

## PLANNING BOARD

### MINUTES OF MAY 11, 2011

Present: Mr. William Ramsey; Chairman, Mrs. Susan Libby, Mr. David Messier, Mr. Peter Krawczyk, and Mrs. Melissa Sepanek

Attendees: William Scanlan, Town Planner, Mr. and Mrs. Florence, potential purchasers of a lot on Devil's Lane, and William McMahon, owner of 5 Winthrop Terrace

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Mr. Ramsey opened the Meeting at 6:00 PM.

Mr. Ramsey welcomed Melissa Sepanek to the Planning Board and congratulated her on her election.

With the passing of the annual election, the Board re-organized. Mr. Krawczyk nominated Mr. Ramsey to continue as Chairman. Mr. Messier seconded the motion and the Board so voted. Mr. Krawczyk nominated Mrs. Libby to be Vice Chairman. Mr. Messier seconded the motion and the Board so voted.

Mr. Ramsey asked the members if they would like to send a letter to Mr. Richard thanking him for his many years of dedicated service to the Planning Board. The members wholeheartedly agreed and asked Mr. Scanlan to draft such a letter.

#### Discussion of Devil's Lane

Mr. and Mrs. Florence were present to discuss the condition of Devil's Lane. They are considering purchasing a lot on the road. Since it is a private way, the Planning Board must render an opinion whether the road complies with the Zoning Bylaw Section 1.4 (15). This provision states that in order for the road to provide legal frontage under zoning it must have sufficient width, suitable grades, and adequate construction to serve adequately the proposed use of the land. Mr. Ramsey explained the issue and referred to a previous decision by the Planning Board in 2003 on a similar request by Donald Hathaway. At that time, Town Counsel had provided a memo that analyzed the issue and set forth guidelines for the Board to consider when acting on such matters.

The Board reviewed letters from the Fire and Police Chiefs, the Highway Surveyor, and the Chairman of the Conservation Commission. Mr. Krawczyk stated that he visited the area and described the road on the Warren side as dirt. He stated the road is in poor condition and should be improved before allowing additional building. Mr. Messier suggested that the buyers notify Brimfield officials and seek their opinions regarding provision of emergency services and road plowing. Mr. Ramsey stated that one needs a 4-wheel drive vehicle to travel the road during the spring because of deep mud. Mrs. Libby felt that if the public officials charged with providing services believe the road is in good-enough condition the Planning Board should not ignore their judgment. Mr. Ramsey stated that it is possible that the road could wash out during heavy rains.

Mrs. Florence said she understands the risks of building a home on a private road, and that she and her husband are willing to accept those risks. Mr. Ramsey stated he also felt it would be a good idea to have opinions from Brimfield officials. Mr. Messier said he felt the Board should accept the opinions of Warren officials regarding their ability to provide services under current conditions. Mr. Ramsey asked the other members to drive the road to get a

first-hand look at its condition. Mr. Krawczyk had a question whether or not the road would require approval as a subdivision and fall under the Board's Subdivision Rules and Regulations. The Board agreed to contact Town Counsel to determine if future development requires approval as a subdivision.

#### Approval of Special Permit Decision for 5 Winthrop Terrace

The Board reviewed the draft special permit decision for 5 Winthrop Terrace. The Board approved the decision as written and signed the signatory page.

#### Discussion of Gravel Pit Owned by James Fountain

Mr. Ramsey opened the discussion by stating that he had received an anonymous complaint about on-going operations at Mr. Fountain's gravel pit on Route 19. Mr. Ramsey had notified Mr. Fountain of the matter during the previous week and asked Mr. Fountain to attend tonight's meeting to help clear up the matter. Mr. Fountain felt he had a right to know the name of the party who complained, and that it was not appropriate for the Board to act on anonymous complaints. Mr. Ramsey stated that he agreed with Mr. Fountain but had promised to keep the person's name confidential. Thus, the parties agreed to proceed on a cooperative basis.

The complaint centered around a perception that unauthorized equipment was operating on the site, specifically a shaker and conveyor, and that operations had extended beyond the permitted area. Mr. Fountain pointed to Section 8.6.10 of the Zoning Bylaw that allows loaders, trucks and screening equipment in the normal course of operations. Mr. Fountain stated he did not have any equipment on the site that was not allowed by the Bylaw or authorized by the special permit. Mr. Fountain stated he has not moved outside of the area permitted by the special permit, which is approximately 7 acres. He is still mining the resource in the back of the property. In addition, he recently bought the adjacent Furgol property, which also has a large amount of material that could take years to mine. He has been in discussions with the Selectmen about building a new police station on the property for the Town since it is adjacent to the Highway garage, but public procurement issues may interfere with pursuing that idea. The Planning Board was satisfied with the answers that Mr. Fountain provided. Mr. Fountain agreed to prepare a written response to the Board that summarized the status of property and the issues discussed at the meeting. The Chairman thanked Mr. Fountain for his willingness to discuss the matter with the Board.

#### Other Business

The Board reviewed the minutes of April 20, 2011. On a motion by Mr. Messier, seconded by Mr. Krawczyk, the Board voted to approve the minutes as written. Mrs. Sepanek abstained.

Mrs. Libby made a motion to approve the invoice from the Worcester Telegram and Gazette in the amount of \$218.50 for publication of the legal notices of the Zoning Bylaw changes. Mr. Krawczyk seconded the motion. The Board voted unanimously to approve the invoice.

The members reviewed the membership form from the Registry of Deed indicating who may endorse plans. Each member signed the form. The Town Clerk will enter the date of election and expiration of each member's term prior to mailing it to the Registry.

The Board discussed the Town Meeting action on the zoning articles. All three articles

passed with little discussion. Mr. Krawczyk had handed out flyers at the Warren Post Office the Saturday before Town Meeting. Mr. Ramsey thanked Mr. Krawczyk and felt that this personal touch contributed a great deal to the successful outcome. The members also agreed that the Board's extensive efforts to hold informational meetings and get the word out in as many ways as possible helped to gain passage at Town Meeting with little controversy.

Mr. Messier agreed to mail out the notices of the special permit decision for 5 Winthrop Terrace to the parties in interest.

At 8:05 PM, Mrs. Libby made a motion to adjourn. Mr. Messier seconded the motion. The vote was unanimous.

William Scanlan  
Town Planner

Date Approved: June 8, 2011