

PLANNING BOARD

MINUTES - OCTOBER 23, 1973

MEMBERS PRESENT: Thomson, Bridges, Cogswell, Hannaford, Kulmala, Pugmire and Santomena

Mr. Jack Anderegg with his counsel, Mr. Michael J. Lack, were present to hear any discussion the Planning Board might have regarding the DiMarzo proposal on the Candy House. Mr. Thomson read a letter that he had received from Mrs. Nicole DiMarzo stating that she and her husband had made application for approval of a site plan of a business zoned property. The property owner, George Senkler, has cancelled the sales agreement and it will be up to the Board of Selectmen whether or not the Hearing on the site plan will be held. After hearing the letter, Mr. Lack requested that the Planning Board not consider the plan. However, Mr. Thomson said that he still wished to be ready to prepare a memorandum in the event that the Selectmen do not cancel the Hearing. Mr. Lack stated the following objections to the plan:

1. Division of lot would not fulfill By-Law requirement for frontage.
2. Location of the proposed well would not be 25 feet from the street and property lines.
3. If the proposed well site was moved it would be too close to the leaching field.
4. The proposed use of the property for a retail store and classes is not a permitted use under Article VI, Section 2C (page 7) of the By-Laws.

The Chairman was instructed by the members to send a letter to the Board of Selectmen saying that the Planning Board was not going to consider the site plan as a result of the letter received from Mrs. DiMarzo. Mr. Lack suggested that a copy of the letter be sent to Mrs. DiMarzo.

The Board then discussed the following warrant articles that they are proposing at the November Town Meeting.

1. Scenic Roads
2. Zoning By-Law change
3. Catch-all article for clearing up any miscellaneous commercially zoned parcels

Mr. Melone is not sure that No. 3, the catch-all article would stand up in court but he feels it may be worth a try. Perhaps the 1962 Zoning By-Law erased all miscellaneous items. Regarding the first proposed

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article classifying through streets as scenic roads, it will be emphasized that the reason for presenting this item is to preserve ancient trees and stone walls since they are symbolic of the town. In the event that any roads are rebuilt then the town could move the walls if necessary and preserve the trees. This applies only to those walls and trees within the right of way of the town and does not apply to that land belonging to individual property owners. The purpose of the article is to protect the items from over-zealous county engineers or road departments.

Mr. George Bishop, a member of the Conservation Commission, discussed the "Green Belt" proposal that will be introduced at Town Meeting. This would give a preserved strip from Bedford Road to the Estabrook Woods. The Town could expect 50 per cent reimbursement from the State on the four parcel, 109 acre purchase. The cost to the Town is expected to be \$57,625.00. The breakdown of the purchase would be:

\$85,000.00	John Davis land
7,500.00	Fleming land
7,500.00	Unitarian Church land
28,000.00	Oliver Clark land
<u>\$128,000.00</u>	

The Town has already spent some money on surveys, options, etc.

Mr. Santomena asked what the Conservation Commission's stand was on the Davis-Banta land purchase. The Commission has not considered this purchase. The Commission is hoping to ask the Town to purchase 112 acres of Sorli land in the spring but feel the "Green Belt" is of higher priority than the Sorli land.

Mrs. Jean Berry asked if the Planning Board had considered the effect a reassessment would have on the town if the town was forced to reassess. It would probably mean that major land holders could no longer afford to hold on to their land.

Discussion returned to No. 2 of the proposed warrant articles. It will be pointed out that when the 1962 zoning map was drawn up, it was created for the convenience of people concerned and not created as gold mines for those concerned. It was also created in lieu of special permits by the Board of Appeals. The small size of these parcels creates problems when attempts are made to develop them. If they are too small to be viable lots as is, then they should be abolished. The Board will go on record at Town Meeting as being opposed to strip zoning and spot zoning. The Board will say they want Bates Ice Cream Stand to continue but point

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out that the parking lot is in the Residential Zone and so is now a non-conforming use. The Board also has no objection to the continuation of the operation of Durens. They are concerned about the 85 foot wide strip adjacent to Durens that is commercially zoned. There is really no basis for the Candy House continuing to be commercially zoned. Here there is pressure to do more with the land than it is reasonable to do.

Mr. Senkler purchased this property originally because the well on that property supplied Parke Math Lab. Now Parke Lab has its own well.

Mr. Thomson would welcome any additional in-puts from Board members in regard to these presentations for Town Meeting. He will publish same to members before the meeting. View-graphs will be prepared from the 1962 Zoning Map to be shown at the meeting.

The question was raised about waiting until the new master planner cares to give an opinion on this zoning change. Mr. Pugmire and Mr. Hannaford, members of the Master Plan Committee, will talk to the new planner and see if he wishes to make a statement at this time.

Mr. Thomson had made a letter statement regarding Woodstock Sub-division to the effect that there was nothing the Planning Board was unhappy about regarding roads; however, no vote had been taken by the Board and that this was simply his own opinion. This request for a statement was made prior to the transfer of some lots.

Messrs. Thomson, Cogswell, Hannaford and Davis had made an inspection of Virginia Farme Road. The lots have been renumbered on the final definitive plan from the preliminary plan. It was noted that three spots in the road need to be repaired. The request for release of Lots 14, 16, 17 and 21 caused the following comments to be made:

Lot 14 - is a filled lot to a depth exceeding 15 feet

Lot 16 - is a filled lot to a depth of about 10 feet

Lot 17 - no comment

Lot 21 - already a house on it

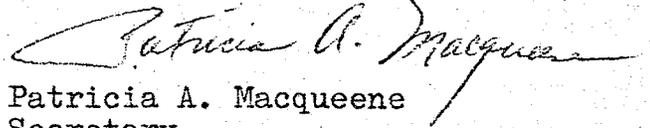
The Board will request a new map. Mr. Cogswell checked with the Building Inspector subsequent to the inspection and he did not have a list of not-to-be-released lots although Mr. Herndon claims to have given one to the Building Inspector. Mr. Connelly had been told before that no more lots would be released until the road was repaired. A letter will be written to the Building Inspector and a copy sent to the Selectmen regarding this.

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○ The Planning Board voted to release nothing.

The meeting was adjourned at 10:45 P.M.

Respectfully submitted,



Patricia A. Macqueene  
Secretary

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AGENDA

October 23, 1973

8 P.M.

Town House

- (1) Discussion of warrant articles for November town meeting.
- (2) Review of Virginia Farm and status
- (3) Review of Woodstock
- (4) Discussion of policy for town center planning
- (5) Review of permitted uses of Board of Appeals for future town meeting.