

Commission

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place by an adjacent developer. The road currently exists on town property, not a right of way. Palumbo said that, upon approval of the subdivision, the Duttons were prepared to reposition the street.

"The last meeting with the board, we expressed concern with why my client is required to fix a problem he didn't create. They are prepared to fix Holly Street. They will put the street in the proper place, under the supervision of the town," Palumbo explained. Michael Darveau, land surveyor for the project, said the road would be shifted about 40 feet to the north.

Palumbo also said that frontage for lots in the subdivision would be located on private roads, Prospect and Holly Streets. Town Planner Lisa Bryer mentioned the need for a road owners' association, which would be responsible for maintenance of the extended portion of Prospect Street. Palumbo expressed doubt in forming an association, saying they could not force the people who own property south of the Duttons' land to maintain it. "In a worst case scenario, Mr. Dutton is prepared to take care of that

portion of the street," he said.

Town Solicitor Peter Ruggiero told the commission that if the applicant built a new road, the town should decide whether it wanted the road to be public or private. "The portion they are proposing to improve is a public right of way," he reasoned. Ruggiero added that design standards would need to be set up before improvements are made.

Commissioner Barry Holland noted the generosity of Dutton to offer maintenance to Holly Street, but he asked that the offer be put in writing, and in perpetuity. "If it's going to be made private, it needs to be part of an association," he added. Dutton said that he has plowed Holly Street since it was built about 15 years ago.

Palumbo went on to respond to the second issue brought up at the plan review in November about wetlands and water flow on the land, and referred the question to Darveau.

The land surveyor noted that the Department of Environmental Management flagged all wetlands and granted approval for proposed development in 2005. The DEM report showed a wetland edge, and additional wetlands marked as Area Subject to Storm Flowage.

"In DEM regulations, they don't specifically tell you what a wetland is. They tell you how to identify them," he explained. "ASSF is technically called wetlands in the general sense of the term."

In questions from the public, Elaine Peterson, a neighbor on Prospect Avenue, asked if Prospect would be developed through to North Main Road. Palumbo replied no, because to the north, the owners on both sides claim they own that portion of the street by adverse possession.

In a question about the location of Holly Street, Planning board chairman Gary Girard noted that the street was developed on town property, not on a right of way.

Frank Johnstone of Summit Avenue argued whether the road plan made sense. "You're fixing Holly to go up to Summit. You're not fixing it for the betterment of the people who live there. You are going a thousand feet out of your way," he said.

Lisa Geigen of Summit Avenue cautioned the commission about land boundary problems. "I don't want to go farther into a neighborhood where there are all sorts of arguments about boundaries. It should be addressed first."

Darveau continued that the

field notes from DEM biologist Claire Swift were the only details offered on the wetlands flagging. He added if someone from town wanted to talk with her, she would answer questions. Bryer suggested asking the Department of Natural Resources for further clarification.

In other business, Doriana Carella and Andrea Colognese proposed expansion of the Village Hearth Bakery as a sit down café with accommodations for 40 seats.

Bryer explained when the plan first came to her department, she encouraged the applicants to try to get all eight parking spaces on site. Upon further inspection she recommended a sidewalk construction. "In turn, I would support any parking variances needed," she added.

Commissioner Alexandra Nickol voiced concerns about elevation. Nickol also questioned the architectural design. "This looks like a very commercial building," she said.

Commissioner Richard Ventrone also complained about the elevation and proportions of the plan. He asked for details about what kind of windows, doors, siding and wood treatments were proposed.

Carella commented that every-

body had opinions about aesthetics and they did not want a town architectural stamp on their property. "We think we've kept to the character of the town," she defended.

Commissioner Nancy Bennett asked for some design unification, saying, "You have a lot of moving parts, old cottage style, modern style, European style."

Holland objected to critiques given by the board. "We're getting into architect by committee. Tonight we've already heard three different opinions. I have a problem with this commission imposing architectural opinions on an applicant."

Commissioner Michel Swistak soothed temper flares. "One thing that was clear in the town meetings at the charrette was that we like the funkiness of Jamestown," he noted.

The commission continued the development plan review so the applicants could return with specifications on lighting, landscaping and construction dimensions.

The commission welcomed new members, Mike Swistak, Nancy Bennett and Alexandra Nickol. The board briefly discussed liaison representatives to other boards, but no appointments were made.

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