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Planning Department

MEMORANDUM

To: Planning Board **Date:** July 30, 2015

From: Roland Bartl, AICP, Planning Director *R. B.*

Subject: **Application for Subdivision Approval - Jamie's Way & Thomas Drive**

The July 21 hearing session on this application has been continued to August 18.

Reasons for continuation:

1. The applicant, Keenan & Son, LLP, had previously applied for a 3-lot Residential Compound subdivision on only the 456 Mass. Ave. parcel of the site. The proof plan then submitted could not meet the standard subdivision design requirements and support three lots. This application was denied.

The 5-lot Residential Compound subdivision application now before the Board combines the 456 Mass. Ave. parcel (the Keenan portion) with an abutting parcel at 143 Prospect St. (The Towey portion). The proof plan for the subdivision on the combined portions appears to meet the standard subdivision requirements. The proposed Residential Compound plan replicates the 3-lot subdivision on Keenan portion that was previously denied as a stand-alone subdivision. If the Towey portion of the subdivision were left undeveloped, the result would be identical to the subdivision that the Board had previously disapproved and that would not conform to the Town's subdivision rules.

2. On the Towey portion of the subdivision site, the plan shows the existing house (noted on the plan as "to be removed") on proposed lot 4 in violation of the 30-foot minimum front and 10-foot minimum side yard setbacks as required under the zoning bylaw. The violation would begin on the day that the subdivision plan is recorded in the registry of deeds. If not removed in a timely manner, zoning enforcement would have to ensue to effectuate the removal of the offending house. However, the owner of the Towey portion, Towey and his family, live in the house and intend and expect to continue to live there at least for several more years.
3. In light of both of the above circumstances, the applicant has requested a hearing continuation and consideration by the Board of allowing delayed subdivision implementation and zoning enforcement. In subsequent letters to the Planning Board, dated July 22 and 23, Steve Marsh of Westchester Co. requested that the Towey portion of the subdivision "be delayed without any burden for the issuance of construction and or

building permits for the Keenan and Sons portion of the project". The requested time frame of the delay is 5 years from the date of subdivision approval.

Planning Dept. staff has consulted with Town Counsel on this matter. A partial accommodation is possible, restricting only one lot rather than two lots on the Keenan and Sons portion of the project. However this accommodation would come with an additional covenant, indemnifications, legal fees for the Applicant, and special restrictions on performance guarantees. Our recommendations are redlined (in comparison to the previous draft) in the 8-18-15 draft decision. This draft also contains other updates as needed and appropriate.

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