

Town of Auburn
Planning Board
Auburn Town Hall
Tuesday, June 22, 2010
7:00 p.m.
Minutes

Members Present: David DeLollis, David Doherty, Ronald Brooks, James Rothera, and Paul Kosky.

Also Present: Adam Burney, Town Planner; and Stacy McGann, Recording Secretary.

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

I. ANR
High Street:

****Mr. Brooks recused himself as an abutter to the property.**

****Mr. DeLollis recused himself due to a possible family member conflict.**

Planning Board members reviewed the plan and agreed that it meets ANR requirements.

Mr. Doherty made a motion to endorse the ANR plan.

Mr. Rothera seconded the motion.

Vote 3-0 in favor.

- *Signatures*

****Mr. Brooks and Mr. DeLollis returned to the table.**

II. Star Tower Company, LLC, 404 Washington Street, Public Hearing

Applicant Star Tower Company, LLC, Special Permit under Section 3.2.4.5 of the Auburn Zoning Bylaws, for the installation and operation of a personal wireless service facility for property located at 404 Washington Street, Map 50, Parcel 65.

Jacqueline Murray, Star Tower Company, was present.

The Planning Board discussed how to proceed since there are two members who must recuse themselves and four votes are necessary for a Special Permit. Mr. Rothera is an abutter within a quarter mile of the proposed and Mr. DeLollis has a conflict due to the company he works for. There was discussion about the need to invoke the "Rule of Necessity." Board members reviewed the regulations from the State Ethics Commission and noted that the ruling clearly states that this measure should only be used as a last resort and that opinion from Town Counsel is strongly recommended so as to not violate conflict of interest statutes. The applicant, Board members, and Town Planner agreed that it is in the best interest of all parties to seek comments from Attorney Robert Hennigan prior to opening the public hearing. The Peer Review Consultant from Vermont was in attendance. Ms. Murray asked the Planning Board to consider Mr. Hutchins detailed

comments as an acceptable report. The Planning Board requested that Mr. Hutchins return as testimony cannot be given until the public hearing has been opened.

Abutters in attendance questioned why they did not receive notification of the public hearing since they are included on the abutters' list. Mr. Burney will follow-up with clerical staff regarding this concern.

Mr. Brooks made a motion to seek the opinion of Town Counsel, Attorney Robert Hennigan, regarding invoking the "Rule of Necessity" for this public hearing.

Mr. Kosky seconded the motion.

Vote 5-0 in favor.

Mr. Rothera will not be available for the next scheduled meeting on July 13, 2010. The Planning Board and applicant agreed to continue the public hearing to Wednesday, June 30, 2010.

Mr. Brooks made a motion to continue the public hearing to Wednesday, June 30, 2010 at 7:00 p.m.

Mr. Doherty seconded the motion.

Vote 5-0 in favor.

Mr. Burney will contact Attorney Hennigan in an attempt to receive an answer as soon as possible and will notify Mr. Hutchins about the outcome.

III. Richard & Linda Luks, Special Permit, Hammerhead Lot, 22 Ashcroft Street, Public Hearing, continued

Diane Simonelli from Field Resources was present.

Ms. Simonelli provided the Planning Board with the request for grading on the proposed driveway. Planning Board members agreed that the neighborhood is satisfied with the single family home.

Mr. Rothera made a motion to close the public hearing.

Mr. Brooks seconded the motion.

Vote 4-0-1 in favor. (Mr. Kosky abstained.)

Mr. Doherty made a motion to grant the Special Permit with conditions to include constructions hours Monday – Friday, 8:00 a.m. – 4:30 p.m., Saturday, 8:00 a.m. – 12:00 noon, no Sundays or Holidays; build in accordance with applicable plan; and conformance to all relevant town boards/commissions decisions.

Mr. Brooks seconded the motion.

Vote 4-0-1 in favor. (Mr. Kosky abstained.)

IV. Signatures

744 Southbridge Street:

- *Signatures (Mr. Kosky abstained.)*

895 Southbridge Street:

- *Signatures*

Bryn Mawr Estates Modification:

- *Signatures (Mr. Kosky abstained.)*

V. Auburn Tree Warden, Scenic Road Act, Public Hearing

Joint hearing with the Auburn Tree Warden pursuant to the Scenic Road Act, MGL c. 40 Section 15C regarding the cutting of trees at 4 Upland Street; 228 Hampton Street; 126 Pakachoag Street; and trimming of trees at 69 Pakachoag Street and the corner of Curtis Street and Upland Street, designated scenic roads.

Darlene Wood was present.

Ms. Wood explained that it is necessary to meet with the Planning Board for the cutting and trimming of trees on designated scenic roads. All of the trees mentioned are on town property.

Mr. Rothera made a motion to close the public hearing.

Mr. Doherty seconded the motion.

Vote 5-0 in favor.

Mr. Brooks made a motion to grant approval for the cutting and trimming of trees on scenic roads as presented by the Tree Warden.

Mr. Doherty seconded the motion.

Vote 5-0 in favor.

Mr. Burney will prepare a document that states the Planning Board's approval.

VI. Fox Hill Builders, Inc., Bryn Mawr Estates Bond, Discussion

Mr. Gallo, Fox Hill Builders, Inc., was present.

The Town Planner and the Town Engineer visited the site last week and were pleased with the work that has been accomplished. Mr. Gallo discussed altering the slope. He explained that the easement is behind the property which was not realized at time of purchase. Mr. Gallo was asked to do whatever possible from an engineering standpoint. There was discussion about access to the pond and maintenance. The pond is functioning and expected to control runoff. The Planning Board would like to review both a 2:1 and 3:1 slope on a plan. If 2:1 slope, an erosion control blanket (vegetative mat) is needed.

Mr. Gallo discussed the \$29,000 line item regarding the sub-drain. He asked if this could be reviewed in order to alleviate confusion.

Mr. Gallo asked for the ability to have two phases as originally requested. Board members raised concern as this has not always worked to the Town's benefit in the past. The Planning Board would like to get feedback from Mr. Coyle as well as Jeff Walsh from Graves Engineering. The back lots have always been an issue and the Board feels it is best to control runoff in the beginning stage. Mr. Burney suggested that the Planning Board

consider releasing lots under covenant as work is completed. The Planning Board will visit the site. Mr. Gallo will submit revised plans.

VI. Minutes

- *June 8, 2010*

Mr. Doherty made a motion to accept the minutes of the June 8, 2010 meeting as submitted.

Mr. Kosky seconded the motion.

Vote 5-0 in favor.

VII. Other Business

Mr. Burney reported that he was contacted by an Engineer who inquired about an Appendix A (Development Impact Statement) for a sub-division. The applicant is willing to prepare such a document and is looking for an example to better understand its content.

VIII. Adjournment

Mr. Doherty made a motion to adjourn.

Mr. Brooks seconded the motion.

Vote 5-0 in favor.

The meeting adjourned at 8:05 p.m.

Respectfully submitted:

Stacy McGann

Recording Secretary