

Call To Order:

The meeting was called to order at 7:23 p.m. Present were Chairman, Paul Salafia, members, Linn Anderson, Selena Goldberg, Vincent Chiozzi and John McDonnell (arrived at 7:55), also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley.

APPROVED
9-11-07

Stormwater Management by-law:

The Board took up the stormwater management bylaw discussion. Ms. Anderson reviewed Ms. Goldberg's notes from the July 11th Stormwater Task Force Meeting and reviewed the three positions outlined in the notes. 1) new bylaw only regulates the mandated 43,560 sf of land disturbance; 2) new bylaw lowers the threshold of land disturbance area to be regulated from 10,000 sf or 20,000 sf to 43,560sf. 3) new bylaw regulates 43,560 sf of land disturbance as mandated but also includes a policy for soil erosion and sedimentation control during construction for land disturbance between 20,000 and 43,560 sf.. Ms Anderson noted that the policy would be administered and enforced by the building department. The Board discussed the three options in detail Ms. Anderson noted the Task Force would like the Board to vote on the draft Stormwater Management Bylaw revisions so that the Task Force can stay with the Town Manager's time frame for completion the stormwater management bylaw. She also noted that the wording is subject to changes but wants the Board to vote so the Task Force can move forward with their review. Mr. Materazzo suggested that the working group review the revisions with the building division. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to rewrite the stormwater bylaw to extend the square footage to 20,000 sf. **Vote Unanimous (4-0);**

On a motion by Mr. Chiozzi seconded by Ms. Anderson the Board voted to change the permitting authority to the Planning Board or it's designee as the permitting granting authority for the Stormwater Management and Erosion Control Bylaw. **Vote Unanimous (4-0).** (It should be noted Mr. McDonnell arrived at the meeting after the vote.) Ms. Anderson reviewed the draft policy for minor projects for disturbance of 20,000 to 43,560 sf.. The Inspector of Buildings, Ms. Gilmore noted that the building department does not have a problem assuming responsibility for the administration and enforcement for minor projects of land disturbance between 20,000 to 43,560 sf. She noted that the inspectors visit a site at a minimum of 7 times. Ms. Gilmore noted that some of the language in the draft regulations needs to be defined and she will review the policy with her staff. On a motion by Ms. Goldberg seconded by Ms. Anderson the Board voted to approve the use of a policy for minor projects regulating land disturbances of 20,000 to 43,560 sf. **Vote (4-0-1)** Mr. Salafia, Ms. Anderson, Mr. Chiozzi and Ms. Goldberg voting yes and Mr. McDonnell abstained from voting. Ms. Anderson reviewed the summary of changes to the Stormwater Bylaw revisions dated July 23, 2007. On a motion by Ms. Goldberg seconded by Ms. Anderson the Board voted to approve and distribute the Stormwater Management Bylaw revision to the Town Department heads, Town Counsel, and the engineering department for input. **Vote Unanimous (5-0)** The Board discussed outreach to the general public and decided to discuss the stormwater bylaw at their August 28th meeting at 7:30 pm. Alex Driscoll of 11 Forbes Lane noted that the discussion would be better if it took place after Labor Day.

Monette Circle:

The Board opened the public hearings that were continued from the June 12th meeting on an application submitted by 7-10 Paulornette Realty Trust, for a proposed 4-lot definitive subdivision plan and a Special Permit for Earth Movement entitled Monette Circle, located at 7-10 Paulornette Circle. Ms. Byerley reviewed an e-mail from the applicant's attorney requesting that the Board continue the public hearings without discussion. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings for Monette Circle without discussion until August 14 at 9:00 p.m. **Vote Unanimous (5-0)**

Aisling Estates:

The Board opened the public hearings that were continued from the June 26th meeting on an application by Rayvon Realty Trust for a proposed 4-lot definitive subdivision and a special permit for earth movement entitled Aisling Estates located off Sunset Rock Road. Ms. Byerley reviewed her memo to the Board dated July 19, 2007. Chairman Salafia thanked the abutters for submitting their comments and concerns in writing. Dan Koravos of DK Engineering, representing the applicant, gave an overview of the changes to the plan; he also reviewed the existing drainage, the detention basin, and noted that there is less runoff post development. Janet Bernardo of ESS Group, the peer consultant, reviewed the wetlands, the existing runoff on site, pre and post development calculations, the detention basin and the roadway. Paul Floyd of 80 Spring Grove Road, expressed concerns regarding the location of the outlet in the detention basin. Mr. Koravos noted that he does have the soil testing but they have not been submitted yet. He also reviewed the water table on site. The Board had questions about the detention basin and asked if the roadway width were decreased would it decrease the runoff. Ms. Bernardo noted that she's not fond of the location of the detention basin but the applicant has to pick up the wetland and the only outstanding issue is the soil borings. She also noted that their wetland scientist walked the site and the wetland flags are okay. Ms. Bernardo reviewed the earth movement calculations and noted that it seemed realistic. Chairman Salafia reviewed the function of a peer consultant. Attorney Andy Caffrey, Jr., representing an abutter, questioned the detention basin and expressed concern regarding the earth movement calculations that, in his opinion, seems staggering. He also reviewed the criteria for a special permit for earth movement and feels it's over the top and should be denied or they should eliminate lot # 3. Bruce Jacobson of Hydro Analysis representing several abutters reviewed a letter to the Board dated July 24th outlining his concerns regarding the special permit for earth movement, and the criteria for the special permit. Mr. McDonnell questioned if the earth movement was cut and fill on-site or if it was being moved off-site. Ms. Bernardo noted they are re-grading the entire site and individual lots will require fill. Mr. Koravos noted there was more fill than cuts on site. The Board questioned the percentage of cuts to fill in the detention basin. Mr. Jacobson continued to review his letter to the Board and the Board's subdivision rules and regulations section VI.E.8, VI.F.11 pertaining to drainage easements needed from abutters and noted there is an increase of volume of flow to the existing stream. Ms. Bernardo reviewed the runoff on-site and the grading on lot 3. Paul Floyd of 80 Spring Grove Road reviewed his concerns outlined in a letter to the Board dated May 15, 2007 and suggested the Board visit the site. Ms. Anderson questioned if the Board would be allowed on the abutters properties. The Board would like clarification of the regulations.

Aisling Estates (cont.):

On a motion by Ms. Anderson seconded by Mr. McDonnell; the Board vote to continue the public hearings for Aisling Estates to September 11, 2007 at 8:00 pm and scheduled a site walk on August 28, 2007 at 6:30 pm. **Vote Unanimous (5-0)**

Swan Crossing III:

The Board opened the public hearings on applications by CA Investment Trust for a Special Permit for New Multi-Family Construction Attached Cluster and a Special Permit for Earth Movement that was continued from the July 10th meeting, that would allow for the construction of 21 residential condominium units entitled Swan Crossing III located at 55 & 50 Canterbury Street. Mr. Materazzo reviewed comments dated July 23, 2007 from Earth Tech, the peer consultant, and noted the DPW is satisfied with the latest plan iteration. Doug Lees from Land Engineering & Environmental Services, Inc. representing the applicant noted that they have addressed all of DPW comments including the snow storage, visiting parking, the water main, and the drainage and sewer easements. Mr. Materazzo questioned who would maintain the drainage system. Attorney Philip Sullivan representing the applicant noted that the Condominium Owner's Association would have the legal right to service the drainage system of ACC failed to do so. The Board discussed the maintenance agreement and the condo association's legal right to maintain the drainage system if needed. Mr. Materazzo suggested Town Counsel and DPW review the maintenance agreement and associated documents. The Board had questions about how the detention basin and drainage associated with the Swan Crossing development would be affected if the driving range were to be developed in the future. Mr. Lees noted that he was not sure if there were any future development plans. Attorney Sullivan noted that Mr. Cormier would reserve the right to alter the easements if necessary. The Board discussed the easement and requested Town Counsel's opinion. Mr. Materazzo noted that the formal modification of Swan Crossing II has been submitted and will be discussed at the Board's next meeting. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to close the discussion for a minor modification request that would allow the emergency access easement be expanded and used by the residents of the Swan Crossing developments. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to continue the public hearings for Swan Crossing III until August 14th at 8:35 pm. **Vote Unanimous (5-0)**

Vraj Circle:

The Board took up the deliberation on an application submitted by The Prime Group, Inc., for a proposed 4-lot Definitive Subdivision, Special Permit for Earth Movement, a Special Permit Watershed Protection Overlay District (WPOD) and a Special Permit for Disturbance of Slopes in Excess of 35% entitled Vraj Circle located at 73 Greenwood Road. The Board reviewed the draft conditions outlined in Mr. Materazzo memo to the Board dated July 16, 2007. It was suggested to delete the last sentence in condition # 22; and in condition # 11 to change the word "roadway" to "right-of-way"; and to add to condition # 21 in the second to last sentence after the word "lot" "throughout the development process". On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the an application submitted by The Prime Group, Inc., for a proposed 4-lot Definitive Subdivision, Special Permit for Earth Movement, a Special Permit Watershed Protection Overlay District (WPOD) and a Special Permit for

Vraj Circle (cont.):

Disturbance of Slopes in Excess of 35% entitled Vraj Circle located at 73 Greenwood Road subject to the 40 conditions outline in Mr. Materazzo memo to the Board dated July 17, 2007 as amended by the Board. **Vote Unanimous (5-0)**

60-62 Essex Street:

The Board took up the deliberation on an application submitted by Peter Kelleher for a Site Plan Review to allow for the construction of an unattached 932 sf. dwelling unit at 60-62 Essex Street (for a total of three units on the site). On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the application submitted by Peter Kelleher for a Site Plan Review to allow for the construction of an unattached 932 sf. dwelling unit at 60-62 Essex Street (for a total of three units on the site) subject to the 11 conditions outlined in Ms. Schwarz memo to the Board dated July 17, 2007. **Vote Unanimous (5-0)**

Newport Circle:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board vote to re-affirm their previous definitive plan approval of the Newport Circle Definitive Subdivision Plan, Special Permit for Earth Movement, Special Permit – Watershed Protection Overlay District and the applicant's request to rescind their approval and to further rescind the Board's restrictions as modified by the Planning Board on June 24, 1988 subject to the forty-six (46) conditions, which are the same as imposed by the Board on October 23, 2001. Said re-affirmation is for the sole purpose of recording the record plan at the Essex North Registry of Deeds. **Vote (4-0-1)** Mr. Salafia, Ms. Anderson, Mr. Chiozzi and Mr. McDonnell voting yes and Ms. Goldberg abstained from voting.

Other Business:

Mr. Materazzo updated the Board on the I-93 tri-town task force and noted the Board was invited to a meeting on 43D expedited permitting on August 14 at 1:30 pm in the 3rd floor conference room.

Adjournment:

The Board voted to adjourn the meeting at 10:18 p.m.