

PLANNING BOARD
Town Hall
160 Patriots Road. East Templeton
Broadcasted on TCTV
3/8/22 @ 6:30 pm

Present members: Charles Carroll, John Buckley, Frank Moschetti, Dennis Rich, and Bruce Marien
Administrative Assistant: Laurie Wiita, Jessica Case
Absent members: *Kirk Moschetti (Chair), Michael Caruso*
Guests: Tom Harrington and Rian Holmquest (via ZOOM)
Colleen and James Fay – 111 Laurelview Road
Linda and Stephen Benville – 58 Laurelview Road
Lori and Mike Mattson – 73 Laurelview Road
Sheri Saunders – 55 Laurelview Road
Steven Foisy – 13 Laurelview Road
Yogendra and Devyani Thanker – 87 Laurelview Road
Thomas Reynolds – 68 Laurelview Road (via ZOOM)
...and other non-speaking Laurelview Road residents

Meeting called to order at 6:30 pm by Charles Carroll. Pledge of allegiance.

Agenda:

Review minutes: The 2/8/2022 meeting minutes were reviewed. Motion made by John Buckley to accept them as written; Seconded by Bruce Marien; No discussion; The motion carries unanimously.

Laurel View Road - Request to waive requirements for road acceptance, further discussion, and review of existing as-built plan: Member John Buckley initiates his stance that after reviewing the paperwork, he would let the Townspeople vote on the acceptance of Laurelview Rd. Member Frank Moschetti provides his recollection of this topic in 2005 when he was on the Planning Board. Saying that although the signatures were present from Selectboard and Planning, the topic never moved forward to Town Meeting because the road may not have been built according to the subdivision plan and thus truly sitting on residents' property. Member Bruce Marien explains that he is new to the Board and impartial. He says that since there is no clear documentation one way or another, the Town could receive legal issues in the future if there is an overlap of resident property and a newly acquired Town road. Resident Lori Mattson reads the minutes from the Planning Board meeting of February 7th, 2006. Member Bruce Marien reads the attorney recommendation from March 10th, 2005, that a title examination will require deed [references] for all the individual lot owners and the developer to determine lot and road location. Templeton Town Council's Tom Harrington is present via Zoom to provide some legal explanation to the Board. Mr. Harrington explains that a subdivision plan and as-built plan should match exactly. If they do not line up exactly, it can be determined that the roadway was not constructed per the subdivision plan, causing the roadway to exist on resident lots. If the Town should make

Laurelview a public road, the Town may need to acquire residential land by deed or eminent domain. Eminent domain would clear the titles of any inaccuracies but also opens the Town up to damages. Potentially having to reimburse landowners if they do not waive it. Mr. Harrington continues that the first step in this process would be for the Town to hire an engineer to confirm the accuracy of the as-built plan and describe any inaccuracies compared to the original subdivision plan. Resident Colleen Fay asks about the 2018 decision from the Town to stop plowing Laurelview and instructing residents that they own to the middle of the road in front of their property. Mr. Harrington explains that every road needs to be owned by someone. The derelict fee statute says that when a road is private and the owner can't be identified, the abutters of that road 'own' to the center of the road in order for it to be maintained and accessible for delivery trucks, neighbors, etc. Further discussion occurs regarding discovery of this information when houses were bought and sold. It is possible that during the sale of these properties, the title searches and surveys would come back clean since the as-built plan is not recorded. Member John Buckley reiterates that from the paperwork he read, the Planning Board and Selectboard from 2005 signed off on it, the Town received the as-built plan and due to money, chose not to do peer review. So, his opinion is why do peer review now; just send it to Town Meeting and let the Townspeople vote on the acceptance of Laurelview. Mr. Harrington speaks to Mr. Buckley that the Town requires to have a specific detailed and accurate plan to determine how much it would cost the Town to acquire land, like a road. The as-built plan is not recorded nor went through peer review. Further information reveals that the developer signed the land over to the Town, but the Town never accepted it at a Town Meeting. Mr. Harrington expands that resident can waive their right to damages, but anyone with a mortgage, their mortgage company would also have to waive its right to damages since there exists joint ownership of the lot. Further discussion occurs about who and how the road would be conveyed to the Town. Developer Conrad Donell still works in Gardner. Section 240-7 of the Templeton By-laws (called Conditions of Acceptance) says no private street shall be accepted by Town meeting as a public way unless all the following conditions have been met: (1) The way shall have a minimum pavement width of not less than 24 feet for its entire length. (2) The way shall be shown on a definitive plan endorsed by the Planning Board and shall be actually constructed in accordance with the specifications of the definitive plan approval. (3) The way shall have been completed in accordance with said definitive plan for a period of at least 12 months in order to ensure that the way may withstand severe winter weather. Section 240-8 of the Templeton By-laws says: Notwithstanding, Town meeting may accept a public way if the Planning Board agrees to waive the conditions. Mr. Harrington reiterates that currently he cannot determine how the Town would acquire the road.

Motion made by Dennis Rich to send this back to the Selectboard with conditions for Peer Review, a survey to determine the location of the road and the cost to be covered by the Town. Seconded by Bruce Marien. No further discussion. The Board votes: Two members in favor, three members opposed. The motion fails.

Motion made by John Buckley to waive the requirements of Section 240-7 [conditions of acceptance] on the condition that a satisfactory title is presented to the Town. Seconded by Bruce Marien No further discussion. The Board votes: Three members in favor, two members opposed. The motion carries at 8:12 pm. Tom Harrington reiterates that there is a lot of title work to do here. Residents should remember that a clear title from the developer is needed prior to being put on the Fall Town Meeting.

Chair Comments: None.

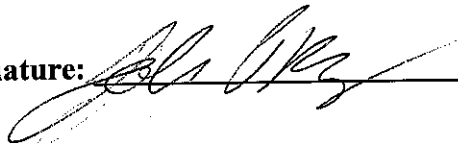
Member Comments: None.

New Business: None.

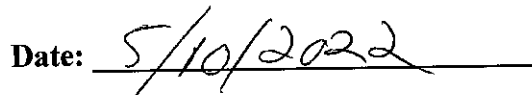
Next meeting date: Tuesday, March 22nd, 2022 @ 6:30 pm

Motion to adjourn at 8:14 pm by John Buckley; Seconded by Charles Carroll; Passed unopposed.

Clerk's signature:

A handwritten signature in dark ink, appearing to be "John Buckley", written over a horizontal line.

Date:

A handwritten date "5/10/2022" in dark ink, written over a horizontal line.