

**Town of Auburn
Planning Board
Auburn Town Hall
Tuesday, October 26, 2010
7:00 p.m.
DRAFT
Minutes**

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

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

Mr. DeLollis called the meeting to order at 7:00 p.m. and stated that the meeting would be recorded.

I. Minutes

- *September 28, 2010*

Mr. Doherty made a motion to accept the minutes of the September 28, 2010 meeting as submitted.

Mr. Kosky seconded the motion.

Vote 5-0 in favor.

II. Invoices

- *Graves Engineering*

Mr. Doherty made a motion for the Chairman to sign the invoice.

Mr. Kosky seconded the motion.

Vote 5-0 in favor.

- *Mr. DeLollis signed the invoice.*

III. Updates to Planning Board Rules and Regulations

The Planning Board continued to review the Town of Auburn Planning Board Subdivision Rules and Regulations and suggested revisions made by the Town Planner. Sections reviewed include 3.3 Definitive Plan (3.3.1 Submission of a Definitive Plan, 3.3.1.1, a, b, c; 3.3.1.2, 3.3.1.3, 3.3.1.4, 3.3.1.5); 3.3.2 Contents (a-y).

Board members discussed covenants, tri-party agreements and performance guarantee. Mr. Burney reminded members that the Planning Board has authority to dictate surety. Mr. Burney feels that holding up endorsement is the best method to ensure completion of work.

Mr. Burney will strike 3.3.2.1 b. *The plan will show the overall location of streets, lots, storm drains, sanitary sewer, water system, fire protection system, street lights and other underground utilities* since this language is included in section i.

Mr. Burney will follow up with the Town Engineer regarding elevations and the National Geodetic Vertical Datum (NGVD) basis as indicated in 3.3.2.1 k.

Section 3.3.2.1 o. will indicate the date approved and associated conditions.

Discussion ensued about 3.3.2.1 s. relative to Tree Plan. The language reads: *Location and species of all proposed street trees and location of all existing trees with trunks over twelve inches (12") in diameter measured four feet (4') above the finished ground within the minimum front setback distance.* Mr. Coyle suggested that the language be revised so that it is not implied as a definite requirement but rather is the discretion of the Planning Board. Mr. Burney will adjust the language.

Mr. Burney said that 3.3.2.1 t. Erosion Control Plan was added to the rules and regulations.

Mr. DeLollis recommended that language in 3.3.2.1 v. Staking be revised to state that it is the discretionary decision of the Planning Board.

There was discussion about development impact statements. Section 3.3.2.1 x. includes development impact statement. Mr. Burney explained that Water usage will be removed from the items listed. Mr. Burney noted that "y" will be removed as it is actually part of "x."

Mr. Doherty suggested including 3.3.2.1 l. *Location, names and present widths of streets bounding, approaching, or within at least 800 feet of the perimeter of the subdivision on the 1" = 200' scale map* with 3.3.2.1 a.

IV. Sylvia C. Post Limited Partnership IV/Robert Post, Southold Road, continued

Attorney Lawrence Brodeur; Robert Post, applicant; and Mike Weaver, Guerriere & Halnon Engineer were present. Jeff Walsh, Peer Review Consultant from Graves Engineering was also present.

Revised plans were submitted to the Planning office. Planning Board members were not provided with conceptual plans for review prior to the meeting.

Mr. Weaver addressed the concern raised at the previous hearing regarding orientation and alignment of the intersection to Southold Road. The intersection configuration has been revised to address truck maneuvering issues. He also addressed access and

turning radius. Mr. Weaver explained that a roadway division is needed for traffic control.

Mr. DeLollis reiterated his question about plans for lot 7 since this information is necessary to determine minor versus major road. Attorney Brodeur read aloud from the bylaws the definition of a "minor road." The potential for Chapter 40B was raised and Mr. Post assured the Board that there is no such consideration for this type of housing. Mr. DeLollis is concerned about the future and new ownership of the property. Mr. Rothera commented that future development would require Planning Board approval. Mr. Post said that there would be no future design that would be categorized as anything other than a minor road. Concern was raised about the condition of Southold Road. Mr. Post reminded the Board about plans to repair a portion of Southold Road. Mr. Burney noted that the Planning Board can stipulate that there is no further development of lot 7. Mr. Walsh recommended that findings in the condition include the future development of lot 7 and the road classification.

Mr. Weaver reviewed the entrance coming in and existing profile versus subdivision rules and regulations versus Mass Highway standards. A plan was provided showing the extent of grading. Mr. Weaver reviewed profile leveling area options (Mass Highway, compromise, and Town requirement). He reviewed fill amounts.

Mr. Coyle feels that horizontal alignment is the best option. His concern with vertical is having a right turn at a sharp angle. Mr. Coyle is comfortable with waivers regarding horizontal but not vertical. Mr. Coyle spoke about the amount of fill and impact on trees. He recommends no less than town standard from a safety perspective. Mr. Post explained that his intent was to save mature trees. There was discussion about road standard versus protection of trees. Mr. Weaver discussed Mass Highway standard for a vertical alignment. Mr. Coyle believes that the combination of horizontal and vertical could cause problems.

There was discussion about grade and fill. Mr. Coyle and Mr. Walsh suggest town standard. Mr. Walsh feels that 4% is a reasonable grade. The Board reviewed the color coded plan. The Planning Board requested "green" (compromise 30 mph) and Mr. Post requested "brown" compromise 25 mph). Planning Board members agreed to visit the site individually prior to making a decision. Mr. Post is willing to accompany members on site visits.

There was discussion about the lower portion of Curtis Street which is private. The Board and applicant discussed the road condition and emergency vehicle access. Mr. Burney said that the applicant would have rights to access Curtis Street to travel to Southold Road. There was conversation about the applicant's rights to improvements and to make the road "passable." Concern was raised about imposing the responsibility of upkeep on the private road. Mr. Post questioned how this situation differs from Rydberg Terrace subdivision. Mr. Coyle questioned the possibility of residents working

with the town regarding the road. Attorney Brodeur explained that there is a process to follow to accomplish this. Mr. Burney will seek the opinion of Town Counsel about legalities regarding Curtis Street. The Planning Board's concern is relative to possible damage to residents' properties.

Public Comments

Mark Seliger, 80 Curtis Street, spoke about water main repairs that were done on Curtis Street in the past. Mr. Seliger commented that Curtis Street is in poor condition beyond the 400' that has been mentioned. He is concerned about damage to his trees along the road. Mr. Seliger questioned why there has not been discussion and study of the traffic impact. He does not feel the proposed will benefit anyone other than the Family Trust and for this reason questions why the Planning Board would consider granting a waiver. He said that for many years there has been discussion about Southold Road and expressed his disappointment that the town has not considered the impact to the residents. Mr. Seliger requested that the website be updated to include meeting agendas.

Glenn Cairns, 92 Southold Road, asked for clarification regarding the "minor road" definition and questioned the classification of Southold Meadow. He asked at time of road acceptance, if the road would be considered "minor" or "secondary." Mr. Burney explained that there is no distinction at that point. The Planning Board will include language in the decision regarding lot 7.

The Planning Board will continue the Public Hearing to allow members an opportunity to visit the site. The applicant agreed to the continuation.

Mr. Brooks made a motion to continue the Public Hearing to November 9, 2010 at 7:45 p.m.

Mr. Kosky seconded the motion.

Vote 5-0 in favor.

V. Brendan Properties/Auburn Realty Trust, Definitive Subdivision Plan, High and Old Rochdale Street

Application of Brendan Properties/Auburn Realty Trust, a Definitive Subdivision Plan for a 200-lot subdivision known as Auburn Hills, 533.7 acres of land between High Street and Old Rochdale Street, Assessor's Map 36 Lot 3; Map 37 Lot 7; Map 44 Lot 5; Map 29 Lots 3, 4, 5, & 11; Map 21 Lots 13 & 14; Map 8 Lots 1, 2, & 10; Map 14 Lot 3; and Map 15 Lot 1.

Bob Moss from Brendan Properties was present.

The applicant submitted a letter requesting withdrawal of the application without prejudice. The Planning Board had requested that the applicant return because of the time that has lapsed since the last public hearing and concern regarding constructive

approval. There was discussion about the need to invoke the Rule of Necessity. Mr. Brooks has recused himself from this matter since he is an abutter to the property. Mr. Kosky and Mr. Rothera cannot vote because they were not on the Planning Board when the Public Hearing was opened. Members agreed to continue the Public Hearing to November 9, 2010 and in the meantime seek a decision from Town Counsel.

***Mr. Brooks was not comfortable invoking the Rule of Necessity without first consulting with Town Counsel and therefore recused himself as a Planning Board member.**

Mr. Doherty made a motion to continue the Public Hearing to November 9, 2010 at 8:10 p.m.

Mr. Kosky seconded the motion.

Vote 4-0 in favor.

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

VI. Bryn Mawr Estates Construction Inspections

***Mr. DeLollis recused himself.**

Mr. Coyle and Mr. Burney met with the developer to review required construction inspections. Preliminary testing found silt and clay. The poor quality material has since been removed and replaced. Mr. Coyle said that although costly, it is in the best interest of all parties involved to comply with MassHighway standards. Mr. Coyle reported that much work has been done to mitigate and control off-site runoff.

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

VII. Adjournment

Mr. Kosky made a motion to adjourn.

Mr. Doherty seconded the motion.

Vote 5-0 in favor.

The meeting adjourned at 9:25 p.m.

Respectfully submitted:
Stacy McGann
Recording Secretary