



Planning Board Minutes June 11, 2012

Present: Hank Henward, Chairman; Patti Rohrlich; Richard Freiman; Deborah Bowen; Vivian deGeorges, Secretary

Excused: Mark Barbato; Ellen Levy; Bud Gardner

Also present: CAC Members Gretchen Stevens, Ruth Dufault, Bud Atwood; Community member, Jeff Paige

Public Hearing for Edward Thyberg 2-lot Subdivision Tax ID 137-.1-.1-112 Shun Toll and McCartney Roads

The Public Hearing was called to order at 7:05 PM by Mr. Henward.

As there were no members of the community present in response to the notice of this hearing, Mr. Henward declared the hearing closed and the Planning Board meeting opened at 7:06 PM.

Submitted: certified receipts from abutting neighbors; revised maps with steep slopes (15-25% & above 25%) shown and wording revised for clarification. Mr. Russell described the legends for steep slopes and wetlands and also the subdivision notes stating the conditions to which this approval is subject. He also showed other lands owned by Mr. Thyberg, including lands owned by his son and daughter. Mr. Freiman asked if we were creating a land-locked lot. Mr. Henward explained that there is a driveway into the property on the New York side. It's confusing because part of this parcel is in Mass. and part in NY. The Mass. State line looks like a property boundary but is not. Parcel B is actually in both states.

Ms. Bowen to Mr. Henward: can you please explain the wording about trails and slopes and no construction? Mr. Henward answered that we don't know at this point where any future house will be sited, so this explains that any building site will be subject to a site plan review from the Planning Board if required by the ROD regulations. Virtually all required constraints are on this map. Mr. Russell further explained that all the pathways marked on the map are actually trails that were used for cross-country skiing. There is one curb cut shown on the map and both lots will use that curb cut and the location of the driveway will be part of the

site plan review. Mr. Henward added that it remains to be seen how much of the driveway actually winds up being shared, whether it's shared for a long distance before forking or whether it separates soon after entering the property.

Mr. Henward asked if there were any questions from the Board. There were none. He then asked for a motion.

Mr. Freiman made a motion to approve this subdivision subject to the conditions set forth on the survey map. Ms. Rohrlich seconded the motion. The vote was all ayes.

Mr. Russell then submitted two checks: one for \$430 for the subdivision fee and one for \$1,450 for the Park and Rec fee associated with this subdivision.

Village Scoop Tax ID 145.4-1-38 Ken Davis & Kevin Draves site plan review for ice cream parlor Rt. 23

Mr. Draves explained to the Board that the ZBA approved a special use permit for this project, contingent on County approval, but while accepting the addition of the deck, did not give the needed variance for the placement of the deck which is 3' from the property line. A ZBA public hearing will be held on July 3rd for the variance for the placement of the deck.

Submitted: a packet with photos of the building, maps and building plans as well as a sample menu, photos of furniture and letters from neighbors approving of the plans. Mr. Henward asked Mr. Draves if he had spoken with Glenn Smith, the building inspector, and he said that he had and that Mr. Smith was going to be doing an inspection tomorrow. The insulation is in and needs to be inspected before the drywall goes up.

Mr. Henward asked if they had gotten letters from abutting neighbors and Mr. Draves said they had, and they were in the packet. He further informed us that the owner of the building which houses Passiflora just had a request for screening and it will be done with evergreens which will be full all year round. Mr. Henward then asked if Mr. Smith will give them a temporary certificate of occupancy and Mr. Draves said yes.

Mr. Henward asked if the ZBA had any issues with the parking for the shop. Mr. Draves said that they had, at the ZBA meeting, spoken about the gentlemen's agreement with Mr. Ruede and Mr. White of the General Store and Crossroads Café that the parking in front and at the rear of the General Store can be used by customers of any/all of the shops. The thought is that people will park where they can and visit more than one shop at that time.

Mr. Henward said that we'll have to wait and see how this progresses, what happens with the parking and visiting of the shops. Our responsibility is purely to look at the site plan, to

do a review of this commercial property. He explained that it is apparent that the only changes being made to the existing structure are the plans for the deck, but that the shell of the building remains the same and that the parking is an issue that the ZBA will have to address. He suggested that if parking or waiting in front becomes a problem and a roadblock, the parking may have to be striped and parking/waiting elsewhere totally prohibited. The building is non-conforming as to its setback, but that's been grandfathered. The deck, however, is new and that's why it needs a variance. He then asked if there was going to be a walkway around the building. Mr. Draves said that on the right, it could be graded, but because the wall of the neighboring building is not good, it might present a safety issue, but that they would be working with Mr. Ruede and Mr. White to do some fill on the left side of the building and possibly stairs similar to what the café has.

Ms. Bowen asked about the sign(s) for the building, whether it was a matter for the Planning Board or the ZBA. Mr. Henward said it was ours, at which time Mr. Draves described having a sign something like the one at Passiflora, old barn siding, standing just in front of the roof line saying "Creamery" and then in the window, a sign saying "Village Scoop". He said that they had considered both horizontal and vertical placement and decided on horizontal. There will be lights on either side of the sign, just lighting the sign itself. He then described that over the well head, which has been hit by cars three times already, they might create a front porch within the same footprint as the existing flower beds, covering the well head, with a hatch for access. It is not in the plan at this time and, if eventually built, will not protrude onto the current parking area in front of the building.

Mr. Henward asked if there were any questions from the Board. There were none.

Mr. Draves added that they already have 12-15' trees ready for planting to screen the back of the property. Mr. Henward asked if Mr. Smith had talked about access off the deck. Mr. Draves said they'd like to have steps going off the back to help with the flow of customers, so that people can come in the front door and some can leave through the deck.

Mr. Henward then asked for a motion.

Mr. Freiman made the motion to approve this site plan. Ms. Bowen seconded the motion. The vote was all ayes.

Michael Regina Tax ID 125.-1-8 Site plan review of tree thinning at 770 Wolf Hill Road

Mr. Regina submitted a letter from R.J. Beham, the forester who will be doing the harvesting and showed the Board a map of the property. He explained that due to the last two ice storms, he has a lot of downed trees, leaning trees, and trees whose tops are snapped off but still resting high on top of other trees, just waiting to fall. Ms. Rohrlich asked him how

many acres he has, and Mr. Regina said 50. This thinning will work out to be approximately 4 trees per acre. Mr. Atwood stepped forward to say that he can vouch for the forester as he has worked for Mr. Atwood in the past and that he did a great job, really cleaning up the area he cut, grouping whatever wood he didn't carry out, so that the grouse came back and used these tree groups as nesting areas to hide their eggs. He also said that he's gone into Mr. Regina's property and that some of the trees that have been downed by the ice are 70-80 year old trees and it's a shame to leave them there to rot.

Mr. Henward said that since this is in the ridgeline, the Board just wants to make sure of what's going on and now that we have this letter, it sounds like maintenance. On the basis of the statements made and the forester's plans, I recommend we approve it. I think we should make a motion that we have no objections to the amount of logging activity as described by the forester. Our view is that this is a maintenance project and involves cutting of trees far below the threshold for amount of trees permissible.

Mr. Freiman made a motion that the Planning Board has no objections to a logging permit being issued based on the proposal letter from the forester Robert Beham faxed on June 6th. Ms. Bowen seconded the motion. The vote was all ayes.

There was then discussion about strengthening the ridgeline overlay laws of the Town. The Board asked Chairman Henward to approach attorneys Joel Russell and Warren Replanski to see if they can look over the laws we currently have and help us to strengthen them. They will also have to look at decisions already made based on these laws to help them modify the existing laws so that they are more defensible.

Mr. Freiman made a motion to adjourn the meeting. Ms. Bowen seconded. The vote was all ayes. Mr. Henward adjourned the meeting at 7:57 PM.