

Planning Board Meeting Minutes
Date: September 11, 2019
Time: 7:31 pm

x	J. Hargraves	x	A. Pease
x	J. Lindquist	x	T. Foster
x	T. Cantor		W. Stacy (associate)

TBD

Also Attending:

- None

Meeting Opened at 7:31 pm.

Meeting Minutes

- Alan moved to approve the meeting minutes from August 28, 2019; Jeanie seconded; all were in favor

Harold Chattaway: Concerns about former apple orchard in the area of road development for Brietmaier subdivision on Old Northfield Rd.

- Old apple orchard on Old Northfield was designated to be a development site (Lt. Josiah Barrett)
 - A right of way was supposed to be added to the property to support the development plan
 - There is concern that there is arsenic in the soil, that if disturbed, could leach into the water
 - The request is to have the soil tested to ensure that any potential work does not create a problem for abutters
 - The lot was abandoned - no work has been done on the property
 - Approval for subdivision was given on January 26, 2017; it expires after 2 years, so the approval is no longer valid
 - Without a change, there would need to be a solid reason to prevent re-approval

Notify Building Inspector and applicant of expiration of subdivision approval Breitmaier subdivision on Old Northfield Rd.

- Notify:
 - Building inspector that the subdivision approval has expired
(Action Item: Alan P./Jim H.)

- Developer of the same (**Action Item: Alan P.**)

Ed McSweeney and Stefan McSweeney (from Hollis) for property on Main and County Rd

- Building permit request:
 - McSweeney is looking for an approval for an [application](#) for lot 4 on Main St
 - Currently a vacant lot; plan changed from colonial to split level with same configuration
- Request for shared driveway between lots 2 and 3:
 - Are there any special forms required? **ANS:** The application for special permit is needed, that McSweeney already has. Additionally, the application for hearing needs to be completed. The fee is \$200 plus \$10 for notifications. Sign the application with the town clerk, who will then process the application and takes the fees.
 - If a potential purchaser of lot 3 wants a private driveway instead of utilizing the shared driveway, how can the developer move forward?

ANS: If the shared driveway is not needed, the developer is not obligated to continue to build the shared driveway. The permit allows you to proceed with the shared driveway. It does not preclude you from looking at other options
 - Suggestion is to have the developer speak to the Highway Department Superintendent, Steve Beauregard to obtain buy-in on any drainage concerns
 - [Forms](#) have been completed. McSweeney will file with the town clerk.

Notices, Filings, and Events

- Appeal to ZBA of Building Inspector's decision regarding 80 South Rd. has been received by the Town Clerk. Awaiting receipt of certified abutters list
 - Zoning Board of Appeals received a notice from the Building Inspector
 - The Building inspector made the decision on August 1st; the owners appealed August 26th with an incomplete application
 - The owners have been notified of the incomplete application
 - The town is currently awaiting receipt of certified abutters list
 - The land, while in residential district, is currently used for dog breeding, , where it now falls into agricultural use. This is the case for any plot of land over 5 acres, despite the district the land is in
 - There are noise complaints from the dogs bred on the property; there are also concerns about the runoff from the property from cleaning up after the animals or other waste disposal
- House Bill, HR 1802 regarding training for Planning Board and ZBA members is before the legislature.
 - This would apply to members who become board members and every 2 years after. This is continuing education for town planning board members
- House Bill HR 3507 regarding reduction of supermajority (2/3) vote to majority vote for certain zoning changes impacting housing. Adoption by municipality optional.

- This is to support adoption of zoning best practices to provide appropriate housing production
- The local zoning that would be affected are listed in the Act
- Application for Special Permit, Reduce Frontage Lot on Rindge Rd. has been filed. Awaiting payment of fee. An application for a variance to frontage requirement has been filed with the ZBA for this lot.
 - Application for Special Permit - Denise Porter
 - The application was filed on 9/10/19
 - Notification must be 14 days prior to the hearing; these must be consecutive weekends
 - The application must be attended to within 65 days of the filing of the application (November 14, 2019)
 - The article can be published September 20th and September 27th with the hearing on October 9, 2019
 - They are also seeking a variance because the frontage on the lot to be sold is less than 50', not satisfying the reduced frontage lot
 - **Terri C. to file meeting notices, send a note to the abutters, and to abutting towns (check Alan's email with instructions)**
 - **Alan to send a sample notice**
 - **Complete everything all at once and send it out**

Review article 16 of the 2019 Annual Town Meeting and make changes to the bylaw.

- Need to correct what Tiffany had sent for the amended article. The certification that we received has amendments to article 16. However, article 16 did not previously exist.
- We need a certification that the article was approved as printed in the warrant and then that there was an amendment to the article and that it was also approved.
- After doing so, the Planning Board will need to come by and update the bylaw itself.
- **Jeanie will approach Tiffany on making these corrections. [Terri to send Jeanie the amendments with the red markups.](#)**

Community Development Plan update, review and update goals.

- *Tabling until the next meeting*

Items not anticipated by the chairman.

- Running list of items for the Planning Board:
 - 7/24/19 meeting: Update the marijuana definition (to be done later this year)
 - ~~7/10/19 meeting: Jeanie to contact Harald to see if he'd be willing to share the concept or talk to the Board on the concept (from 7/10/19 meeting; for our next meeting)~~
 - 8/14/19 meeting: Re-examine the bylaws to remove Planning Board approving the driveway for lots

Meeting adjourned at 9:23 pm.

Submitted by:
Terri Cantor

Application for Map 10, Parcel 85, Lot 4:

TOWN OF ASHBY
895 Main Street
Ashby, MA 01431

Application for Building Permit

Building Permit issued pursuant to Mass Building Code Requirements

For Office Use Only
Fee: _____
Rec'd: _____
Accepted: _____
Issued: _____
Denied: _____
Permit No: _____
Lot 4

Location of Property (No. & Street) MAZON STREET Map 10 Parcel 85 Lot 4

Name & Address of Property Owner RICHARD LEHTOLA 422 SOUTH ASHBURNHAM RD, WESTON MA

Name & Address of Architect/Engineer _____

Registration Number _____ Telephone: () _____

Name & Address of Builder/License Holder ED MCSWEENEY 69 BROAD ST. HOLLIS, NH 03049

Construction Supervisors' License # CS-079778 Signature (required) Ed McSweeney

Zoning RA Type of Permit: New Addition Certificate of Occupancy
 Repair Demolition Alteration Other

Current Use: VACANT LOT Proposed use: 3 BEDROOM HOUSE - NEW CONSTRUCTION

If a Residence, # of Dwelling Units 1 Use Group _____ Estimate Construction Cost \$ 150,000.00

What is Construction Type? 2 X 6 WOOD CONSTRUCTION - VINYL SIDING EXTERIOR

Height of Structure (ft): 35' +/- Total Sq. Footage: 2,400 +/- sq. ft. Number of Stories: 2

Does the Proposed Project Require a Variance and/or Special Permit? Yes No
 If Yes, and a Decision Has Been Issued, Please give Decision Number. 1st Floor 1,650 sq. ft. BASEMENT 768 sq. ft.

If Proposed Work Within Historic District, Give Commission Approval Date NO

Is Proposed Work, Including Grading, Within 100 Ft of a Wetland or 200 Ft of a Perennial Stream? Yes No

Waste Disposal Company D & D WASTE - FITCHBURG Disposal Site Address FITCHBURG

Demolition: Has Dept Notification Form Been Completed Yes No N/A

DETAILED DESCRIPTION OF PROPOSED CONSTRUCTION (Do not indicate, "see attached plans". Please be specific)

3 BEDROOM HOUSE - 2 CAR GARAGE UNDER - 12 X 14 PT DECK EXTERIOR
PLAN TO FINISH 1ST FLOOR BASEMENT AREA - 768 sq. ft.

Department	Signature & Date	Comments
Tax Collector <u>(ATTACHED)</u> <input checked="" type="checkbox"/>		
Board of Health		
Conservation <u>(ATTACHED)</u> <input checked="" type="checkbox"/>		
Planning Board		
Highway		
Fire Chief		

Are the following included?	YES	NO	I have provided the above information and it is correct to the best of my knowledge.
Occupying street or sidewalk (1)	<input type="checkbox"/>	<input type="checkbox"/>	Signature of Owner or Authorized Agent _____ Print Name _____ Address _____ City State ZIP _____ Daytime Phone () _____ APPROVED _____ Inspectors Name and Title _____
Electrical (1)	<input type="checkbox"/>	<input type="checkbox"/>	
Plumbing Gas Fitting (1)	<input type="checkbox"/>	<input type="checkbox"/>	
Heating (mechanical) (1)	<input type="checkbox"/>	<input type="checkbox"/>	
Oil Storage (1)	<input type="checkbox"/>	<input type="checkbox"/>	
Air Conditioning (1)	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Suppression (mechanical) (1)	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Detection (3)	<input type="checkbox"/>	<input type="checkbox"/>	
(1)	<input type="checkbox"/>	<input type="checkbox"/>	

Notes: 1. Requires special Permit
 Notes: 2. Heat loss info required
 Notes: 3. Stamped plan required

Application for Special Permit and hearing for shared driveway, Map 10, Parcel 85, lots 2 and 3:

ASHBY PLANNING BOARD
Application for a Hearing

1. Action requested

- Application for Site Plan Review
 Application for a Special Permit

2. Name and Mailing Address of each appellant, applicant:

1. Edmond McSweeney, 69 Broad St., Hollis NH 03049
- 2.
- 3.

Contact name and telephone Ed McSweeney (978) 204-3319

3. Application is for property located at:

Street Address Lot 2 and Lot 3, 6 County Rd., Ashby MA

Map & Parcel Map 10 Parcel 85

4. The undersigned is the:

- Owner
 Holder of a written option to purchase
 Agent of the owner (Please provide written evidence of the owner's assignment of agent.)

5. The record title to the land which is the subject of this case is in the name of

Richard Lehtola whose address is

422 South Ashburnham Rd., Westminster MA

by a deed duly recorded the South Middlesex Registry of Deeds in

Book 50516, Page 345, or registered in the Land Court

Book _____, Page _____.

Signed as a statement of fact under penalty of perjury on this

11 day of September, 2019

Ed McSweeney

ASHBY PLANNING BOARD
Application for Special Permit

NAME: Edmond McSweeney for Bray Ave 9, LLC

ADDRESS: Lots 2 and 3 located at 6 County Road, Ashby, MA

MAP & PARCEL # Map 10 Parcel 85

REQUEST FOR SPECIAL PERMIT

I, Edmond McSweeney the applicant

who applies to the Planning Board according to Section(s) 4.3 (Driveways)

of the Zoning By-law, for the property located at 6 County Rd., Ashby MA

and asks that the Board make the following findings in accordance with the

provisions of law:

1. The use requested is a use permitted by a Special Permit in the district for which application is being made or is so designated elsewhere in the By-law specifically:

Installation of a shared driveway to serve Lots 2 and 3, 6 County Rd. Ashby MA which is covered by Section 4.3 of Town Zoning regulations.

2. That the requested use is essential or desirable to the public convenience or welfare for the following reasons:

A shared driveway will reduce the impact to the wetlands located adjacent to Lot 3 by moving the driveway to the other side of the house.

3. That the requested use will not create undue traffic congestion or unduly impair pedestrian safety for the following reasons:

The driveway will be installed on private land to service two houses that have already been approved for development.

4. That the requested use will not adversely impact any public drainage system or any other municipal system to such an extent that the requested use or any existing use in the immediate area or in any other area of town will be unduly subjected to hazards affecting health, safety or the general welfare for the following reasons:

A shared driveway will have no impact on public drainage.

5. That any special regulations for the use, set forth in Section 4.3 of the Zoning By-law are fulfilled, specifically:

The length of the shared driveway will be approx. 145 ft., which is below the maximum allowed of 800 feet.

6. That the requested use will not be detrimental to the established or future character of the neighborhoods and town, nor be detrimental to the health, morals or welfare for the following reasons:

The shared driveway will be located on private land and will reduce the points of access to County Road to one.

Date: September 11, 2019

Respectfully submitted by: Ed McSweeney

September 11, 2019

I hereby designate Edmond McSweeney
to act as Agent of Owner for purposes
of applying for an Application for a Hearing
in the town of Ashby as related to
Lots 2 and 3 of Map 10, Parcel 85.

x Richard Lehtola
Richard Lehtola