

## PLANNING BOARD, NOVEMBER 3, 2009

**CALL TO ORDER:** Chairman Raymond Gingras called the meeting to order at 7:30 PM

**ATTENDANCE:** All members present.

**APPROVAL OF MINUTES: Motion:** To waive the reading of the minutes of the meeting of October 20, 2009 and approve as presented. **Vote 5 Yes / 0 No, Motion approved.**

**OLD BUSINESS:** (As a courtesy the Chairman went off agenda and recognized Ronald Dandurant to address the board regarding the extension of the special permit for 133 West Main Street. (See Minutes of 10/20/09) Mr. Dandurant was surprised that he was not notified by the board regarding the interest of Mr. Mayer in obtaining an extension of the permit. He stated the he owns the engineering and plans. The Chairman informed Mr. Dandurant that the Special Permit goes with the land and since he had never owned the land the new property owner could apply for the extension, that in fact the board reviewed two legal opinions regarding case law governing this issue, and provided him with a copy of the opinion of Attorney Alexander. The board granted a six month extension of the permit but not permission to build the plans. They informed Mr. Mayer he had a lot of work to do prior to obtaining a building permit and urged him to contact Mr. Dandurant. Mr. Dandurant was urged to contact his legal representative and Mr. Mayer.

### **A. Fee In Old Road :**

The clerk reported that after speaking with Town Counsel it was decided that indeed the McLaren trail had been referenced in error in the documents received from Attorney Alan Grenier. (See minutes of 10/20 09). New deed transfers will be forward from Attorney Grenier referencing "Old Road", Attorney Amirian did approve as to form and substance. The Chairman requested that when the proper documentation was obtained that a copy be forwarded to the Building Commissioner, so that he might inspect the plans to note a transfer of this portion of the property of Lot # 1 as being deeded to the town, prior to the issuance of a permit.

### **NEW BUSINESS:**

#### **A. By-Law Amendments:**

The board discussed the possibility of returning to the tabled amendment articles of the Annual Meeting in April, also revisions to update the Earth Removal bylaw approved at that meeting, the still unresolved problem of temporary storage units and wind energy. Member Barnes will make contact with a citizen offering help with the soil removal policy and Ray will look into the various legal problems revolving around the "Finding of Fact" for non-conforming lots which was tabled at the meeting for lack of information regarding these issues. John will contact MVPC regarding the status of wind energy in the area and the type of policy that Merrimac would need in a by-law. The clerk will contact Phil Hagopian regarding his thoughts on the information provided last year from Judi Barrett regarding temporary storage units and also a solution to the Building Height problem within the state building code. The board will move forward with the discussion when the necessary information is gathered.

**CORRESPONDENCE:**

**A. Warrants:**

1. **Motion:** to approve a payroll warrant in the amount of \$200.25 for Clerk Patricia True. **Vote 5 Yes / 0 No Motion approved.**

2. **Motion:** to approve a warrant for \$30.00 to CPTC for a course on Site Plan Review for the Clerk. **Vote 5 Yes / 0 No Motion approved.**

**B Appeals Board:** Reviewed the decision overturning the Building Inspector's Decision for the Loyal Order of Moose, the board took no action.

**C.Communications, Notices & Announcements:**

**1. Lakewoods Drive Lighting Complaint:** Since the street is located in an Unaccepted sub-division, the board will notify the developer that he has 2 weeks to remedy the situation or attend the board meeting on the 17<sup>th</sup> to provide a resolution to the matter. The Chair will also check with the Light Department regarding street lighting responsibility.

**AJOURNMENT: 9:00 PM**