

**Leicester Planning Board Meeting Minutes  
March 4, 2008**

MEMBERS PRESENT: John McNaboe, Sharon Nist, Bill Wright and Jason Grimshaw

ASSOCIATE MEMBERS: Scott Broskey

MEMBERS ABSENT: Debra Friedman

IN ATTENDANCE: Michelle Buck, Town Planner and Barbara Knox, Board Secretary

MEETING DATE: March 4, 2008

MEETING TIME: 6:00 pm

AGENDA:

6:00PM Master Plan Committee

7:00 PM Public Application:  
Zoning Request; Rondeau, 1041 Main Street

7:30 PM Public Application:  
HY-Timber Shores Definitive Subdivision Plan, Coyle Engineering

8:00 PM Public Hearing Cont:  
Grandview Shoppes of Leicester, Edward Kooyomjian

8:30PM Public Applications:  
A. 1141 Stafford Street; Request for approval of surety, Nick Vasiliadis  
B. Chapel Hill Estates, Request for extension of Special Permit

8:45PM Approval of Minutes:  
2/15/08

9:00PM Town Planner Report:  
A. Stormwater Bylaw update  
B. Worcester Car Wash  
C. Historic Landscapes Report  
D. Annual Meeting of the Mass. Federation of Planning & Appeals Boards (4/24/08)  
E. 1/08 Monthly Report

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Mr. McNaboe, Vice Chairman called the meeting to order at 7:00PM

**Public Hearing:**

Zoning Request; Rondeau, 1041 Main Street

Mr. McNaboe read the Notice into the record and then opened the hearing to the petitioner to address the Board.

Ms. Margaret Rondeau of 1041 Main Street made the presentation. Ms. Rondeau said the reason for her request of rezoning her property only business is because  $\frac{3}{4}$  of the house is already zoned business from the Route 9 side back. The side that is zoned RB is 5 to 10 feet back from the front door in.

If she were to run a business from here home, she was told the front door could not be used as an entrance/exit way, people would have to use the back entrance. She would like to run a Tea Room there eventually, because a lot of historical homes have Tea Rooms. She can't run a Tea Room because of the way it is zoned, even though a good portion of her property is zoned business. If her property were zoned all business, it would allow her to do the commercial kitchen and what the Board of Health requires.

Mr. McNaboe asked how this would affect the abutting physical therapy businesses. Ms. Buck said that building is in the RB (Residential B) Zone and that use was made possible because of the Adaptive Reuse Overlay Bylaw.

Ms. Buck said to clarify Ms. Rondeau's claim, about ¾ of her home is available for use, but the zoning boundary line actually falls right through the middle of her lot and the structure itself is half RB, half B. The bylaw does allow the use to extend 30-feet into the more restrictive use.

Ms. Nist asked if the addition is in the residential zone and the original house is in the business zone. Ms. Rondeau said no one really know which came first.

Ms. Buck said the part that faces Route 9 is Business and the part that faces Old Main Street is Residential.

Ms. Nist asked where the commercial kitchen would be located. Ms. Rondeau said basically in the middle, it will be located where the line is drawn. The Tea Room itself will be located entirely in RB, which is the brick part of the house.

The house across the street from her is zoned Central Business and beside that is Leroux's Store; she is surrounded by business and it seems logical for her property to be rezoned. The home is very big, it's 15 rooms and too big to have it just as a house, it's not affordable.

Ms. Nist asked with the commercial kitchen, will a commercial sprinkler system, etc. be needed. Ms. Rondeau said she would not be doing any frying or anything major, just small finger food.

Ms. Nist said don't most places require a commercial sprinkler system? Ms. Rondeau said if that is the case, then she would have to comply.

Ms. Buck said the Planning Board has to consider the full range of allowed uses in the Business District, not any one particular use that might be proposed at this time.

Mr. Grimshaw asked where the parking would be. Ms. Rondeau said the parking would be on the Route 9 side and on the Old Main Street side, there could be parking along her driveway. Also along the Route 9 side, there is a grassy area that can be used for parking. She had been informed that she is located within the Water Overlay District and she is proposing to just lay gravel in the grassy area as opposed to paving it.

Mr. McNaboe asked if this property were to be rezoned Business, the physical therapy place next door is RB; could a large corporation come in and tear those buildings down and put in something larger.

Ms. Buck said it couldn't go all the way through to the physical therapy property. The business district in that area is along the Route 9 side and it is only 100-feet deep coming from the center of the right-of-way of Route 9. All the small businesses located along there have lots that probably aren't entirely business zoned; almost all of those lots are split.

Ms. Nist asked if the proposed change includes all the lots. Ms. Buck said no, this proposal is for one property only.

Mr. McNaboe asked how the Attorney General's Office would view this, because this has to be approved through that office and they don't like spot zoning. Ms. Buck said it is always better to do zoning more comprehensive.

Mr. McNaboe said even this proposal were to pass on Town Hall Floor, the chances of this being denied through the Attorney General's Office is very high.

Ms. Buck said when this area was considered for rezoning before, there were concerns regarding preserving the historic buildings. The Center of Leicester had been looked at a couple of times over the last 4 or 5 years for rezoning. The areas from Route 9 to Waite Street were left out of the original business zoning because of the concerns of preserving the historic structures. When the Center was rezoned, a new district was created, the Central Business District, which has more of a focus on protection.

Ms. Buck said she felt that all zoning should be more comprehensive in nature and if there is going to be rezoning done in an area, it shouldn't be with just one lot, it should include several lots and maybe Business isn't the best solution, maybe it should be rezoned Central Business.

Mr. McNaboe said then the Board would be looking at this property, the car wash, the physical therapy place and maybe further back, which would make more sense.

Ms. Nist said that would make more sense, to keep it in with the Central Business District, because of its location.

Mr. Grimshaw said having Central Business would protect and maintain the historical preservation of the district.

Ms. Buck said the primary difference between Business and Central Business is that almost everything requires a special permit through the Planning Board. It gives the Board some opportunity to prevent demolition.

Mr. McNaboe said his concern is that when a change is made, 20 years from now, someone could demolish the building and take the whole area out.

Mr. McNaboe suggested continuing this hearing, which will give the Chairman an opportunity to weigh in on this and then talk more towards Central Business. Central Business might achieve what the applicant is looking for and what the Board is looking at the same time.

Ms. Rondeau asked if this hearing is continued, does that mean it won't be on the warrant for Town Meeting.

Ms. Buck said there is an article on the Warrant for this request. The Town Administrator did indicate to her that the Selectmen might take some of the zoning articles off the Warrant, depending on the Planning Board's report, but was not specific to which ones. There was more than one private petition submitted regarding a zoning change this time around and the Town Administrator mentioned in passing that if it didn't have the Planning Board's approval, the article might not be kept on the Warrant.

The other four zoning hearing are being held at the next Planning Board Meeting on March 18<sup>th</sup>.

Mr. McNaboe said he felt the applicant's best option is to have this request discussed for Central Business, because he can not recommend moving forward the way it this zoning request has been currently presented.

Ms. Rondeau said she didn't think about the Central Business option until after she submitted this request, because all she was thinking was Business.

MOTION: Ms. Nist moved to continue this public hearing to Tuesday, March 18, 2008 at 7:30PM

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

## **Approval of Minutes**

2/15/08

MOTION: Mr. Wright to approve the minutes of February 15, 2008.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

## **Town Planner Report:**

### Stormwater Bylaw update

Ms. Buck said as far as she know, this article is still on the Warrant.

Ms. Nist asked if this proposed Bylaw is replacing what is in effect now and was it presented to the Board of Selectmen at their meeting last evening by Conservation.

Ms. Buck said the Stormwater Bylaw Committee held their last meeting on February 28<sup>th</sup> and the Committee talked about going before the Board of Selectmen in April. She is a little concerned to hear that this Bylaw was discussed at the Selectmen's last night, because there wasn't a Conservation Commission representative at the last Stormwater meeting.

There will be a daytime meeting for water departments and town departments on March 21<sup>st</sup> at 9AM to be held at the Police Station.

### Worcester Car Wash

Ms. Buck said at the last meeting she informed the Board that this permit had expired. Since then, she received a call from their attorney and they will be resubmitting a new application. Under the new regulations, this will now require a Special Permit as well as a Site Plan Review.

### Historic Landscapes Report

Ms. Buck said the Town received a Grant for this more than a year ago and there has been a study underway. The representatives from the State sent a copy dated June 2007 and the office did not receive it until October 2007. There were several typographical errors and the State informed her that they would reprint the report and send the office new copies along with a digital file. This was never received. At this point, since the corrections are so minor, she decided to just distribute the plan "as is." Ms. Buck submitted copies to the Board. The report was well done and contains useful recommendations that may be incorporated into the Master Plan.

### Annual Meeting of the Mass Federation of Planning & Appeals Boards (4/24/08)

Ms. Buck informed the Board of this Annual Conference to be held on April 24<sup>th</sup>, 2008 at the Castle Restaurant and if any members wish to attend, to contact the office as soon as possible.

### 1/08 Monthly Report

Ms. Buck submitted copies of the January 2008 Monthly Report.

### Hammond Street Appeal

Ms. Buck said Andrea Hogarth from Attorney Cove's Office contacted her today and informed her that this new action Brian Angle-Burke has taken is forcing their office to file a Motion to Dismiss. The Attorney's Office will take care of all the Court business and the Board members will not have to physically appear in Court. She has been advised, as of right now, this project does not have to be treated any different than anybody else's project, unless a cease and desist order is received. The Attorney's Office will inform her if that should change.

**Public Hearing:**

HY-Timber Shores Definitive Subdivision Plan, Coyle Engineering

Mr. McNaboe, Vice Chairman called the hearing to order at 7:30PM.

Mr. McNaboe read the Notice into the record. Submitted into evidence: the green and white return receipts from the Certified Mailing to abutters.

Mr. Coyle made the presentation and gave a general description on the project. Mr. Coyle said this is located 300-feet north of intersection of Winslow Ave and Paxton Street. The roadway itself will extend 1450-feet long and consist of 8-house lots. The initial 900-feet of the roadway will be a Boulevard style roadway. There will on-site septic systems and town water, with the possibility of Town sewer and is still being negotiated.

Quinn Engineering comments reviewed regarding the Subdivision plans indicating the following waivers requests:

1) To permit dead-end street greater than 500-feet maximum; 1,450-feet proposed.

Mr. Coyle said the first waiver was voted on at the Preliminary Hearing. At that hearing, he did not show the extensive wetland. The roadway does swing to the south a little and in the preliminary approval, it stated that the lots were located on one side of the roadway. There are two lots shown on the new plan that are on the opposite side.

Mr. McNaboe asked if that changed the road length.

Mr. Coyle said no, it was just a statement in the Preliminary approval.

Ms. Buck said the Board will have to revote on the waivers for the Definitive.

2) To permit sidewalks on one side of the street, which was a waiver, voted on at the preliminary.

3) To permit drainage culvert manufactured of High Density Polyethylene pipe versus a concrete pipe.

4) To permit radius of curvature at the curb line of 24'.

Mr. Coyle said the right of way which would be normally behind the back of the sidewalk would be 30-feet, because of the skew they come into that intersection, there isn't a sidewalk on that side and they don't have a 30-foot radii there.

5) To permit cross culverts with less than 3-feet of cover.

Regarding the subdivision plan, Quinn Engineering's comments are as follows:

1) The rounding of the pavement at the entrance of HY-Timber Lane extends beyond the front of the abutting parcel. This may affect any plans of that person to build an access to Paxton Street. The Board may wish to request a letter from the resident indicating he does not object.

Mr. Coyle said the abutting property owner may be difficult to get in touch with, because he is only in this area for 6 months at a time.

Mr. McNaboe said he thought it was a good idea to get something indicating that the abutting property owner has no objection.

2) The Stormwater System must be designed in accordance with the current standards.

Mr. Coyle said the Stormwater Management Policy has changed effective January 2, 2008 and this project was submitted in January 2008. So unfortunately, while this was being designed the State change the Stormwater Management Policy. He will not have a revised hydrology design until he & Quinn Engineering has had the chance to review the changes.

They will revise the drainage to accommodate whatever the revisions are with the Stormwater Management

3) The sight distance at the entrance to Paxton Street should be field verified and labeled on the plan.

Mr. Coyle said it was noted on the construction plan; it's 640-feet to the north and 620-feet to the south.

4) Sheet 7 of 18 is missing from the plans.

Mr. Coyle said he contacted Quinn Engineering to bring over that missing sheet. He was told it was not necessary, because the information ended getting overlapped and was shown on other sheets.

5) It is recommended that sub-drains be installed on the north side of HY-Timber Lane.

Mr. Coyle said in that section, there is a flow coming down off the hill where the sub-drain should intercept that flow. Because the roadway requires a deep earth cut, it is highly likely to intercept the groundwater.

This is a good comment and something that should not be overlooked and will be added in.

6) HY-Timber Lane has a boulevard-style island over its first 900-feet. Beyond the island the roadway remains 38-feet wide and the Board may want to request the road width taper down to the standard 28-feet.

Mr. Coyle said they do not have a problem complying to that, it will reduce the amount of asphalt and still comply to the Town's standards.

7) Plans do not provide a temporary easement for cut/fill slopes.

Mr. Coyle said on the plan it will show where the cut/fill during the temporary construction.

8) It appears that a portion of this property is located within Water Resource Protection Overlay District.

Mr. Coyle said they will show that on the plan and did not see a problem complying with that.

Ms. Buck said somewhere on the plan, it should be stated that the impervious is not being exceeded.

9) No Open Space is identified on the plan.

Mr. Coyle said they will identify that on the plan if requested by the Board.

10) Plans propose installation of water main, and provide information on soils testing for septic system design.

Mr. Coyle said comment was received from the Leicester Water/Sewer District in regards to sewer connection. Mr. Coyle was under the impression that the Sewer District was at or near capacity, so they had perked 6 of the 8 lots without a problem. He contacted the District Superintendent after he received the comment letter and was told that the water district had

identified areas of the sewer line that had leaks and if Coyle Engineering goes in and repair those areas, the District would give the project a credit towards installation of sewers. How it would work is, if they needed a 100-gallons per day, they would need to repair a 1,000-gallons per day within the sewer main.

To connect to the Town Sewer is an option still being investigated and if in the end it is not possible, the District Superintendent indicated that they would be reluctant to allow Town Water if they would not be using Town Sewage. The District will provide him with information regarding the location of the leaks and once they receive the list, he will be able to identify those areas & see which way they will go with this.

Ms. Nist asked what will happen if Town Water isn't provided. Mr. Coyle said there will be wells.

11) Plans call out thorny vegetation on the perimeter of the "stormwater forebay" which appears to be proposed as a restriction to access of the basin by unauthorized persons.

Mr. Coyle said they are proposing going with the 4-foot Rosa Rugosa to form a hedge like barrier around the entire area.

Mr. McNaboe asked if Rosa Rugosa had failed in another development.

Ms. Buck said yes and that is why Quinn Engineering comment was lengthy on this issue. The Board had previously allowed thorny vegetation instead of fences and so far, it has not worked. Part of the problem is that the developers have waited too long to plant and the Board has been unable to accurately judge when road acceptance is requested; the developer ends up having to put in a fence.

Although the Board likes the idea of planting thorny vegetation, future decisions will have a condition for a fence added for back up.

12) In the area where the boulevard island is proposed, no street trees are called out.

Mr. Coyle said this has been acknowledged that. Because it will be a steep slope, they were thinking of a guard rail, but if the Board wants trees on both sides, they will show that on both sides.

Mr. Wright said one issues with the trees is in the fall when the leaves fall, it becomes a drainage issue at that location. Maybe clustering of the trees could be a better option.

Ms. Buck said clustering of the trees has been allowed, but another waiver request will be needed.

Ms. Nist asked if the lots will remain wooded. Mr. Coyle said yes.

Mr. Joe Hyland said the lots will remain wooded, setting they houses back on the lot; they will be marketed as high end lots and selectable cleared.

Mr. Coyle said the lots are big, with 2-acres minimum up to 3.7-acres.

13) The "Granite Inlet Stone Detail" should call out a low-profile granite inlet which more closely matches the asphalt berm.

Mr. Coyle said the profile normally on a curbing is 6-inches and where ever there is a catch basin; there is a 6-inch piece of curbing long and 6-inches high, versus the berm that stands 3-inches high. He will further discuss this with Quinn Engineering and the Highway Department.

14) The Board may wish to consider a condition which requires street trees to be planted on lots at the time of home construction.

Mr. McNaboe said this comment is in direct response to the Board having trouble with developers who did not do the plantings until after people moved into the homes and the homeowners started complaining.

15) Timber guardrail is called out on both sides of HY-Timber Lane.

Mr. Coyle said although timber guardrails are attractive, metal guardrails are better on maintenance and last longer, but will refer that to the Board.

16) A water course traverses the property, passing through three proposed RCP culverts crossing HY-timber Lane. This allows the Board to require an easement for a water course, drainage way, channel or stream which traverses the property.

Mr. Coyle said they will add an easement the entire length.

17) No information was found indicating compliance with Forest Cutting and Wetland Bylaw.

Mr. Coyle said they have filed with Conservation and will be meeting with them.

Mr. Hyland said he has an existing tree farm that abuts this and a forest cutting plan on the bottom part of this.

18) Catch basins on roads with slope greater than 4% must have the grates set 2 ½ inches lower than normal street grade for a distance of two feet around the grate.

19) The pavement in sidewalks at driveways should be specified as 1 ½ inch binder and 1 ½ inch finish coat asphalt.

Mr. Coyle said they have acknowledged this and will make those changes.

Ms. Buck said this hearing is running long and it is now 8:00PM and another hearing has scheduled. The applicants have sent a letter of request to continue, therefore suggested recessing this public hearing for a few minutes in order to open the 8:00pm to schedule the continuance and read the request into the record

### **HY-Timber Shores Public Hearing Recessed**

#### **Public Hearing Cont:**

Grandview Shoppes of Leicester, Edward Kooyomjian

Ms. Buck said the applicant requested a continuance to March 18<sup>th</sup> at 8:30PM.

MOTION: Ms. Nist moved to continue Grandview Shoppes of Leicester to Tuesday, March 18, 2008 at 8:00PM and to extend the deadline to file a Decision until May 1, 2008.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

#### **Public Hearing Reconvened:**

HY-Timber Shores

Mr. Coyle said comments were received from the Historical Commission advising caution be taken because this area is sensitive to Native American Activity. He will contact Mr. Lennerton and ask him to point out where this area is.

Mr. Coyle said the Board of Health comments recommended approval if having no septic and has not received any new written comments from the Highway Department.

Ms. Buck said she spoke with the Highway Superintendent and he reiterates the comments submitted at the Preliminary Hearing. Highway is not crazy about the Boulevard style road being proposed, but if the Board goes that route, highway wants it privately maintained and the detention basins privately maintained.

Mr. McNaboe said the Board will probably be recommending solar streetlights that will be maintained by the residents as well.

Ms. Buck said at the Preliminary Hearing, the Board had asked for three streetlights; one at the beginning, one at the end and one close to the middle.

The Board will be amending its regulation sometime in the near future, but the reality is, the Town will not pay for any new streetlight on new projects being proposed and the Selectmen have made that very clear (because of the cost of electricity).

Mr. Coyle said they will research further on solar streetlights.

Mr. Frank MacKenzie-Lamb said he owns the lot south of this project and regarding streetlights suggested looking into mercury vapor lights, which would give a yellow glow.

Ms. Nist asked if they are cheaper to run. Mr. MacKenzie-Lamb said yes that is why the electric company is putting them in.

Mr. Mitch Gill said in a recent subdivision he worked on, he ran into the same situation, the Town did not want to pay for the streetlights. That Planning Board required each home to have a lamp post in the front yard and put on timers.

Mr. William Battelle said he has a concern regarding drainage on Paxton Street where there are some poor drainage issues. There are two storm drains on the road where the water will just flow right over them during a rain storm.

He asked what the impact will be on those drains with this new development.

Mr. McNaboe asked Mr. Coyle to point out where the drainage ditch is located along the new road.

Mr. Coyle said their drainage ditch goes along the entire length of the new road. Because the grade of the roadway goes down, they will grade the new roadway, where it approaches Paxton Street, away from Paxton Street and divert the water runoff away. The water that runs down that hill now will be intercepted at the drainage ditch and there will be less water seen running down the road.

Mr. MacKenzie-Lamb asked if the Planning Board foresees any problems with having driveways put close to each other.

Ms. Buck said the Planning Board doesn't review driveway applications. There is a driveway bylaw and there are requirements to setbacks that have to be met. The Highway Department handles the driveway applications.

With no further public comments, Ms. Buck suggested a continued hearing date and time of April 1<sup>st</sup> at 7:30PM

MOTION: Ms. Nist moved to continue this hearing on HY-Timber Shores to Tuesday, April 1<sup>st</sup> at 7:30PM.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

**Public Applications:**

1141 Stafford Street; Request for approval of surety Nick Vasiliadis

Ms. Buck said she has received a Surety Estimate from Quinn Engineering, but an amount was not included for landscaping & legal services that is routinely added. She included the amount suggested by the applicant having a new recommended total for the Board's consideration of \$32,882.00.

Mr. Vasiliadis is seeking an occupancy permit and not all of the work is completed. They need to finish the following: the pavement, Cape Cod Berm, painting of the lines & landscaping. A couple of the items Quinn Engineering recommended not to include in the Surety, but to require prior to occupancy, as follows: installation of a fence above the retaining wall, temporary striping of the parking lot, and a temporary solution to the berm to control runoff on the north side of the parking area, because it is directing water onto the adjoining property.

Mr. Mitch Gill said he has spoke with Kevin Quinn and there was an issue around 4 months ago with the runoff situation. Since then, they have dug a trench, filled it with crushed stone and now all the water goes into the trench away from the adjoining properties.

Ms. Buck said Mr. Quinn visited the site last Friday and there was still some concern with that issue. Mr. Gill said he will contact Mr. Quinn and discuss the issue.

Mr. Vasiliadis asked if it would help getting a letter from the abutting property owner stating there isn't a problem. Mr. McNaboe said it's a good idea.

Mr. Vasiliadis said as far as a guardrail, he has contracted Cherry Valley Welding to install the guard rail and that will be done by the end of next week.

Ms. Buck asked if they will be using a Bond or a Cash Deposit. Mr. Vasiliadis said it will be a cash deposit.

Mr. McNaboe asked for a motion to approve.

MOTION: Mr. Wright moved to approve a Performance Agreement dated 3/4/08 for 1141 Stafford Street, which includes a surety amount of \$32,882.00 for completion of remaining work items.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Chapel Hill Estates, Request for extension of Special Permit

Ms. Buck said this special permit lapses at the end of March. The applicant has not taken the steps necessary prior to construction, so they are requesting an extension. This is an unusual case; because most of the projects the Board had that have requested extensions similar to this have been much smaller projects. She has a concern with this because nothing has happened with this project; the Decision itself has never been recorded; the plans haven't been recorded; nothing has been recorded.

Mr. Papetti said he was advised by his lawyer not to record it because there are several different owners and upon recording the tax rate changes. He has been working on this project before the

Planning Board since 2001. Unfortunately, they can't control timing in the market place. There has been a lot done in the last 2 years, sitting down with developers and trying to get things moving. Because of extent of the roadway and the amount of money needed for the infrastructure has been the biggest cost. They have been trying to figure out how to cut the cost of roadway, so they cut the cost on the sale of the property to try and make up the difference. By cutting the cost, he is hoping a developer will come in and take it over.

Ms. Buck said she does understand the applicant's point of view on the tax issues involved, but from the Board's standpoint, the permit was never finalized and the Planning Office was never provided signed copies of what was originally approved. The applicant waited 15-months to bring the plans in for endorsement, then never recorded the plans or provide the Board with copies of the signed plans.

Mr. McNaboe said the Board at a minimum needs signed copies of the original plan, because there isn't anything to vote on to extend.

Mr. Papetti said he didn't know the signed copies were never submitted to the Board

Ms. Buck said another concern she has with a project of this size is with an extension, there is going to be pressure for them to start work quickly and having the site torn up and then abandoned.

Mr. Papetti said that is one of the reasons why they haven't done any filing yet.

Mr. McNaboe said first step is that the Board needs the signed copies the plans. If Mr. Papetti can get those plans to the Planning Office, the Board will schedule this to another meeting.

Mr. Papetti said they are just trying to buy some time and if they can get at least a 6 month extension would help.

After some discussion, this extension request was continued to March 18<sup>th</sup> at 9PM.

### **Other Business:**

#### Zoning article request

Ms. Buck said the Board of Selectmen have submitted a request for the Planning Board to prepare a windmill bylaw and hold a public hearing (sample bylaws were attached to the request). The Board had voted in January to not take action on a windmill bylaw until a future Town Meeting in the fall.

Ms. Buck said the Town Administrator informed her that he was not happy with the Board's decision not to take action.

Mr. McNaboe said if this issue was that important to the Town Administrator, he would be here to explain it.

Ms. Buck said she tried to explain to the Town Administrator that writing a bylaw takes time and should not be rushed. She has briefly review one of the sample bylaws provided. It was from a windmill company representing a private resident, which was not an appropriate bylaw to adopt as written, it is very incomplete.

Mr. Broskey said there are a lot of issues that need to be taken into consideration, one being the fall zone.

Ms. Buck said the Town Administrator did speak to Attorney Cove about this. Mr. Cove reminded Mr. Reed of a lawsuit that was before the Town approximately 10-years ago regarding a cell tower that was denied on aesthetic grounds and withstood a court challenge. Attorney Cove suggested the Town proceed with caution on a windmill bylaw, because the public could argue that a windmill would have the same impact as a cell tower.

Mr. Wright said a windmill is a good idea for municipalities and maybe putting one in up at Memorial School, however, when everyone starts putting one in their back yard will become an issue.

After some discussion, the Board agreed to inform the Board of Selectmen that there will not be enough time to hold a hearing and to prepare a well-written bylaw in time for the Annual Town Meeting.

Ms. Buck said she will inform the Board of Selectmen of the Planning Board's decision. Also, the Selectmen have submitted their schedule where they want Boards to meet before them to discuss their article requests.

The Planning Board has been scheduled for March 10<sup>th</sup>. After some discussion, the Board agreed that they would be unable to attend that meeting and asked to have the Selectmen attend the Planning Board's public hearing on zoning article requests on March 18<sup>th</sup>.

Ms. Buck said on April 14<sup>th</sup> the Selectmen will be holding a hearing on road acceptance for Tracy Estates & Fairview Drive and also the Stormwater Bylaw. She will be attending and asked the Board members to try and attend as well.

MOTION: Ms. Nist moved to adjourn meeting.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Meeting adjourned at 9:15PM

Respectfully submitted:

Barbara Knox