

Scituate Planning Board, December 6, 2012

TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD

MINUTES

December 6, 2012

Members Present: William Limbacher, Chairman; Daniel Monger, Vice Chairman; Richard Taylor, Clerk; Robert Vogel, Eric Mercer and Stephen Pritchard, Alternate Member.

Members Absent: None. Chairman Limbacher arrived at 7:33 p.m.

Others Present: Ms. Laura Harbottle, Town Planner.

See Sign-in List for names of others present at this meeting.

Location of meeting: Selectmen's Hearing Room, Town Hall.

Mr. Monger called the meeting to order at 7:30 P.M. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. There were none.

Documents

- 12/6/12 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Taylor moved to accept the agenda. Mr. Mercer seconded the motion and the vote was unanimous in favor.

Public Hearing – Accessory Dwelling Special Permit – 562 First Parish Road

Assessor's Map/Block/Lot 31/1/42

Applicant: FPR Realty Trust Owner: Robert Barrett, Trustee

Documents

- Application received 11/7/12 with certification from Christopher J. McKenna, as future owner, dated 9/24/12 and plan entitled Accessory Dwelling Special Permit Plan in the Town of Scituate, MA 562 First Parish Road by Ross Engineering Co., Inc. dated Sept 21, 2012 and Front Elevation, First Floor Plan and Second Floor Plan for the proposed primary dwelling and Existing Floor Plan of the Accessory Dwelling.
- Comment from the Water division received November 16, 2012.
- Comment from the Director of Public Health dated November 13, 2012
- Comment from the Fire Chief dated December 3, 2012

Chris McKenna indicated he was the applicant for the project. The lot at 562 First Parish Road currently has an existing one bedroom 550 sq. ft. home that he would like to have remain and make an accessory dwelling. He proposes to build a new primary dwelling further back on the lot. The accessory dwelling meets the setback and size requirements of the bylaw. He indicated all the drainage for the common driveway has been completed. Chairman Limbacher arrived and presided over the rest of the hearing.

Town Planner, Laura Harbottle, indicated that the accessory dwelling is proposed off of part of the common driveway approved last year. A couple aspects of the common drive need review. The Fire Chief has indicated that the 14 foot width is suitable for an additional house. The drainage will need to be reviewed prior to a building permit being obtained to make sure the additional pavement will be sufficiently handled. Mr. McKenna has agreed to provide funds for this review. Mr. McKenna indicated the common driveway is fully constructed with all infrastructure. The pervious pavement top coat will be added when the building construction is complete. Ms. Harbottle confirmed that the developer will need a new septic plan from the Board of Health if he is going to five bedrooms, otherwise the main house will need to be three bedrooms.

Mr. Taylor moved to approve the following Findings of Fact:

- 1.The property at 562 First Parish Road is owned by Robert Barrett, Trustee, FPR Realty Trust.
- 2.On November 7, 2012, FPR Realty Trust applied for a special permit for an accessory dwelling in an existing structure. The applicant proposes to build a new primary dwelling on the lot. Access to the proposed primary and accessory dwellings will be from a Common Driveway approved by a Special Permit from the Planning Board on 7/28/2011.
- 3.The floor area of the accessory dwelling with one (1) bedroom as shown on the plan is 550 sq. ft. This is less than 750 sq. ft. and meets the area requirements of 530.2 F for accessory dwellings.
- 4.The site plan shows an existing two (2) car garage for the accessory dwelling. A new garage for two (2) cars is proposed for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
- 5.The property is located in the Residential R-1 zoning district. The height and setbacks for the accessory dwelling comply with the zoning bylaw.
- 6.On 7/28/2011 the Planning Board approved a special permit for a 14' wide common driveway for three houses at this location. The Zoning Bylaw requires approval of the Fire Chief for this reduced width. The applicant has obtained a Memo from the Fire Chief indicating that this width is adequate for these houses and an accessory dwelling in a separate structure.
- 7.As part of the special permit approval, the Planning Board approved a drainage system with rain gardens and other low impact techniques for this common driveway. The applicant has agreed to provide revised drainage calculations to the Planning Board consulting engineer prior to applying for a building permit for the principal dwelling.
- 8.Christopher J. McKenna, as future owner, has signed a notarized statement that he shall occupy one of the dwellings on the premises and if he sells the premises then he shall submit a new document signed by the new owner.
- 9.The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling Special Permit.

Mr. Monger seconded the motion. Motion was unanimously approved.

Mr. Taylor moved to close the public hearing and approve the Accessory Dwelling Special Permit for 562 First Parish with the following conditions:

- 1.Except for any changes necessary to meet these conditions, any construction shall conform to the a plan entitled Accessory Dwelling Special Permit Plan in the Town of Scituate, MA 562 First Parish Road by Ross Engineering Co., Inc. dated Sept. 21, 2012 and Front Elevation, First Floor Plan and Second Floor Plan for the proposed primary dwelling and Existing Floor Plan of the Accessory Dwelling submitted with this application.
- 2.The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department and other town agencies.
- 3.The property at 562 First Parish Road shall contain a maximum of two dwelling units, a proposed primary dwelling and an accessory dwelling in an existing structure. The footprint, number of bedrooms and/or square footage of the accessory dwelling shall not be increased without prior approval of the Planning Board.
- 4.The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. Each new owner of the property shall provide a notarized certification that he intends to reside on the property to the Planning Board prior to occupancy.
- 5.New drainage calculations shall be provided to the Planning Board based on all improvements to Lot 1/ 562 First Parish Rd. with a deposit to cover the cost of review by the Town's consulting engineer. Any modifications to the site or common driveway recommended by the consulting engineer must be approved by the Planning Board prior to application for a building permit.

6.No on-street parking shall be permitted.

7.This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board within 30 days of recording.

8.This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.

9.This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

Mr. Monger seconded the motion. Motion was unanimously approved. Mr. Taylor moved to amend the conditions by adding conditions 8 and 9. Mr. Monger seconded the motion. Motion was unanimously approved.

Minutes

Mr. Taylor moved to approve the 11-8-12 and 11-20-12 meeting minutes. Motion was seconded by Mr. Monger. Motion was unanimously approved with Mr. Limbacher and Mr. Mercer abstaining for the 11-20-12 minutes.

Documents

•P.R. # 13003928(\$480.00), P.R. #13003931(\$480.00), P.R. # 13003930(\$240.00), P.R. # 13003967(\$11.03), P.R. # 13003968 (\$20.00)

Mr. Taylor moved to approve the requisitions of \$ 480.00 to Amory Engineers, P.C. for professional services for the Water Resource Protection District Map, for \$ 480.00 to Amory Engineers, P.C. for peer review services for the Stormwater Permit for Hatherly Road (14-1-17), for \$240.00 to Amory Engineers, P.C. for inspections services for 277 -283 Chief Justice Cushing Highway, for \$11.03 to WB Mason for office supplies and for \$20.00 to JS Barry Construction LLC for a refund from the Planning Board Guarantee Deposit account for review money not expended for the Stormwater Permit for Hatherly Road (14-1-17). Mr. Monger seconded the motion. Motion was unanimously approved.

Update on need to regulate medicinal marijuana dispensaries

Ms. Harbottle indicated that the Selectmen are interested in moving forward with an article for the spring town meeting. The Board discussed two options for regulating medicinal marijuana dispensaries: 1) adopt a moratorium until the state comes up with regulations and then develop regulations 2) adopt new language to prohibit or control medicinal marijuana dispensaries. The Board would like input from town officials and the public and suggested a workshop on December 20 to discuss the issues as timing is critical. They would like the state representative, Jim Cantwell, to be invited.

Potential zoning articles for Annual Town Meeting 2013

Documents

- Zoning Timeframe memorandum dated 11/30/12 from Karen Joseph to Laura Harbottle
- Village Business Overlay District (VBOD) change dated 9/18/2012
- Flexible Open Space Bylaw change dated 12/4/2012

The Board discussed the VBOD bylaw change. They wanted to add in that the vote should be a supermajority vote of the Planning Board and they would like for circulation, access, parking and traffic safety to be considered by a traffic engineer if required. The Board had no issues with the change in wording for adding lot width to the Flexible Open Space bylaw. The DPW has requested that the Water Resources Protection bylaw changes wait until fall of 2013. The Board indicated they would like a letter to go to the Selectmen by 12/7/12 for the placeholders for the warrant. They would like the articles to include four zoning bylaw changes for Flexible Open Space, Village Business Overlay District and two articles for regulation of medicinal marijuana dispensaries.

Continued Public Hearing – Accessory Dwelling Special Permit – 33 Garden Road

Assessor's Map/Block/Lot 34/26/3

Applicant: John Townsend, Sandcastle Group Owner: Maria Marcelino

Documents

- Application and supporting documents for an Accessory Dwelling Special Permit dated October 11, 2012.
- Existing and Proposed Floor Plans and Elevations Sheets 1 through 8 for 33 Garden Road prepared by Sandcastle Group for the Marcelino Addition dated 10/10/12. Certified Plot Plan Showing Proposed Addition for 33 Garden Road prepared by A. S. Elliott Associates dated 9/24/12
- 10/27/12 Neighborhood letter to Chairman Limbacher and members of the Planning Board
- 7/16/12 Comments from abutters
- Comment from the Water Department received on 11/1/12
- Faye Street Accessory Dwellings approved in 2005 and 2006
- Email from John Townsend to Laura Harbottle containing Revision Proposal 1 Marcelino Addition 33 Garden Road by Sandcastle Group dated 11/13/12 consisting of 3 front perspectives and 1 rear perspective numbered sheet A, A.1, A.2 and A.3 respectively and indication that layout is same except for entry door in bedroom number 1 is eliminated
- Email from Karen Joseph to John Townsend dated 11/14/12 with Certificate of Action filed with Town Clerk for the continued public hearing. Description of what board wanted in Certificate.
- Email from John Townsend to Karen Joseph/Laura Harbottle dated 11/14/12 with comments on Revision 1 design
- Email from John Townsend to Karen Joseph dated 11/20/12 requesting to continue the public hearing until 12/6/12 with Certificate of Action filed with Town Clerk on 11/21/12.
- Letter dated 12-3-12 from Attorney Daniel MacKinnon to the Planning Board

John Townsend and Maria Marcelino were present as applicant and owner. Mr. Townsend indicated he submitted plan changes with a couple of options for the roof. He indicated that one option for the roof is for the roof of the accessory unit, connector and existing dwelling to be aligned in the rear with an overhang of the connector in the front to avoid a valley with the chimney. A second option is for the roof of the accessory dwelling to be aligned with the connector in the front. This reduces light to the existing kitchen and presents an icing problem in the valley with the chimney. The accessory dwelling has been set back more on the site and meets the bylaw requirements. The square footage of the accessory dwelling is the same as before as is the parking.

Mr. Taylor and Mr. Vogel both concurred with Mr. Townsend that a valley between the connector and existing house by the chimney could be a real icing problem. They like the fact that a hip roof has been integrated as they believe it reduces the mass of the accessory dwelling. Mr. Vogel thought that the proposal is as good as it could be because the existing home is small and if an addition was added it would have the same impact.

Mr. Monger likes the hip roof and the lower ridge line and appreciates the applicant working with the Board. Mr. Mercer indicated he was aware of the controversy in the neighborhood, but the applicant has done as the Board asked. Mr. Pritchard agreed that the design has come a long way and he hoped the applicant talked to the neighborhood. Mr. Townsend said he talked with some people in the parking lot after the last meeting and they gave him positive feedback.

Chairman Limbacher concurred that the design is more acceptable now and density will always be an issue when an addition is close in size to an existing house. Attorney MacKinnon indicated that he represents several of the neighbors present and the bylaw indicates the accessory dwelling should be subordinate. He said this proposal with a connector is not subordinate. If the accessory dwelling was incorporated into the house it would be more subordinate.

Chairman Limbacher responded that the accessory dwelling has been integrated into the house and could be done as of right as an addition with not as good results. Attorney MacKinnon argued that one can't tell which is the primary or the accessory dwelling in this case as they are nearly the same size. Mr. Vogel

indicated that this lot shouldn't be punished because it has a smaller house. Mr. Monger indicated that the bylaw says up to 750 sq. ft. is allowed for an accessory dwelling. He indicated that the neighbors could pursue modification of the bylaw. Attorney MacKinnon argued that the Board is making his case as the accessory dwelling is not appearing subordinate. Mr. Monger indicated the design has gone from two buildings to this proposal and this size is allowed. Attorney MacKinnon indicated the size is not subordinate. Mr. Taylor thought that the first iteration of this proposal was not subordinate, but the applicant has changed the design to comply with the Board's suggestions and public input.

Alan Stewart of 47 Norwell Avenue stated he was concerned that nothing qualifies this to be an accessory dwelling as it is not the owner's primary home thus the financial purpose of the bylaw had not been met. Chairman Limbacher indicated that the owner has submitted an affidavit that she will be occupying one of the units and thus the bylaw is met. Barbara McFadden was concerned that this is really two dwellings on a lot since it will be a modular home and it is 75% of the primary dwelling so how is it subordinate. She also expressed her concern that this would be a rental and it is a dangerous precedent for 10,000 sq. ft. lots. She indicated that she drove around Scituate looking at accessory dwellings and none are connected by breezeways. She indicated that this is really a duplex with two driveways. Many people in the neighborhood could add a 750 sq. ft. accessory dwelling and it would change the character of the neighborhood. She showed the drawing that was filed with the letter from Attorney MacKinnon.

Mr. Monger indicated that maybe the bylaw should be changed; however, it is what it is now. The Board indicated there was a change to the bylaw that was voted at Town Meeting in 2010. Steve Bjorklund inquired about the project needing Zoning Board approval as it is pre-existing non-conforming. The Board indicated that was not their issue. Timothy Dunn of 41 Garden Road indicated that Ms. Marcelino is within the law. He could put a two bedroom rental too and is concerned about this being precedent setting. Susan Elias of 40 Garden Road does not believe the accessory dwelling is subordinate. She said size is the issue with the accessory dwelling being 75% of the existing dwelling. Nancy Larkham of 38 Garden Road indicated that the neighbors believe there should be a shared wall like the approved accessory dwellings on Fay Street. She indicated the proposed breezeway does nothing here and most of the homes on the street are between 875 and 1,000 sq. ft. She doesn't think that adding a 750 sq. ft. dwelling will maintain the character of the neighborhood as it is not subordinate.

Alan Stewart indicated that all the neighbors were against the project at the second meeting due to the size and not being subordinate. He is concerned that this iteration is "just repositioning lego pieces". Mr. Monger and Mr. Mercer indicated that the applicant has done all that the Board has asked. Mr. Mercer also indicated that there is ambiguity in the rules and no matter what the Board does people will be unhappy. Mr. Vogel concurred. He indicated that he is an architect and has lived in tight neighborhoods before and is mindful of the conflicts, but he doesn't see how the Board can do anything but approve the application. Chairman Limbacher indicated he believes the bylaw criteria has been met. He thought the proposed house will look like a single family home and agrees it would be smaller with a shared wall, but windows would be lost. He indicated he is concerned about what happens in neighborhoods, but all must be cognizant of each other's rights.

Barbara McFadden indicated the accessory dwelling is not subordinate in her opinion. The Board indicated it was up to them to determine if it was subordinate. Mr. Stuart again questioned the financial aspect of the application as the owner does not live there now. The Board indicated that she has signed a statement that she will live there and she must occupy the unit as a condition of the occupancy permit. They indicated she must physically live on the property to have an accessory dwelling.

Mr. Taylor moved to make the following Findings of Fact:

1. According to Town of Scituate Assessor's records, the property at 33 Garden Road is owned by Maria Marcelino.

2. On June 25, 2012, John Townsend of Sandcastle Homes applied for a special permit for an accessory dwelling with consent of the owner of the property. The site plan showed an accessory dwelling in a

separate structure. This request was withdrawn on August 9, 2012.

3. On October 11, 2012, Sandcastle Homes filed an accessory dwelling special permit for an accessory dwelling attached to the existing single family dwelling at 33 Garden Road.

4. According to the Assessor's Records, the floor area of the primary dwelling is 864 sq. ft., or 1,076 sq. ft. with the enclosed porch. The floor area of the accessory dwelling as shown on the plan is 746 sq. ft. This is less than 750 sq. ft. and meets the requirements of 530.2F for accessory dwellings.

5. The site plan shows a driveway and a garage for the primary dwelling and a separate driveway for the accessory dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.

6. The property is located in the Residential R-3 zoning district. The setbacks for the accessory dwelling are 36.2' (front), 40' (rear), 20.9' (side) and appear to comply with the zoning bylaw. The structure is one story and will comply with the building height requirements for the district. The applicant will provide a stamped copy of the Certified Plot Plan.

7. The applicant has submitted a signed, notarized statement that she will live on the property.

8. The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling Special Permit.

A brief discussion occurred on annual certification and the setbacks. Mr. Monger seconded the motion. Motion was unanimously approved.

Mr. Taylor moved to close the public hearing and approve the Accessory Dwelling Special Permit for 33 Garden Road with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department and other town agencies.

2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Proposed and Existing Floor Plans -1, Proposed Perspective Front Left - 2, Proposed Perspective View Front -3, Proposed Perspective Rear Left -4 Marcelino Addition 33 Garden Road Scituate, MA prepared by Sandcastle Group and dated 12/6/12 submitted with this application. A revised certified plot plan must be submitted to the Planning Board prior to applying for a Building Permit for the accessory dwelling.

3. The property at 33 Garden Road shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.

4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.

5. The existing dwelling shall be required to be upgraded to conform to the perspective sketches submitted with the application within two years of the date of this approval.

6. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.

7. No on-street parking shall be permitted.

8. A new 8" A/C main with 1" copper, 1" tap, 1" L/W are required for water service for the accessory dwelling as requested by the DPW Water Division.

9.This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.

10.This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.

11.The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

12.At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.

13.At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board.

Mr. Monger seconded the motion. Motion was unanimously approved.

Continued Public Meeting – Site Plan Administrative Review – 17 New Driftway

Assessor's Map/Block/Lot 53/5/27

Applicant: Joan Wilson Owner: Robert J. Burwick

Documents

- Application, transmittal, plan and supporting documents for a Take-out Pizza/Pizza Kitchen for jw's Burger Bar received October 20, 2012.
- Comment from the Director of Public Health dated 11/5/12
- Comment from the Water Department dated 11/15/12
- Meeting minutes from the Design Review Committee dated 11/19/12
- Revised Draft Site Plan Administrative Review Decision dated 11/29/12 for jw's Pizza

Chairman Limbacher and Mr. Mercer did not participate in discussion as they were not present on November 20, 2012. Town Planner, Laura Harbottle indicated that the applicant has provided plans for traffic circulation, renderings that incorporate the Design Review Committee comments and confirmed that the oven will be wood fired so that there would be minimal odor.

Joan Wilson reviewed the directional signage, the parking delineation signs for the pizza parking, the back landscaping, the sign and the terra cotta color of the building. She and Jim Burke indicated that they would like to bump out the area where the pizza oven is located as the interior of the building is tight. The air conditioning condenser would be behind the 7' x 7' bump out.

Mr. Monger suggested adding another no parking sign along the curved drive leading to the pizza take-out.

Mr. Taylor moved to approve a site plan, titled Site Improvements Plan, # 17 New Driftway (Assessor's Map 53, Block 5, Lots 27-31) Scituate, MA, Sheets 1 – 5, prepared by Morse Engineering Co., Inc. dated 7/5/11, revised 7/27/11, including Site Entrance Plan Alternative A dated 8/10/11; the revised ice house drawings and renderings with canopies, with additional drawings and renderings for jw's Wood Fired Pizza as attached to this decision, subject to the following conditions:

- 1.The 10 x 20 building shall be restricted as to use, to a pizza take-out business. No tables or chairs shall be permitted inside or outside near the building without approval of the Planning Board. Inside seating shall be restricted to benches. Customers shall be served from the shed roof extension closest to the designated parking.
- 2.A wood-fired pizza oven shall be used to reduce odors from cooking food.
- 3.Parking spaces on gravel throughout the site shall be delineated by bumper stops or a similar method approved by the Town Planner. Two parking spaces directly to the left of the shed roof extension on the pizza kitchen shall be designated for customer pick-up.
- 4.One-way signs shall be installed to guide traffic through the sites. A no parking sign shall be added along

the curved drive leading to the pizza take-out (opposite icehouse).

5. Construction shall comply with all federal, state and local requirements including those of the Board of Health, DPW Water Division and Building Department.

6. The Design Review Committee recommendations shall be incorporated including:

a. A shed roof shall be used for the proposed extension of the building.

b. The shed extension shall be painted the same terra-cotta color consistent with the Burger Bar and the remaining building shall be neutral gray with white trim and doors.

c. The HVAC system shall be a ductless system with condenser units. It shall be completely screened. No exhaust fan shall be used.

d. An awning shall be installed across the front of the building and if a logo is used, shall function as the attached sign. A gold color consistent with the Burger Bar shall be used for the awning and logo.

e. The customer entry door shall be colonial style with half glass and the kitchen door will be a solid colonial panel style with no entry hardware.

f. Decorative pavers will be added at the entry area. These shall be the same as those installed at the Burger Bar building.

g. Decorative lighting consisting of three goose neck fixtures shall be used on the façade facing the parking lot. The fixtures used shall be the same as those installed along the wall of the Burger Bar.

h. If security lighting is required, it shall be installed on the sides of the building away from residences. Any exterior lighting shall be shielded and directed downward.

7. Additional plantings shall be installed to the rear of the building to create effective screening from abutters.

8. Prior to application for a building permit, the applicant shall provide the following to the Planning Board office:

a. A revised plan showing the details above.

b. A stamped statement from a Registered Land Surveyor indicating that the constructed gravel parking is of sufficient size to contain the number of parking spaces shown on the plan at the size required by the Zoning Bylaw.

c. A Landscape Plan showing additional plantings proposed for screening and plantings and potted trees integrated with the building as in the Burger Bar.

9. Site plan approval shall lapse after two years from the grant thereof if a substantial use or construction thereof has not sooner commenced except for good cause. Such approval, for good cause, may be extended in writing by the Planning Board upon written request of the applicant submitted to the Planning Board at least 60 days prior to the expiration of the two year period.

Mr. Vogel seconded the motion. Motion was unanimous with Mr. Pritchard, Mr. Vogel Mr. Monger and Mr. Taylor voting.

Planning Department Goals/FY 14 Budget

Documents

- Department FY 14

- Budget Templates FY 14

Ms. Harbottle indicated that the Board received draft copies on the projected goals for 2014. She indicated personnel costs make up 90% of the budget. She indicated she would like to have a consultant to help the Planning Board with GIS. She will send the budget to the Board for review when it is complete.

Liaison Reports

Mr. Limbacher indicated that the CPC has assigned liaisons to each request for CPC funding to help make sure the proposed projects are in the CPC frameworks. He said the CPC will be looking at all the applications before prioritizing them as they want to make sure they have enough money in the fund should a large project come in. Chairman Limbacher will see if the CPC is available to come to the January 10 meeting.

Town Planner Report

Ms. Harbottle indicated she is helping with the Open Space/Recreation Plan which needs to be updated in the coming year. She said she is also helping the CPC with their budget.

The Board continued their discussion on potential zoning articles. They indicated they would like to add Stormwater Bylaw changes and accessory dwelling changes to the memorandum to the Selectmen for the warrant. The Board discussed defining subordinate or making it 40% or 750 sq. ft. whichever is less. Steve Bjorklund indicated that he thought it should be related to lot size with lot coverage. The Board discussed possibly eliminating accessory dwellings if the lot was pre-existing non-conforming as to lot area. They decided they would like to see what other towns do. Mr. Monger volunteered to do the research and come up with draft wording.

Old Business

Documents

- Background and staff recommendations 12/4/12
- Inspection report 3 for Dreamwold Estates from Beals & Thomas
- Walnut Tree Hill Chessia report for week ending 11/24/2012
- Walnut Tree Hill Chessia report for week ending 11/30/2012

These items were distributed to the Board electronically and not discussed.

Executive Session – To discuss strategy with respect to litigation if an Open Meeting may have a detrimental effect on the litigating position of the public body – 114 & 118 Edward Foster Road.

Mr. Bjorklund questioned if there was a reason to go into Executive Session if the Planning Board is not the permitting authority now on Flood Plain Special Permits. The Planning Board indicated to Mr. Bjorklund that an Executive Session was necessary.

Mr. Taylor moved to go into Executive Session and not to return to open session to discuss strategy with respect to litigation if an Open Meeting may have a detrimental effect on the litigating position of the public body – 114 & 118 Edward Foster Road. A roll call vote was taken with Mr. Limbacher, Mr. Monger, Mr. Taylor, Mr. Vogel, Mr. Mercer and Mr. Pritchard all voting “Aye” to indicate they were in favor of the motion.

Mr. Vogel moved to adjourn the meeting at 11:25pm. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk