if it is one single lot.

T. Beauregard inquired about the second cul-de-sac further down, and what the plan is for it. Mr. Killeen replied the owner is still planning to construct that area since it is an easier build.

T. Beauregard would like to know a timeline for the construction. Mr. Killeen answered he will check with the owner and get back to him.

Second matter:

Mr. Killeen noted an existing culvert on Leo Drive designed back in 1999 as part of the original subdivision has recently been impacted by some beaver activity. Mr. Killeen also noted the developer and the DPW have been clearing it, in an effort to alleviate flooding in that area.

Mr. Killeen said he met with Dane Arnold and Chris Coughlin at the site, and at that time, Mr. Arnold said the culvert needs to be replaced with a larger one. Mr. Killeen further said back in 2003 when there was beaver activity, they obtained a permit from the Board of Health to trap the beavers in order to drain the culvert area and this worked out adequately.

Mr. Killeen thought a “beaver management” program should be implemented immediately in order to resolve this problem to keep the culvert intact, keep the flooding down, and keep the maintenance to a minimum.

Mr. Bettez commented even if a beaver management program is implemented, who is to say this will not happen again 10-15 years from now. Mr. Killeen thought it could be a continual program the Association could incorporate into the maintenance of their stormwater management systems.

C. Coughlin noted there are two issues, beaver management moving forward, and culvert sizing.

C. Coughlin would like to see the sizing calculations from the stormwater design report to confirm the culvert sizing.

C. Coughlin does not believe a Homeowners Association exists, and noted there is no one else taking care of it other than the City.

Mr. Bettez questioned the assurance of forming a Homeowners Association. L. Casker thought a covenant as such is usually written into the Deed. Mr. Killeen said he will talk with the owner.

Mr. Gross recapped as follows:

- ✓ Acceptable with eliminating the first cul-de-sac as discussed.
- ✓ Provide culvert sizing calculations to C. Coughlin.
- ✓ Timeline for the 3<sup>rd</sup> cul-de-sac.
- ✓ Response back if there is a Homeowners Association, and what the status is.
- ✓ Beaver Management Plan from the owner/developer (*fencing system, trapping and moving beavers*).
- ✓ Provide a formal plan to identify the locations, how to maintain, how often.

<b>5. ANNOUNCEMENT~~NEWS~~ARTICLES~~EVENTS:</b>
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<b>5.1</b> <u>Next Planning Board meeting ~ February 12, 2019 at 7 p.m.</u>
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**Adjournment**

***Motion to adjourn.***

***R. Bettez/M. Schafron.***

***Vote -All in***

***favor.***

***The meeting adjourned at 7:27 p.m.***

All documents referenced or used during the meeting are part of the official record and are available in the Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law.
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