

Planning Board Meeting Minutes – October 10, 2018

Attendees:

- Jeanie Lindquist
- Alan Pease
- Jim Hargraves
- Terri Cantor

Meeting started at 7:40pm

ANR:

Review and approval of an ANR with Michael Pluff:

- 3 lots with land in Ashby and Fitchburg
- Lot-1: 4.034 acres – frontage in Ashby; lot 2: 7.432 acres; lot 3: 8.445 acres - created from a single lot on Old Northfield Road
- Map details:
 - Land is mostly in Fitchburg with some frontage in Ashby
 - Map 15-69-1
 - Prepared for Northstone Builders LLC
 - Fieldstone Land Consultants
- Frontage requirements of 200' for the lot crossing the border is met (lot-1) with no other items noted
- Fitchburg signed and approved for the lots under their governance

Training on Subdivision Control/ANR:

- General feedback on the online format for the training courses was positive with a few call outs for some improvement
- Much hilarity ensued when it was discovered some folks read the questions before consuming the video

Minutes Approval

- Alan moved and Jim seconded to approve the minutes of September 26, 2018. Unanimously approved

Review of private roadways in Ashby

- Condition of five private roads were reviewed in 2011
- The list does not include Whitney Road
- The reason why this was done was to establish standards for the Town to use when accepting private roads
- Subdivision control laws in Ashby were created in 1954 (unverified)
- Before Subdivision Control, Log Cabin Road, Beaver Dam, and Deer Bay Roads were in existence to provide access to summer homes at the time
- Telephone Road was built by the telephone company (AT&T) to access a transcontinental cable

- Fox Farm Rd was built before subdivision control – **Does it provide adequate access to public ways?**
- In 2011 (or thereabouts), the planning board at the time was in the process of working on updating the subdivision rights, specifically, 2.1.5.1 of the Subdivision Rights – combining the two standards to one; also notes about increasing the roadway grade to 10% from 8%; also discussing surface type and width

Discussion on Whitney Road:

- Subdivision control and ANRs define 3 types of ways:
 - Certified (by the Town Clerk)
 - A way shown on a plan approved under subdivision control
 - Way in existence previous to subdivision control
- If the town maintained the road, it could be interpreted as a viable way; however, it would still need to be certified
- There was a court case (1980's) where the state of the road was not determined, but the owner was allowed to use it; there was another court case in 2017 that re-legitimized the first court case's findings. Nothing further was defined about the state of the road itself

Discussion of Subdivision Regulations:

- There are likely other town roads that may not be certified.
- How do you determine where road may or may not have been? **Markers, stone walls, and old plans.**
- What do we have on the books for roadways:
 - Section 4.1 in the subdivision guidelines discusses street development under subdivision control. These roadways are not built at the town's expense, but at the developer's...
 - Both 2.1 and 4.1.1 contain width, grade, and surface information which the planning board was working to modify and align with the State standards
We should re-review the sections that were under review by the planning board (see images below)
- Look at the Mass Highway Department regulations to see what they say about the public ways and the standards applied to the roads. **Obtain copy of the state highway subdivision control.** We should keep in alignment with the state regulations for both pre-existing and newly developed ways

Action Items:

- Setup a public hearing to adopt the subdivision control regulations around the roadways for pre-existing and current roadways (**Owner: Planning Board**)
- Define the language that will need to be used to create the notice of public hearing – this should be readied by the next meeting (**Owner: Jeanie and Terri**)

Meeting Adjourned: 9:17pm

Submitted by Terri Cantor

2.1.5 If the Board determines that the plan does not require approval, the Board or its agent shall forthwith without a public hearing endorse on the plan the words "Approval under Subdivision Control Law not Required" or words of similar import. Such endorsement shall not be deemed to constitute any determination of compliance with requirements of the Zoning Ordinance. The original mylar of said plan shall be returned to the applicant.

2.1.5.1 In determining whether an existing way is adequate to qualify a plan as approval not required the Board shall consider the following standards, among others;

A way with the potential to serve one to five lots;

Minimum right of way ~~33~~ 40 feet (2 rods)
Gravel foundation minimum 12 inches
Surface Type gravel
Surface width, minimum 18 feet
Maximum grade 8%

Comment: Eliminate 5 lots

Comment: Reduce to 33 feet

Comment: Increase to 10% see
http://www.mhd.state.ma.us/download/manuals/hdm_addenda.pdf

A way with the potential to serve more than five lots;

Minimum right of way 40 feet
Gravel foundation minimum 12 inches
Surface Type bituminous concrete, 3 inches
Surface width, minimum 20 feet
Maximum grade 8%

Comment: Eliminate

and adequate provisions have been made for public utilities and drainage

2.1.6 If the Board determines that the plan does require approval under the Subdivision Control Law, it shall forthwith so inform the applicant and return the original mylar of the plan. The Board shall also notify the Town Clerk of its determination.

Twenty-one (21) day Review Period

2.1.7 If the Planning Board fails to act upon a plan submitted under this section within twenty-one (21) days after its proper submission, it shall be deemed to have determined that approval under Subdivision Control Law is not required.

2.2 Subdivision: No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement

4.1.0.9 Roadways shall be constructed for the full length and width. The centerline of such roadway shall coincide with the centerline of the street right-of-way, unless a minor waiver is specifically approved by the Board.

4.1.0.10 All reverse curves on collector streets shall be separated by a tangent at least one hundred (100) feet long.

4.1.0.11 Subdivisions containing twelve (12) or more lots shall have at least two (2) separate means of access/egress with a street or streets either existing or shown on an approved subdivision plan for which a performance guarantee has been filed.

4.1.0.12 Streets shall not be built within twenty-five (25) feet of any watercourse, except where a stream crossing has been approved by the Conservation Commission. A street may cross land which is flood prone provided the lots served may be reached by another means of access which is not subject to periodic flooding.

4.1.1 Width:

4.1.1.0 The width of a street right-of-way and traveled ways shall not be less than the following:

	Right of Way	Traveled Way
Minor Street less than 250 veh. trips	40 feet	22-feet
Collector Street greater than 250 veh. trips	50 feet	28 feet
Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.		

go to
state
standards
11/1/12

further disc
w/ light of state
standards

Comment: reduce to 18'-20' see
http://www.mhd.state.ma.us/downloads/manuals/bdm_addenda.pdf

Comment: reduce to 18'-20' see
http://www.mhd.state.ma.us/downloads/manuals/bdm_addenda.pdf

4.1.1.1 The Street Section shall comply with typical Street Sections contained in appendix C herein.

4.1.2 Grade:

4.1.2.0 Grades of streets shall not be less than 0.5% Grades shall not be more than 6.0% for collector streets; 8.0% for minor streets.

Comment: 9 & 10% see
http://www.mhd.state.ma.us/downloads/manuals/bdm_addenda.pdf

4.1.2.1 On any street where the grade exceeds 6.0% on the approach to an intersection or cul-de-sac, a leveling area with a slope of not more than 4.0% shall be provided for a distance of not less than 100 feet measured from the nearest exterior line of the intersecting street.

add
cross pitch
req.