

Mendon Planning Commission Minutes (Draft)
February 1, 2016

Present: Justin Lindholm, Phil Douglas, Neil Langer, Bill Godair, Fred Bagley, Teri Corsones and newly appointed member Nicole Kesselring were present. Zoning Administrator Steve Cosgrove was also present for a portion of the meeting. The December 7, 2015 draft minutes were approved with one typographical change.

McDonough Subdivision Permit Application: In response to the requests made at the December 7, 2015 meeting, Charles McDonough submitted a document entitled "Declaration of Easements, Charles P. McDonough and Amanda Wheeler, Second Amendment" (hereinafter "Declaration"), as well as a draft Warranty Deed from Charles P. McDonough to Christopher Corsones and a draft Quitclaim Deed from Christopher Corsones to Charles P. McDonough, each regarding Lot 4 of the proposed subdivision.

The 5-page draft Declaration provides that it supersedes and replaces a Declaration of Easements dated December 19, 2012 and recorded in book 95 at page 758 of the town of Mendon land records, and a First Amendment thereto, dated April 9, 2014 and recorded in book 97 at page 369 of the town of Mendon land records.

Members reviewed the Declaration and had the following comments:

1. Change the word "and" to the word "all" in the first line of paragraph 1(c)
2. Change the word "established" to the word "establishment" in the last line of paragraph 1(c).
3. Add a provision to paragraph 2 which addresses the possibility of Lot 4 utilizing its right of way through Lot 3, and the effect that would have on the Road Maintenance Association obligations for each respective lot owner.
4. Specify that the definition of "utilities" in paragraph 3 includes cable, phone, electric, and all other utilities with the exception of sewer and water utilities treated elsewhere in the Declaration.
5. Add references to Lot 1, where applicable, in paragraph 3(c), with respect to the utility easements that benefit Lot 3.
6. Clarify that the utility easements in paragraph 3 are "over, under and along" the existing power line, where applicable.
7. Revise paragraph 4(a) to provide that the costs referenced therein shall be shared by the owners of Lots 1 and 2 based on the respective number of bedrooms at each residence.
8. Add the words "state-permitted" before the words "replacement leach fields" in the second line of paragraph 4(b).

With respect to the proposed deeds regarding Lot 4, each of the proposed deeds include the references requested at the December 7, 2015 hearing. Members suggested that the final paragraph of the description portion of the deeds be revised to clarify that the property is subject to the Declaration of Easements, Second Amendment, which supersedes and replaces the original Declaration of Easements and Declaration of Easements, First Amendment, instead of indicating that the property is subject to each.

Members requested that Mr. McDonough provide a description of Lot 1 that includes the same references and clarifications as have been provided for Lot 4, applicable to Lot 1. Mr. McDonough indicated that he would provide that and revised documents incorporating the matters detailed above on or before the next Planning Commission meeting. His hearing is continued until 5:30 p.m. on March 7, 2016.

The next meeting of the Mendon Planning Commission is scheduled for Monday, March 7, 2016 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones