

The Planning Board held a meeting on September 7, 2010 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Peter Gibbons, Avalon McLaren, Anthony Donegan, Paul Sullivan, Vahan Boyajian and James McCarthy. Also present was Secretary Pamela Gurley.

1. Site Plan Approval – Change to Plan

70 Oak Street Ext. (Brookside Condos)

Ward 1 Councillor Tim Cruise spoke on behalf of the developer and stated he is in favor of the proposed changes. Councillor at large Todd Petti also spoke in favor of the proposed changes.

Chuck Efremides said the new plan has includes several proposed changes: change the berm around the side rear of the property from granite to 12" cape cod; relocate the handicap parking and change the size of the dumpster pad. He said that the granite curbing will remain on the Oak Street side and around the electrical box.

Mr. McCarthy said there will be a maintenance issue in the parking area using cap cod berm; Mr. Efremides said he was aware of his concern but felt that it would not be an issue.

Mr. Boyajian asked how many units there are and was told 15.

There were no further questions.

A motion was properly made (Donegan), seconded (McCarthy) and unanimously passed to approve the changes to the site plan.

2. Site Plan Approval

Property: 899 Belmont Street

Applicant: Saad Inc.

Representative: Gallagher Engineering

Mr. McAllister advised Mr. Gallagher that the Board would be unable to hear the application until the outstanding issue with the City is satisfied.

3. Modification Request - Definitive Subdivision

Property: Briarcliff Road Ext.

Applicant: William Bearce

Representative: Attorney James Burke

Ward 1 Councillor Tim Cruise spoke in favor of the request and said that on his time on the Council Mr. Bearce has been once of the best developers to work with; he said he worked with the neighbors and the city on this project from the

beginning. He said it is the most important project in ward 1 right now and one of the most important in the city; and will bring high end housing to the area.

Councillor Robert Sullivan letter dated 9-7-10 in favor of the change was read into the record.

Councillor Monehan also asked to be recorded in favor.

Attorney James Burke said he received the comments and are attempting to address them. He said they will provide a new engineer of record letter, he said that per the Board's request Front Nine Drive will be fully conforming and they will request waivers for sidewalks on one side to correspond with the layout of Briarcliff.

Mr. Bearce said that all the grades have been established and confirmed. He said that binder and curbing is needed on Front Nine Drive.

Attorney Burke said that they have a subdivision plan recorded and the new engineer will certify that the grades are the same; he said that the only thing that has changed is the configuration of the lots. He said they submitted a revised plan showing utility installation. He said they are willing to make a waiver request tonight for Front Nine Drive for sidewalks to be consistent with Briarcliff Rd. and are willing to submit a new cad plan.

Mr. Donegan said that there is still a problem with street lights. Mr. Bearce proposed either a homeowner's association or individual street lights at end of each driveway that will be responsibility of each homeowner.

The secretary said she spoke with a representative of National Grid and that they actually suggested either a homeowners association or individual lights at the end of each driveway. She said that either option is acceptable to them.

Attorney Burke said that the only issue is that the style of the lights may not be uniform. Mr. McCarthy asked what happens if a homeowner goes on vacation....there could be no lights. He said if there was an HOA the lights could be metered. The Board agreed that they would like to see a HOA established for street lighting.

Mr. McCarthy asked about the depth of the of the gas line and said he was concerned about houses being built in its proximity. Mr. Bearce said that the line was several feet down and that they had the approval of the Gas Company.

Mr. McLaren asked about the odd shape to lot 8 (L shaped); Mr. Bearce said it is that way because the lot is mostly wetlands.

Mr. McCarthy said looking at lots 9 & 10.....what happens if the owner of lot #9 puts up a fence. Attorney Burke said it will be necessary to have a landscaping or view easement (the Board asked that also be added to the plan.)

Mr. McLaren said he wants to be clear on what requires Board action tonight. Mr. McAllister said that the Board needs to approve the modification plan along with any waivers they may request.

A motion was properly made (Donegan), seconded (Gibbons) and unanimously passed to approve the modification plan with the following conditions:

- All utility and drainage easements must show on the plan
- No utilities are to run under a driveway
- Certification from engineer of record regarding easements and drainage must be submitted
- Remove private way off plan – Front Nine drive is to be fully conforming – changes to Front Nine need to show (sidewalks and curbing to conform with Briarcliff)
- HOA established for the purposes of responsibility of street lighting

A motion was properly made (Donegan), seconded (Boyajian) and unanimously passed to issue a waiver to Sec. IV: Design Standards C. Curbing and Sidewalks. There is to be one sidewalk on the south side of Front Nine Dr. to conform to the layout of Briarcliff Ext.

3. Definitive Subdivision

Property: 73 Banks Street (Plans submitted at the last meeting)

Lots: Two

Applicant: David Cruise/Cruise Properties

Representative: David Cruise

Mr. Cruise said that the hearing was not opened last month because he forgot to notify the abutters. He said he owns three 4,000 SF lots; he said that the city allowed the merger of two 4,000 and asked for a variance to re-divide the property to have two 6,000 SF lots. He said he did not have to go to zoning but felt it would be better for the neighborhood to have two 6,000 SF lots rather than a 4,000 and 8,000.

Mr. McAllister read the ZBA decision dated April 13, 2010 into the record.

Mr. Sullivan said that there may be partials for the utilities coming in off the street already and suggested he check with the Engineering Dept. Mr. McCarthy said that the street slopes and he would like to see the granite extended to meet what is there already. Mr. McAllister said that the remainder of the street in both directions has granite curbing. The Board agreed that the developer was to

install granite curbing to meet the existing curbing on the subdivision side of the street.

Mr. Donegan asked about the retaining wall and asked if they were keeping the existing driveway. He was told they were not; that the old driveway will be removed and that the retaining wall will also need to come down. Mr. Donegan asked if the driveways come to the beginning of the house and Mr. Cruise said he thought they did. Mr. Donegan said he wants to see the proposed driveway to #73 be brought up to existing house so that driveway can accommodate two cars (30').

A motion was properly made (Boyajian), seconded (Sullivan) and unanimously passed to approve with standard conditions and that the plan be revised to show a driveway at least 30 ft. long to house #73.

A motion was properly made (Donegan), seconded (Gibbons) and unanimously passed to deny the request for waiver for relief from curbing. Vertical granite curbing is to be installed along the Banks Street side of the subdivision to meet the existing granite curbing on the street.

A motion was properly made (Donegan), seconded (Sullivan) and unanimously passed to grant waivers to the following sections of the Planning Board Rules and Regulations: Section IV: Design Standards: B. Streets 3. Width (Banks Street is an existing public way) F. Utilities (underground); Section V: Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks (waiver for sidewalks only was issued as currently there are no sidewalks on Banks Street.

Mr. Cruise said that his method of surety will be a covenant.

Mr. McAllister asked that the Board take a vote to enter into executive session to discuss updates on ongoing litigation. A motion was properly made (Donegan) and seconded (McCarthy) to enter into executive session: Mr. McAllister called for a roll call vote and the following members vote in favor of the motion: McCarthy, Boyajian, Sullivan, McAllister, Gibbons, McLaren, Donegan

Ms. Nicastro stated that the Law Office may request that Board members jot down their memories of the meetings. She stated that there was no new information regarding the ongoing cases.

Mr. McAllister asked for a vote to come out of executive session. A motion was properly made (Sullivan) and seconded (McCarthy) to come out of executive session: Mr. McAllister called for a roll call vote and the following members vote in favor of the motion: McCarthy, Boyajian, Sullivan, McAllister, Gibbons, McLaren, Donegan

Other Business

Communication from City Solicitor regarding retention of email.