

**LUNENBURG PLANNING BOARD
TOWN OF LUNENBURG**

Emerick R. Bakaysa, Chair
Joanna L. Bilotta-Simeone, Vice-Chair
Thomas W. Bodkin, Jr., Clk.
Nathan J. Lockwood, Mbr.
Marion M. Benson, Planning Director



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Minutes
Public Hearing (Continuation)
Aro Estates, Howard Street
March 23, 2013

Meeting Posted: Yes

Time: 1:00 PM

Place: Town Hall, 17 Main Street, Lunenburg, MA 01462

Present: Emerick R. Bakaysa, Chair Joanna L. Bilotta, Vice Chair, Thomas W. Bodkin, Jr., Nathan J. Lockwood, Marion M. Benson, Planning Director

Also Present: Brian Winner, Town Counsel

Motion, Ms. Bilotta-Simeone to enter into Public Hearing continuation for Aro Estates, to return to regularly scheduled meeting following Hearing, Second, Mr. Bodkin Jr., Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

The initial hearing was held on January 30, 2013, continuations held on February 13th, February 27th; March 4th, March 16th and continued to this date.

Representing the Applicant, Kevin O'Brien, O'Brien Homes was Attorney Mark Johnson, Johnson and Borenstein. Submitting waiver request from dead-end street for Aro 4. Applicant has met with Conservation Commission regarding filing of separate Notice of Intent. Have set up protocol for checking chicken coops for chemicals per Board of Health letter. Have submitted Public Way Access Plans for Aro Estates 2, 3, 5, 6, 7, 8, 9, and 10. Plan revision in process – number of lots will be reduced to 131. Will also provide access to Town forest and parking for same. Playgrounds will be in each subdivision. Drainage plans were submitted to the Planning Office March 21, 2013; currently under review.

Wesley Flis, Whitman and Bingham Associates, representing the Applicant, Kevin O'Brien, O'Brien Homes, submitted Aro Estates 4 Waiver Request per prior Board request. Applicant requesting Board vote on previously submitted waiver requests regarding grading details on the single lots, staking of proposed streets at a minimum of 50 feet, and officially submitting to Conservation Commission concurrently with Planning process.

Board discussion regarding waiver from Section 3.4.3.3.b for subdivisions 1 through 10 inclusive.

Board discussion regarding waiver from Section 3.4.3.12. for subdivision 1 through 10 inclusive.

Board discussion regarding waiver from Section 3.4.4. for subdivisions 1 through 9 inclusive.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12. and Section 3.4.4. requested for Aro Estates 1, Mr. Bodkin Jr., Ms. Bilotta-Simeone, Second, with the exception not to waive last sentence of 3.4.3.3.b, "It may not be necessary for a waiver from the Board to grant a waiver for this section of the Rules and Regulations since this section allows for the Board to attach a specific condition to a favorable approval on the project for the removal of material from the site." (Will add to proposed Directives.) Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12., Section 3.4.4. and Section 3.4.3.7.b requested for Aro Estates 2, Mr. Bodkin Jr., Ms. Bilotta-Simeone, Second, with the exception not to waive last sentence of 3.4.3.3.b, *"It may not be necessary for a waiver from the Board to grant a waiver for this section of the Rules and Regulations since this section allows for the Board to attach a specific condition to a favorable approval on the project for the removal of material from the site."* (Will add to proposed Directives.) Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12. and Section 3.4.4. requested for Aro Estates 3 as requested for Aro Estates 1, Mr. Lockwood, Ms. Bilotta-Simeone, Second. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12. and Section 3.4.4. requested for Aro Estates 4 as requested for Aro Estates 1, Mr. Lockwood, Ms. Bilotta-Simeone, Second. Also approve Waiver from Section 4.2.4.7.. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Motion to approve Waiver from Section 4.2.5.1. for Aro Estates 4, Ms. Bilotta-Simeone, Second, Mr. Bodkin Jr. Roll Call Vote, Mr. Lockwood, nay; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye. Motion passed 3-1. Waiver, submitted this date, was at the previous request of Mr. Bakaysa.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12., Section 3.4.4. and Section 3.4.3.7.b requested for Aro Estates 5, Mr. Bodkin Jr., Ms. Bilotta-Simeone, Second, with the exception not to waive last sentence of 3.4.3.3.b, *"It may not be necessary for a waiver from the Board to grant a waiver for this section of the Rules and Regulations since this section allows for the Boar to attach a specific condition to a favorable approval on the project for the removal of material from the site."* (Will add to proposed Directives.) Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12., and Section 3.4.4. requested for Aro Estates 6 as requested for Aro Estates 1, Mr. Lockwood, Ms. Bilotta-Simeone, Second. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye. Strike request for Waiver from Section 4.2.5.1. as this was previously approved by the Board.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12., and Section 3.4.4. requested for Aro Estates 7 as requested for Aro Estates 1, Mr. Lockwood, Ms. Bilotta-Simeone, Second. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12., and Section 3.4.4. requested for Aro Estates 8 as requested for Aro Estates 1, Mr. Lockwood, Ms. Bilotta-Simeone, Second. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye. Strike request for Waiver from Section 4.2.5.1. as this was previously approved by the Board.

Motion to approve Waivers from Section 3.4.3.3.b, Section 3.4.3.12., and Section 3.4.4. requested for Aro Estates 9 as requested for Aro Estates 1, Mr. Bodkin Jr., Mr. Lockwood, Second. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye. Strike request for Waiver from Section 4.2.5.1. as this was previously approved by the Board.

Motion to approve Waivers from Section 3.4.3.3.b and Section 3.4.3.12. requested for Aro Estates 10, Mr. Bodkin Jr., Ms. Bilotta-Simeone, Second, with the exception not to waive last sentence of 3.4.3.3.b, *"It may not be necessary for a waiver from the Board to grant a waiver for this section of the Rules and Regulations since this section allows for the Boar to attach a specific condition to a favorable approval on the project for the removal of material from the site."* (Will add to proposed Directives.) Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone aye; Mr. Bakaysa, aye.

Mr. Flis noted Public Way Access Plans submitted to the Planning Office on March 21, 2013 at an in-house meeting with the Planning Director Ms. Benson and Reviewing Engineer Jesse Johnson. Plans will be reviewed by both J. Johnson and Town Counsel. Construction of same will be properly secured pursuant to G.L. c.41, § 81U prior to issuance of building permit for any lot in the subdivision. Attorney Johnson states this is consistent with Rules and Regulations Governing the Subdivision of Land, Section 4.2.1.5(a).

Mr. Flis went over plan changes as a result of J. Johnson's review concerning impact to abutters by stormwater, and property lines of Mr. Shattuck and Mr. Levite. The number of catch basins and manholes has also been increased to meet DEP requirements.

Additional waiver may be requested for Aro Estates 8 or 9 (Mr. Flis could not recall which) for northeast corner cul-de-sac as there is an issue regarding depth of drainage.

Mr. Bakaysa inquired of moderate- or low- income housing component under Protective Bylaw of the Town of Lunenburg, Section 4.1.. Applicant will address at the next meeting.

Motion, Ms. Bilotta-Simeone to continue Hearing to April 3, 2013, Second, Mr. Bodkin Jr.

Recessed Hearing continuation 3:00 PM.