

1 **PLANNING BOARD**

2 Minutes of December 3, 2014

3 **ATTENDEES:** Arnold Rosenblatt – Chairman, Sally Wilkins – Vice Chairman, Gordon Leedy,
4 Michael Dell Orfano, Cliff Harris, Richard Hart – Conservation Commission, John D'Angelo – Ex
5 Officio, Marilyn Peterman – Alternate, Allen Merriman - Alternate, Colleen Mallioux – Community
6 Development Director
7 Absent: Eric Hahn - Alternate

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9 Arnie noted there had been a non-public session prior to the public hearing and opened the public
10 hearing at 7:37pm.

11
12 **NEW BUSINESS:**

13 **Case #PZ5569-110314 – AGI Development & Charlyn L. Jordan – 14 & 18 Schoolhouse Road,**
14 **PIN #s: 008-034-008 & 008-035-000: Request for final approval of a lot line adjustment.**

15 Jon Lefebvre, Meridian Land Services, stated this is a request for a lot line adjustment which involves
16 the transfer of 4.87 acres to lot 8/34-1 to give that parcel a total of approximately 10 acres and no
17 frontage will be affected by this change. The house on lot 8/35 was purchased for renovation and the
18 abutter, Charlyn Jordan, approached the owner regarding the purchase of the rear portion of 8/35. They
19 have subdivision approval from the state and the septic was approved in 2009.

20 Mike asked what the current state of the property was.

21 Jon replied the two (2) buildings exist on the two (2) separate parcels.

22 Mike asked if lot 8/36 would be changing in any way.

23 Jon replied it would not; they are merely an abutter.

24 Sally, Marilyn, Gordon, John, Allen and Rich had no comments.

25 Arnie asked if any abutters or concerned citizens had any comments or questions.

26 Charlyn Jordan, owner of lot 8/34-8, stated she was purchasing the land to provide some conservation to
27 the area and to continue to provide for the animals that live in and around the property.

28 Jill McGowen, 12 Schoolhouse Road, stated they are an abutter and they cut down trees on their nine
29 and a half (9.5) acres of land for heating purposes. She wondered if this adjustment would affect that in
30 any way.

31 Sally replied the lot line adjustment would not impact her property at all.

32 Ron Nelson, 14 Saddle Hill Road, asked for a review of the plan as he was a late arrival. He had no
33 issues with the application. He did ask if the larger lot could be subdivided.

34 Gordon stated there was not enough frontage for an additional subdivision.

35 Cliff, who had stepped out of the room prior to the start of this case, returned.

36 Arnie asked the board if they had any additional comments or questions; there were none so he then
37 asked for a motion.

38 **Gordon made the motion to accept the lot line adjustment plan for review.**

39 **Sally seconded the motion; all were in favor with none opposed.**

40 **Gordon made the motion to approve the application for a lot line adjustment, subject to the**
41 **following conditions: 1. The State subdivision approval number shall be noted on the plan.**
42 **2. A letter shall be submitted to the Office of Community Development by a Licensed Land**
43 **Surveyor certifying that all boundary monumentation has been set as noted on the approved plan,**
44 **or, in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the**
45 **bounds have been set. 3. A final mylar of the lot line adjustment plan be submitted for signature**
46 **by the Planning Board Chair and recording at the Registry of Deeds. 4. All fees associated with**
47 **the recording of the plan be submitted.**

48 **Mike seconded the motion; all were in favor with none opposed.**
49

Case # PZ5570-110314 – Stuart J. & Suzanne E. Steele – 8 & 10 Christian Hill Road, PIN #s: 005-099-000 & 005-099-001: Request for final approval of a lot line adjustment.

Sam Ingram, Meridian Land Services, stated this was a request for a lot line adjustment; the original adjustment was in 1985 and they were asking to return the lots to the original state. The acreage of the lots was roughly three (3) for lot 5/99 and 4.4 acres for lot 5/99-1.

Rich, Allen and John had no questions.

Gordon asked if there would be any changes to the existing driveways.

Sam replied there would not be.

Marilyn noted she was an abutter in this case, but as an alternate, would not be voting and did not need to recuse herself.

Sally clarified the lot line located on the stone wall was being eliminated. She asked if the stone wall could be faded on the plan and indicated with “z’s” so there wouldn’t be any confusion in the future, before the mylar was printed. She also indicated a stamp was required on the plan.

Mike asked about the Heritage Commission comments regarding the stone wall.

Colleen replied they noted when the lot line is removed from the stone wall, the wall is no longer statutorily protected. They have no authority to tell the property owner to retain the wall in its current state.

Sally noted stone walls aren’t protected unless they are used as boundary markers. The planning board has no authority to say the owner needs to keep the wall. She did note when there is a cut in a stone wall for a driveway or road, they do ask that the stones to be removed from the wall remain on site.

Cliff had no comment.

Arnie asked if there were any abutters or concerned citizens with questions or comments; there were none. He then asked board if they had any additional questions; there were none so he asked for a motion.

Cliff made the motion to accept the lot line adjustment plan for review.

Mike seconded the motion; all were in favor with none opposed.

Gordon made the motion to approve the request for a lot line adjustment with the following conditions: 1. The State subdivision approval number shall be noted on the plan.

2. A letter shall be submitted to the Office of Community Development by a Licensed Land Surveyor certifying that all boundary monumentation has been set as noted on the approved plan, or, in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set. 3. A final mylar of the lot line adjustment plan be submitted for signature by the Planning Board Chair and recording at the Registry of Deeds. 4. All fees associated with the recording of the plan be submitted.

Mike seconded the motion; all were in favor with none opposed.

OLD BUSINESS:

Case # 5149-070814 - Terry & Kelly Connor, 1 Smith Lane, PIN #003-027-000: A Subdivision and Non-Residential Site Plan Application to create a thirty-unit senior living condominium development.

Arnie noted the board had held a non-public session prior to the public hearing with town counsel Attorney Drescher regarding this case. Attorney Drescher advised the board, based on the ZBA decision and the thirty (30) day appeal period, that it would be inappropriate to hear this case before the appeal period ends. Attorney Drescher advised the board to table the case to the January 7, 2015 meeting in case there is a request for rehearing. He apologized to the applicant as this was just discussed this evening.

Kyle Bouchard, Meridian Land Services, asked even though the board can’t take any action on the application, if it would be appropriate to hear the application to allow them to make progress and to make any changes necessary in order to keep the process moving. He understood the legal bind the board is in regarding the appeal to the ZBA but the ZBA ruled on the special exception and approved it

99 unanimously twice before without any appeals. He felt it would be reasonable that they could discuss the
100 technical issues of the plan tonight rather than delay it all again until January.

101 Arnie understood the applicant's frustration but the hands of the board were tied; he asked the board's
102 opinion on the matter.

103 Cliff stated he understood the request but the board can't provide any input if they hear the application
104 and he didn't see any value in that. He would hate to have the applicant incur any additional expenses
105 that might result from any non-binding discussions that could be misinterpreted.

106 Mike felt it would be best to let the time for appeal pass and then pick up the matter.

107 Sally felt it would be best to follow the advice of town counsel.

108 Marilyn, Gordon, John, Allen and Rich agreed.

109 Arnie asked for a motion.

110 **Cliff made the motion to table Case #5149-070814, a Subdivision and Non-Residential Site Plan**
111 **Application to create a thirty-unit senior living condominium development until the January 7,**
112 **2015 meeting pending the expiration of the appeal period of the ZBA decision, per advice from**
113 **town counsel.**

114 **Gordon seconded the motion.**

115 Kyle stated this was very frustrating to have the board decide to stop the process and have that decision
116 overturned and still not be able to go forward with the process. It was very unlikely there will be an
117 appeal. He noted there were several people present who were representing the project. He thought it
118 would be reasonable to discuss the technical merits of the plan and any action can be tabled until
119 January. This decision today runs the risk of additional delay because they may not be able to get
120 through many of the items that are of concern to the board on this application. He asked the board to
121 allow them to resolve the current issues with the plan and did not see there was any jeopardy to the
122 planning board in discussing the checklist items and the applicable ordinance sections.

123 Lynne Sabean, Boutin and Altieri, was representing Mr. Lopez and part of the team bringing forth the
124 application and said she understood Attorney Drescher's opinion regarding the thirty (30) day period.
125 She didn't see there was anything in the recommendation that would prevent them from having a non-
126 binding discussion with the applicant.

127 Cliff replied, with all due respect, that things discussed in several non-binding discussions have come
128 back and hurt the board. He didn't want to hear anything he couldn't react to.

129 Lynn asked if that would be the case if everyone in the room agreed the discussion was non-binding.

130 Sally noted that has happened with open discussions prior to an application being submitted; in this case,
131 it's an open application, which is worse.

132 Lynne reiterated it would be non-binding.

133 Mike agreed that it was an open application and would not be a good idea.

134 Gordon stated non-binding discussions have not prevented misunderstandings in the past and he
135 wouldn't want to do that in this case.

136 Arnie appreciated the concern and views of the applicant but noted there was a pending motion on the
137 table.

138 **All were in favor with none opposed.**

139 **Case #5149-070814 was tabled to the January 7, 2015 meeting.**

140
141 **MINUTES:**

142 November 5, 2014

143 **Sally made the motion to approve the minutes of November 5, 2014 as presented.**

144 **Gordon seconded the motion; all were in favor with none opposed.**

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146 **REGIONAL IMPACT:**

Colleen noted the due date for the January 7, 2015 meeting was Monday, December 8, 2014. There was an application from American K9 Country for a site plan approval; their variance had expired and they are presenting an amended site plan.

OTHER:

Colleen noted she would be on vacation the first week in January and would notify Steve Keach, if technical review would be necessary as well as his presence for that meeting.

Sally made the motion that the planning board would like to request a rehearing of Case #PZ5490, an appeal by the planning board that was overturned by the ZBA, to the Board of Selectmen for the December 8, 2014 BOS meeting.

Gordon asked John if he would be ok with explaining to the BOS what the issue was.

Arnie noted if the BOS decides to approve this request it would be a good idea if Attorney Drescher was present.

Arnie felt it would be good to have a representative from the planning board there to explain why they would like a rehearing and if the rehearing is granted, they should have representative at that rehearing.

Gordon asked if representation from both sides would be appropriate.

Colleen stated it would be appropriate to have documentation to be clear about the reason for the request.

Cliff suggested a written request to the BOS noting clearly what the background of the situation was along with the views of the planning board be submitted.

Marilyn suggested a planning board member be present to answer any questions that may arise regarding the reasoning for the request for rehearing. She felt Sally would be able to articulate that.

Sally stated she would do so and run it by Arnie for approval.

Rich thought they should supply a summary along with any additional documentation such as Attorney Drescher's letter that would be appropriate.

Colleen noted the office has everything that has been submitted to both the planning board and ZBA.

Mike made the motion to authorize Sally to compose a document to request a rehearing of Case #PZ5490, an appeal by the planning board that was overturned by the ZBA, to the Board of Selectmen for the December 8, 2014 BOS meeting.

Gordon seconded the motion; all were in favor with none opposed.

Arnie noted the document won't be made available to everyone.

Marilyn felt if the ZBA grants a rehearing, representatives from the planning board should be present, along with Attorney Drescher. She felt it would not be inappropriate for the planning board to send a representative to any commission to make a shared opinion known if that board's vote affects planning.

Sally noted they used to do it but much animosity arose between boards the practice stopped.

Mike thought with respect to transparency it would be a good idea to notify the applicant.

Colleen replied she would do that and noted packets go out to the selectmen on Friday so she will need to get this on their agenda as soon as possible. The ZBA meeting is on December 16 and it is not a public hearing but a rehearing request so there will be no abutter notification.

Arnie asked if there was a motion to adjourn.

Cliff made the motion with Gordon seconding; all were in favor.

Meeting was adjourned at 8:20 pm.