

**Hillsdale Planning Board  
Minutes  
April 11, 2011**

**Present:** Hank Henward, Chairman; Patti Rohrlich; Deborah Bowen;  
Mark Barbato; Ellen Levy; Richard Freiman; Vivian deGeorges, Secretary

**Excused:** Bud Gardner

**Also present:** CAC member Gretchen Stevens; Kent Peer-Nous, member of the Alford Scenic Mountain Act Commission

Meeting called to order 7:30 by Mr. Henward.

**Steve Bluestone – Spring Brook Lane Extension house building plans  
Tax Parcel ID 116.-2-36.111 Mr. & Mrs. Bluestone; Bruce Coldham, architect**

Mr. Henward asked the Board if everyone has been to the site, to which everyone said yes, and if there were any questions. Mr. Henward explained that current driveway rules mean needing a new driveway and not using the existing one. Mr. Freiman asked how big the building site is in total. Mr. Bluestone answered 19.8 acres. Mr. Freiman then asked how far the back of the cleared area is to the edge of the property and it was determined to be about 100-130 feet. Maps were brought out, and there was discussion about the types of trees in the area to be cut. Then Mr. Freiman asked if the land shown cleared on the photo was cleared when they bought the property and Mr. Bluestone said yes. Mr. Barbato asked about the elevation levels of different parts of the house. Using the topographical map, he counted a difference of 19 feet between the lower part of the house and the top. Mr. Barbato said there would need to be a lot of cutting to accomplish the way it's designed and it's a very steep area. Mr. Coldham said grading and retaining walls should be able to solve the steepness issues.

Mr. Henward said the objective in ROD sites is to minimize visual and environmental impact of any development, even if it was cleared 20 years ago. The allowance of 20,000 feet of clearing in the ROD has already been used up

by what was cleared by the previous owner. Cutting into and then filling slopes is of great concern because of runoff problems. Mr. Barbato said it's a tough spot to build because it's very steep and moving dirt up a hill is not easy. Going across the slope is difficult and it would be better to orient it differently but he understands the need to get the sunlight for the net-zero energy aspects of the house. There was then discussion as to how the house could be moved and reoriented and in what direction. Mr. Barbato said that to the south it looks a little flatter, based on where the stakes are. Mr. Freiman said part of the Board's concerns is why there has to be more clearing than has already been done. Mr. Coldham said it was in order to tuck the house into the hillside and still get the most light. Mr. Freiman said he doesn't think cutting back into the trees where indicated will make any difference in it being seen.

Ms. Levy still has concerns about the amount of additional clearing. She thinks looking at it from far away, more open space would make it more visible.

Mr. Bluestone described that it's flat behind the house where they're suggesting clearing and that it won't be visible. He also said that the garage could be pulled closer to the house and then the tree line would come in as well.

Mr. Henward – to wrap up, if the site were developed traditionally, the drive would be brought up to the house along the contours. Also, the Board understands that for every foot you move down the slope, the view diminishes. The Board is not opposed to thinning and selective cutting. What is needed now is that a comprehensive landscaping plan, driveway siting, kinds of trees left standing and the types of proposed screening in front of the house all need to be shown at the next meeting. Mr. Henward asked Ms. Stevens if there was anything else and she said no.

*This application will continue next month.*

**Garret Matteo – County Rt. 21 lot line adjustment Tax Parcel ID 116.-1-25.1**  
**Dan Russell, surveyor**

Mr. Russell brought the tax map and showed the parcels in question. The application is to create a parcel to sell, with a house on it. Mr. Matteo plans to keep 65.89 acres, merged with 137 acres, and separate off the parcel measuring 3.01 acres along with the house. Mr. Matteo owns White Wolf Enterprises LLC and wants the land but not the house on the smaller piece. The frontage is 165 feet, but the minimum is 200 feet. Mr. Russell showed a map from 1980 when a parcel was sold creating that shorter frontage. It looks like it was done without subdivision approval. Mr. Henward said that it's best to go to the ZBA so that when it is put on the market, a potential buyer wouldn't possibly look into the frontage requirements and create a problem about the purchase if the parcel is out of variance. There was further discussion about this, Mr. Russell saying that they had consulted a real estate attorney and she said that it should not be an issue during a sale, but the Board feels that since it is not difficult to go before the ZBA and get a variance, they would feel better if it were done.

Mr. Henward asked for a motion to approve. Mr. Freiman moved to approve this lot line adjustment subject to ZBA approval for below-standard frontage. Ms. Levy seconded. The vote was all ayes.

**James Wagman – new construction, Pumpkin Hill Road**  
**Tax Parcel ID 135.-2-5.2**

Mr. Wagman brought maps and a study model. He is planning on enlarging the house by about 400 square feet based on the existing footprint. Trees and shrubs that need to be moved will be relocated. He is trying to create a year-round buffer around the edges of the house site. He's already started planting evergreens and other trees to soften the edges of the site. He described the

plans for the house as using cedar siding, fir windows and stone walls to have a very natural appearance. Also, windows are low-reflective glass, with 7% reflectivity. Mr. Wagman showed the study model, a 3-D model of the house, large trees, and garage. Mr. Henward asked if there were any further questions from the Board and there were none. Mr. Henward said his concern is the septic system. He asked Mr. Barbato to contact the Board of Health to check what circumstances would require increasing the size of the septic, if it's more bedrooms or more bathrooms.

Mr. Henward asked about screening and for them to be described in a proposal. Ms. Levy asked that the colors be such that it doesn't pop out coming up the hill. Mr. Barbato asked if Mr. Wagman knew what the septic tank size is. He said he didn't know but would try to find out.

For the next meeting Mr. Henward asked for a detailed site plan with plantings shown.

*This application will continue next month.*

**Wesley Coon – White Hill Estates Tax Parcel IDs 127.-1-7, 127.-1-19, and 127.-1-21 Application to merge three parcels into one and establish an acceptable building site Frank Roche, Attorney; Dan Russell, Surveyor**

Mr. Henward informed the Board that Mr. Roche had sent an email saying that he believed this property is not subject to the ROD guidelines because it's only visible from Massachusetts. The Town attorney, Mr. Alford, sent a reply which takes issue to that. Mr. Henward gave Mr. Roche a copy of Mr. Alford's reply to read. There has also been much commentary about the history of this site. Having had a conversation with the owner and looking at some deeds and knowing the building inspector at the time the foundation was put in, much of the information the Board had previously is erroneous. The current proposal is to move the site outside the building envelope, but the most important issue is whether or not the ROD regulations apply. Mr. Alford said that it's up to the Board to decide if they do, indeed, apply to this site. After reading Mr. Alford's reply, Mr. Roche proposed going to an arbitration court with the details of the

issue, whether being visible from another state is germane to the ROD regulations, and letting the court decide. He said it would help in this case but also be useful to the Board for the future.

Mr. Peer-Nous showed the Board photos of the site from different roads in Massachusetts.

Mr. Henward asked for a motion for the Board to state unequivocally that the ROD regulations apply in this case. Ms. Rohrlich made the motion and Ms. Bowen seconded it. The vote was all ayes.

Ms. Levy then asked Mr. Peer-Nous if the Alford Scenic Mountain Act includes restrictions about visibility from public roads. He said that if it's above 900' it's subject to the Act, whether or not anyone can see it. If, truly, it's in a very private spot and no one can see it, then the regulations won't be enforced. They haven't had a case where anything was only seen from outside of Massachusetts, so that has never been ruled on.

Submitted to the file were Mr. Alford's letter and Mr. Peer-Nous' photos.

*This application may continue next month.*

**Peter Greer driveway placement TAX ID 106.-1-23.1 Pat Prendergast, Project Engineer; Frank Roche, Attorney**

Mr. Henward reviewed that since the December State rulings, there are lay-bys, drainage and load-bearing (40,000 pounds) capacity issues to be adhered to with the proposed driveway. Also, every 500' there has to be a turnaround for emergency vehicles according to the new regulations, as well as being 12' wide. Mr. Greer only owns half of the current roadbed, to the center of the road, but not the full width. It might require acquiring more land in order to move the road further from the creek.

Mr. Prendergast described the way he'll avoid runoff into the stream, by tilting the driveway towards a drainage ditch on the side away from the stream, with culvert pipes leading under the road and into the ponds which measure 50'x37'

and 25'x75'. Also, there can be a culvert under the driveway where it meets La Branch Road to drain runoff into the ponds.

Mr. Barbato asked who would clean out the ponds when they get full of sediment. Will it go into the deed so that the town doesn't have to do it? There was then discussion about ponds filling with sediment and overflowing water into the stream. Mr. Henward said this is stream protected by the DEC. We will have our town engineer (Doug Clarke) look at this plan when there's more detail with the road drawn further, up to Austerlitz, past the existing dam, because we need to know what's going on upstream from the area shown on the current map. We would also like to see the arrangements with the adjacent landowners. He also told Mr. Greer that he will also need a special permit from the ZBA and that the plan will also be sent to the DEC.

Mr. Roche said Mr. Prendergast will get revised maps and send them directly to Doug Clarke as well as to us. Dick Alford can be consulted regarding the possibility of covenants for pond cleaning.

Mr. Greer described his urgency at needing to get this done because he has a potential buyer. He needs to know how far into the neighbor's property this will have to go so that he can approach them and make sure they agree. Also, that he is setting up his land to go into Conservation. Mr. Henward said that in that case, this needs to be pristine and have covenants for the pond cleanup in order for Conservation to approve. There was then further discussion about Conservation easement regulations and requirements.

*This application will continue next month.*

**Bervy Excavation 105.-1-2 Lot Line Adjustment Frank Roche, Attorney; Dan Russell, Surveyor**

Stuart Bohart would like to buy two parcels from two different parties. Two portions of this land are in Hillsdale, the rest in Austerlitz. It needs a lot-line adjustment to accomplish making it one large parcel. The property is on Gingrass Road.

Mr. Henward asked for a motion to approve this lot-line adjustment.

Mr. Freiman made the motion and Mr. Barbato seconded. The vote was all ayes. The maps were stamped and signed, copies kept for the files and copies given to the applicant.

Submitted to the file: Subdivision map, tax bill, cover letter from Carl Matuszek.

Mr. Henward asked for a motion to adjourn. Mr. Freiman made the motion and Ms. Rohrlich seconded. The meeting was adjourned at 10:10PM by Chairman Henward.

Addendum:

Ms. Bowen - I would like to see added to Bluestone discussion is that Mr. Bluestone brought up Mrs. Bluestone's suggestion of planting more trees in the cleared area to make up for more trees being cut in the upper part of the property.