

PLANNING BOARD
October 25, 2016
Memorial Hall

Members Present: William Ritter, Otto Lies, John Michalak, Robert Ricker, Jeff Head

Not Present: Scott Carlson, Tina Stratis

Staff Present: Pam Harding, Director, Liz Fotos, Town Recorder

W. Ritter called the meeting to order at 7:02PM

PUBLIC HEARING- Extension of Time- Definitive Subdivision- Special Permit- Open Space and Residential Design Oak Hill Winter Ridge Limited Partnership

W. Ritter read the public hearing notice into record.

Robert Langden was present on behalf of the developer. He stated that the request for extension of time was before the Board last month and they were requesting a two year extension of time in order to build out the development.

R. Langden stated that it is a 55 lot subdivision and the developer had entered into an agreement with Kendall Homes for 37 homes with the option to purchase the remaining 18. He stated that 28 permits were pulled and 14 homes were sold with 6 under agreement. He stated that the project was successful and that they were requesting a two year extension of time in order to complete the project.

R. Langden stated that there was a trail system that is part of the project. He stated that the open space was deeded by the developer to White Oak and that they have taken on the responsibility of building it out. He stated that according to the Subdivision Approval, the trail system needed to be constructed before the remaining permits were issued.

Paul McManus, Eco Tech and White Oak and Steve Mirick, Oak Hill were present at the meeting.

P. McManus stated that they were requesting an extension of time to complete the trail system to Dec 31, 2016. He stated that he is an Environmental Consultant and on the Board of White Oak. He showed the Board a memo he had composed on October 24, 2016 that summarized the status of the system and showed the system as it exists today and how it will be when it is completed. He stated that he had gone out and measured the lines (yellow) and they know where the remainder of the trail is going. He showed the Board the parking lots and the trail heads. P. McManus stated that they are walking trails and are narrow by design as they don't want to encourage any vehicles on the trails. He stated that they were currently flagged but the intention is to have permanent markers up and to have the updated map placed on the website.

W. Ritter asked if there was any risk of the trails not being completed.

P. Harding replied there was not; she stated 1.7 miles in constructed already and the requirement was 2.5 miles so only a short distance left to comply.

P. McManus stated that once the yellow trails were completed it would be closer to two miles so it will be about 3.5 miles of total trails.

R. Langden stated that they had spoken with the Town Planner and DPW and there was some immediate work that needed to be done as a condition of approval that they agreed to do as well.

W. Ritter opened the floor up for public questions or comments; no members of the public stepped forward.

W. Ritter asked the Board if they had any questions or comments.

R. Ricker asked if the detention pond should have a performance standard added to it.

W. Ritter stated that there would be one added.

O. Lies thanked Mr. McManus. He asked if there would be signs in the parking lot that detailed the trail system.

Anthony Costello, 121 Whitney Street was present on behalf of White Oak. He stated that they would have three kiosks that conform with the appearance of the subdivision that outline the trail systems for residents.

Motion by O. Lies, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR EXTENSION OF TIME- DEFINITIVE SUBDIVISION SPECIAL PERMIT-OPEN SPACE AND RESIDENTIAL DESIGN OAK HILL WINTER RIDGE LIMITED PARTNERSHIP.

Motion by J. Head, seconded by O. Lies, it was UNANIMOUSLY VOTED TO GRANT THE EXTENSION OF TIME FOR THE OAK HILL DEFINITIVE SUBDIVISION PLAN INCORPORATING ALL CONDITIONS OF THE OCTOBER8, 2013 PLANNING BOARD APPROVAL WITH THE FOLLOWING AMENDMENTS AND ADDITIONAL CONDITIONS;

TO AMEND CONDITION #4 TO READ Failure to complete construction in accordance with the provisions of the Holden Subdivision Regulations by **June 15, 2018** shall result in an automatic rescission of approval by the Planning Board.

TO AMEND CONDITION #44 TO READ: The remainder of the trail system must be completed prior to December 31, 2016.

CONDITION #48 BE ADDED: There is a portion of roadway in the vicinity Station 4+80 that is ponding water and has cracked the basecoat. This area must be milled down one inch, overlaid and shimmed to drain the area to existing catch basins. This work must be completed to the satisfaction of the Department of Public Works, Engineering by November 15, 2016.

CONDITION #50 BE ADDED: Stanjoy Road must be completely reclaimed to the terminus of the eastern most property line of 16 Stanjoy Road to the satisfaction of the Department of Public Works Engineering.

CONDITION #51 BE ADDED: The Applicant must conduct core samples of the “One Way” entrance of Stanjoy Road to verify thickness and compaction standards have been satisfied due to the undesirable weather conditions which existed during paving. The Applicant may be required to conduct repairs based on the Department of Public Works analysis of the results.

CONDITION #52 BE ADDED: The detention ponds are holding water for a longer duration than the design calculations predicted, this will decrease infiltration. The elevations of the detention ponds must be determined, the Department of Public Works may require the top layer of material be removed to promote infiltration. An analysis and recommendation to alleviate the conditions must be provided by the Applicants design engineer to the satisfaction of the Department of Public Works.

PUBLIC HEARING- EXTENSION OF TIME- Special Permit/ Site Plan Review – Jefferson Mill, 1665 Main Street 47 Condominium Units

W. Ritter read the public hearing notice into record.

Attorney Leo McCabe, Mill Pond Place was present at the meeting. He stated that they were requesting a two year extension of time for the completion of the project.

Patrick Sharkey, Mill Pond Place, Keith Beardsley, Mill Pond Place, and Scott Morrison, Eco Tech, were present at the meeting.

L. McCabe stated that the main delay in the completion of the project was with DCR. He stated that DCR was concerned about runoff.

P. Sharkey stated that they had met at the DCR offices in West Boylston and reviewed the project and then met at the site as well. He stated that they looked at the dam, the spillway, and the slab and there was a lot of concern about the structural integrity.

W. Ritter asked if the concern was about the just the slab or the dam as well.

P. Sharkey replied the slab. He stated that they initially were going to patch it and use loam and seed and plantings and leave it as natural as they could however once a structural engineer reviewed it and ran reports, it was looked at the underside it was

determined that it was too far gone. He stated that they then decided to remove the slab and he had written a letter to DCR on October 11 and had not yet heard back. He stated they were hoping to get approval but need to wait to see if the procedure they proposed was accepted.

W. Ritter asked if they had plans showing the slab removed.

P. Harding replied they did not.

P. Harding stated that the Town had received an order from the state for failure to comply with repairs. She stated she was concerned about that.

S. Morrison stated he had not received that and asked for a copy.

M. McManus stated he did not believe White Oak received that letter either.

L. McCabe stated that there was some growth on the dam and that there was a power outage in the condo and a fence on the property needed to be cut in order to give HMLD access to the area.

S. Morrison stated that the Office of Dam Safety says that there can be vegetation but that portion of the dam would need to be mowed. He stated that there were also some Saplings growing that may need to be cut down again. He asked P. Harding to send him a copy of the letter so he could follow up with the proper people.

K. Beardsley stated that they were waiting on final approval and the process was taking longer than they would like. He stated that when they got approvals they would be ready to move and that hopefully the market keeps cooperating.

L. McCabe stated that the development will be a boom to the Jefferson area. He stated that it was complicated because of the dam and that is why the project was not moving quickly. He stated that he spoke to the Dam Safety Unit and everyone wants the project to move forward they just need more time.

P. Harding stated that the only comment the Town had was to have the owners work with HMLD to ensure that they can get access to the transformers. She stated that they were supportive of the project and an extension was fine with them.

W. Ritter opened it up for public comment.

Karen Stern, 32 Village Way was present at the meeting. She stated she had a question for White Oak regarding the ownership of the dam.

S. Morrison stated that the three owners of the dam were White Oak, Mill Pond Realty Trust, and Sundin.

K. Stern asked L. McCabe what he meant by the development will be a boom to Jefferson.

L. McCabe stated that it will be tax revenue for the Town rather than an empty building.

K. Stern asked about the 44 families that live there now; she asked if anyone had worked with those families at all.

L. McCabe stated that he had spoken to someone in past.

K. Stern stated that the project has been going on for years and years and she recognizes that they are looking for an extension of time but she asked how many more extensions that were going to ask for. She stated that she understood that they were doing their best but that she was concerned.

W. Ritter stated that the project had been doing on since 2004/2005 and that he felt the condo people had been very cooperative. He stated that it may be in the developer's best interest to reach out to the condo association before work commences.

Mark Lipson, Mill Pond Village Trustee was present at the meeting. He asked what the delay they were waiting on was.

L. McCabe replied it was for DCR to approval of a variance to prevent the water from going from the slab into the lake.

S. Morrison stated that DCR has jurisdiction on anything from the stream outwards of 400FT with the 200FT being a no disturb zone. He stated that DCR is going to look long and hard at anything going on in that 200FT that may require a variance from the Watershed Protection Act. He stated that it was a whole process and that it took time.

W. Ritter asked how far along the construction of the units was.

K. Beardsley replied they had completed the roof, window and prelim layout in addition to the basement slabs for the underground garage.

Leslie Pentland, 43 Village Way was present at the meeting. She asked how many bedrooms they would be.

K. Beardsley replied 1, 2, or 3.

L. Pentland asked about the parking garage.

K. Beardsley stated that the entrance will be out Main Street.

K. Stern stated that was one of their concerns. She stated that they have an easement that is shared with the developer and they can barely get two cars in the entranceway. She

stated that it is very dangerous and with the influx of 47 families it is going to be a more difficult situation. She stated that she had been to these meeting in the past to speak about this matter.

W. Ritter asked if the Town had looked at the entrance.

P. Harding stated that a number of conditions that require trees and polls to be removed were added in addition to the ramp being heated. She stated that there was also a traffic study conducted.

W. Ritter stated that a super majority was required because it was a special permit. He stated that because the Board was missing people they would allow the developer to wait if they wanted.

L. McCabe stated he wished to move forward.

Motion by R. Ricker, seconded by J. Head, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR EXTENSION OF TIME-SPECIAL PERMIT/ SITE PLAN REVIEW- JEFFERSON MILL, 1665 MAIN STREET, 47 CONDOMINIUM UNITS.

R. Ricker asked if two years was a long enough extension.

W. Ritter replied that he would not mind the developer having to come back before the Board in two years time if need be.

Motion by J. Head, seconded by J. Michalak, it was UNANIMOUSLY VOTED TO APPROVE THE EXTENSION OF TIME – SPECIAL PERMIT/ SITE PLAN REVIEW FOR JEFFERSON MILL, 1665 MAIN STREET. THIS APPROVAL INCORPORATES ALL CONDITIONS FROM THE SEPTEMBER 13, 2005, OCTOBER 23, 2012, AND SEPTEMBER 20, 2014 DECISIONS WITH THE FOLLOWING CONDITIONS.

CONDITION #3 SHALL READ: Failure to complete construction by October 30, 2018 will result in an automatic rescission of approval.

CONDITION #32 IS ADDED: The applicant must provide the Holden Municipal Light Department with an easement and access plan for all transformers located on the site, within 90 days subject to the approval of the HMLD General Manager

PUBLIC HEARING- Definitive Subdivision Parson Rest- 6 lot cul de sac Salisbury Street- Oak Street Realty Trust

W. Ritter read the public hearing notice into record.

Jay Finlay, Finlay Engineering was present. He stated that this was a 6 lot subdivision off of Salisbury Street and was about 11 acres in size. He stated that they were proposing

a 500FT cul de sac with public water and sewer. He stated that the sewer system they would be using was called an E-1 System with force main that runs within the roadway. He stated that each lot has a pump station. He stated that there will be a force main on the property to a force main on the street, to a manhole sewer and sewer line. He stated that there will be public water with a hydrant and that there will be a catch basin to do drainage discharge and a detention pond to address recharge. He stated that they were designed with the Stormwater Management practices.

J. Finlay showed the Board where the drainage went. He stated that the abutting houses are on Salisbury Street and that any flow from the site goes to 15" pipe and then a rip rap through the wetlands to a stream and discharge point under Salisbury Street. He stated that the area will not drain out through the system but will recharge to ground based on their calculations of impervious area.

J. Finlay stated that the stream was regulated by the Watershed Protection Act, and there is a 200FT primary protection zone where there is no work proposed. He stated in the 200-400FT range they are allowed to do some building. He stated that they were going to protect the wetlands with silt fences and haybales and there is a tree line buffer in-between the properties so most of the area is private. He asked if the Board had any questions.

P. Harding asked for there to be property marker on the corners and dust controls in place. She stated that they also asked that the bus stop be relocated and that she will provide them with a draft HOA so they can fill in specifics of the development. She stated also in the packet was a letter from DPW dated October 11, 2016 about a few minor issues that need to be addressed; a minor drainage and one concern about the site distance. She stated that the regulations request 125FT for opposing intersections and the applicant provided that from centerline to centerline. She stated that DPW requested it from edge of pavement to edge of pavement so that they were currently only providing 93FT. She stated that they want the developer to go back and look at the site distances to see if they can move the intersecting street. She stated if it is a safety issue they want to examine that as well.

I McCauley, DPW Engineer was present. She stated that they had met with J. Finlay and they had evaluated the sewer systems and while the gravity method is the preferred method for the sewer system, more issues would arise trying to grade the property to become a gravity system so DPW agreed that the low pressure sewer system was the best design for this particular site.

I McCauley stated that they had asked the engineer to provide some information on the intersection and they did provide that. She stated that they asked for the same information if the developer shifted the road north and they are waiting on that information. She stated that they want to make sure that they choose the right location for the road and once they have that information they will make a determination. She stated that they were also working with the engineer on design calculations.

W. Ritter asked if the public had any question or comments; no members of the public stepped forward.

W. Ritter stated that the developer had been before the Board with a preliminary plan so they did have some initial input.

W. Ritter asked if the Board had any questions.

J. Michalak asked if there were stormceptors in other subdivisions.

P. Harding replied that most did have them.

J. Michalak asked if the HOA maintained them.

P. Harding replied they did. She stated that this subdivision was out of Con Com's jurisdiction but that they would be reviewing it to make sure it was correct.

W. Ritter asked for a time period to get the site line resolved.

J. Finlay replied that they would be present for the November 29, 2016 meeting. He stated that within a week they would provide the information to DPW and the Town and then they can all work out the technical details together.

J. Head asked if there was an ejector head on each lot.

J. Finlay replied that each property would have a little pump station on it, an E-1 System. He stated there would be a check valve on each lot as well with a pump with mercury floats with a high/ low/ alarm on it. He stated that when the water gets high, the mercury float would invert and the pump would start. He stated the pump pushes the water out through the force main on the property to the force main on the road to the two existing man holes. He stated that when the pump turns off the check value prevents anything from going back into the homes. He stated if the power goes off there is an alarm that alerts the homeowner to let them know that the pump station is filling up and it needs to be addressed. He stated it is similar to a septic system.

R. Ricker asked after the build out to what extent the Town is required to maintain the chambers on private property.

J. Finlay replied just the road; the systems would be a private ownership responsibility.

P. Harding stated that they also suggest putting something in the deed that indicates there is an E-1 pump and is the responsibility of the homeowner. She stated the Town had received calls in the past because the homeowner did not know they were there.

The developer submitted a written request for an extension of time.

Motion by J. Michalak, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO APPROVE THE DEVELOPERS WRITTEN REQUEST FOR AN EXTENSION OF TIME TO NOVEMBER 29, 2016 WITH A DECISION TO FILE FOR DECEMBER 15, 2016, FOR DEFINITIVE SUBDIVISION PARSON REST/ 6 LOT CUL DE SAC SALISBURY STREET /OAK STREET REALTY TRUST

PUBLIC HEARING – Extension of Time- Special Permit Continue Care Retirement Community- Village at Westminster Place- Fafard Realty

W. Ritter read the public hearing notice into record. He stated that this was a special permit so they would need a super majority to approve it. He stated that they could wait for the next meeting in order to have more Board members present.

Jeff Roelofs representing Fafard Realty was present at the meeting. He stated that this was a special permit that stems back from 2003 and was extended a few times. He stated that he was there to ask for a renewal and extension of time so Fafard could move forward. He stated that they wish to move forward with another 5 single family homes.

J. Roelofs stated that he knows there is a lot of frustration with some people. He stated that the market did not support building out the development faster than it did but that they are ready to move forward now with single family homes and move around Teaparty Circle.

J. Roelofs stated that Fafard had committed to doing a finished coat to Teaparty Circle from the southern entrance point up to the gate between now and April 15, 2017. He stated they also want to limit/ prevent construction vehicles from using that roadway and only have those vehicles use the other entrance.

J. Roelofs stated that if they are able to move quickly with the five permits, they can get the foundations in for the 5 building and that will ensure they are home hammering and doing foundations in the frost. He stated this will minimize the impacts from the hammering.

P. Harding stated that with regards to the maintenance records from the pump station, they had received them from January, June, and September 2016. She stated that a few items noted that corrective actions needed to be addressed and that all had either been undertaken or were currently underway.

P. Harding did caution J. Roelofs that they had only submitted three inspections in that time period and that it was longer than the Town suggests for inspecting the pump stations. She stated that they typically require one every two weeks if the Town was going to take it over.

R. Ricker asked if it would be an approval condition to have the pumps inspected more frequently.

P. Harding stated they would require a copy of the contract for whoever was doing the work.

W. Ritter asked if the Town was taking the pump station over.

P. Harding replied that the town was not.

I McCauley stated that she was at the site today (October 25, 2016) and she noticed the driveways for the 7 homes were topped. She stated that when they add top to the roadway they will need to address the driveways and sidewalks as well so they don't have the lip.

I McCauley stated that as far as the pump station goes, the DPW does weekly inspections. They go and look at the hours of operation and they look to make sure they have the contract information for the company.

W. Ritter opened it up for public comment or questions.

A Bonofiglio, 18 Explorer's Way was present at the meeting. He stated that he appreciated that Faford had agreed to do those items, he asked if they would be added to the order of conditions.

W. Ritter stated that they would consider adding the final coat by April 15, the pump station, and restricting construction.

A Bonofiglio asked if there would be signage up.

J. Roelofs stated there would be.

A Bonofiglio stated that they had issues with the prior digging during the frozen season. He stated that there were cracks in the floors and they would like to try to avoid that.

W. Ritter stated that he does not think the Board can condition construction activities. He stated there were general rules M-S 7AM to 7PM.

Lowis Drum, 6 Explorer's Way was present. She stated that at the end of the five units there is a gate, she asked if he was going to move the gate beyond the five units as they built.

J. Roelofs stated that the gate was used to prevent access to the construction sites so once they were done with the next five homes they would move the gate beyond them and close it off again.

Patricia Campos, 17 Explorer's Way was present at the meeting. She stated that she was not happy with Faford. She stated they had been there for ten years and they were the second family in. She stated that this was a special permit for 125 units, she asked why

the developer was allowed to subdivide what he has. She said the developer has stated that he is done with them; she said it is 15 people that are required to maintain roads and common area. She stated if he starts to separate out the building, it land locks them. She stated that they knew the rules when they bought, but he has changed the rules. She stated it is hard to have work done and that they just did mulch and Faford would not contribute his 80% so they existing homes had to chip in and pay to make his property more attractive.

P. Campos asked if these additional five homes were going to join the condo. She stated that this should not be happening, they pay a lot of taxes, they get no trash pick up, no plowing, and their costs were raising. She said she didn't know how he was getting away with this.

J. Roelofs stated that he is not on the real estate side and does not have the condo docs so he really can't respond to her questions. He said he is not saying it's not a legitimate issue but he is not familiar enough with the documents to have the conversation.

W. Ritter stated that they do not review condo docs so they do not know what the obligations are.

P. Campos asked about the ANR lot. She stated that the applicant appealed it and the courts said it was not a violation.

W. Ritter stated that during the process of this special permit, the developer came in with an ANR plan showing an ANR that met the Town's requirements for frontage. He stated that as a Board they denied it and the denial was appealed and counsel went before a judge. He stated it was found that the Board was required to endorse it because of frontage and they lost the case in land court. He stated that if the developer carved out parcels it may be a violation of the special permit but it is valid on the whole property.

J. Roelofs stated that they wanted to create the lots because of financing. He stated there was some sort of construction deadline that ties to the loans and the loans had a deadline so it helped to narrow the area of property they were speaking about rather than have the financing tied to an entire parcel. He stated that they were not trying to carve out lots. He stated that he would be happy to facilitate the conversation between the homeowners and developer to help with further questions.

W. Ritter suggested that the developer and its management and counsel should be in touch with the abutters and unit owners in order to help facilitate a smooth construction process.

J. Roelofs stated that he would be happy to try to set up a meeting but he would not be the contact person for this matter, it would be in-house counsel.

P. Campos stated that she thinks they will need an attorney. She stated that Faford is not being fair. She said that why he is only doing five houses is ridiculous. She stated that

they are distraught over it and he just thinks that is the way it is. She states no other senior living was sectioned off like this and she doesn't know any other condo anywhere that worked like this either.

J. Robinson, 98 Newell Road was present at the meeting. He stated that he was concerned with the traffic proposal. He stated that they were sensitive about the amount of traffic on that road and for those people who live on Newell Road, they were not in favor of that proposal.

Mark Biller, Property Manager was present at the meeting. He stated he has four points to make.

- 1- He is concerned with the north end; he supports the residents and it would be his suggestion that construction vehicles turn into the defined road as opposed to going over the curb.
- 2- He stated that the pump station is currently inspected four times a year and he does not think it is practical to do it every two weeks. He stated that in his analysis there has not been issues over this period of time and they also maintain a backup generator.
- 3- He stated he was concerned with the winter months and the plywood that the pump station generator sits on.
- 4- He stated he would really like to see them not do any foundation digging in the frosted months. He stated that a lot of basements were damaged and Faford did not pay to have any repairs made to those foundations that were damaged.

Irene Fox, 4 Explorer's Way was present at the meeting. She asked the Board to please not allow digging in the winter. She stated she was one of the 8 homes that was impacted and the developer did nothing to help.

P. Campos stated that the Planning Board in Worcester was able to enforce things ten years later for a condo association. She asked what the Board could do to back the residents up.

I Fox asked if the new homes were going to be individual or part of the 125 units.

W. Ritter replied they would be part of the 125 units. He stated if the developer was going to change the scope of the development they would need to amend the special permit and it would require a public hearing. He stated if that happened, the abutters would be notified as well.

R. Ricker asked if they changed the special permit when they did the ANR lots.

W. Ritter replied that the Planning Board is not involved with the Condo Docs; that was governed between the unit owners and the developer.

R. Ricker asked if because the special permit was for 125 units, then the carving out of those lots would change it.

W. Ritter stated that there was not land transferred; they drew different lines but the land was still owned by the same person so it was still governed by the same special permit.

J. Roelofs stated that the special permit governs the whole area. He stated that the lots were resolved by including a notation on the ANR that they are subject to the special permit. He stated that he thinks that the condo docs may be an issue but that it is a different question. He stated the special permit regulates the entire development.

W. Ritter stated that the residents got into the deal with 125 units and everyone contributing and they had been going at it along for ten years. He stated that if there is going to be additional development and those people were not going to contribute to the general upkeep, the current residents were going to be upset with good reason.

W. Ritter stated that if the developer carved the land off he thinks that it could be a violation, however he is not sure they can force any additional construction because that is driven by the market force. He stated in general, he is concerned with the project though.

W. Ritter stated that the practical frustration is that he is not sure that denying the extension is going to make this any better for anyone. He stated they would prefer to see everything built out and have everyone contribute to the upkeep and have it become the community that it was proposed to be but the Board cannot make them do that. He stated they can make them comply with the special permit but they can't make them build the additional 100 units.

J. Michalak asked if the developer plows Teaparty Circle.

A Bonofiglio replied that the developer pays the majority share, and the homes pay 12% of that because they are each required to pay a percentage.

W. Ritter stated that the Town will never take it over because it is a condo.

O. Lies stated that he understands the frustration of the people that moved in. They did so with the expectation of this being completed in a reasonable amount of time and there is still only a small section developed. He stated that he is not in favor of the condition that has construction vehicles only using the NW entrance. He stated that he understands but he would like to see the vehicles get off Newell Road at the first possible point. He stated that he does not think that the entrances should be limited and while he feels their concerns he thinks this would simply shift the burden onto Newell Road. He stated

Newell Road is already highly trafficked and travelled and he is not in favor of this condition.

O. Lies asked if the fill that came onto the site had been tested for contaminants.

P. Harding replied that Town is not required to do that.

W. Ritter replied he disagreed with the access road. He stated that he lived on Newell Road and they are better handled to deal with those vehicles than Tea Party Circle. He stated he would much rather trucks enter from Newell and get those people their final coat of pavement.

P. Harding stated that the base coat was in decent condition but if it was exposed for too long it would deteriorate.

Gayle Robison 94 Newell Road was present at the meeting. She stated that it was on the straightway and that people speed up to the blind curb. She stated it was very dangerous in that area.

A Bonofiglio, 18 Explorers Way stated that the issue was not just the pavement, the trucks caused damage as well to the property.

W. Ritter asked the time frame

P. Harding replied December 5, 2016.

R. Ricker stated that he was not ready to move on the matter tonight.

W. Ritter stated that they were within the time period so if the Board wanted to continue the public hearing they could do so and take the time to drive or walk the site.

J. Roelofs asked if there was any avenue to allow them to do the foundation work before then. He stated that they wanted to get the work done before the frost kicked in and asked if there was any sort of interim approval that the Board could allow.

P. Harding stated that the building permits had not yet been given because of the lapse of the special permit.

J. Roelofs stated that he had not spoken to the building inspector yet but that if the Board allowed for the work to be done then it would be on the building inspector to approve it.

W. Ritter replied that the Board did not speak about foundation approval.

P. Harding stated the Building Inspector was hesitant to approval anything based on the lapse of the special permit.

J. Robinson, 98 Newell Road stated that he felt it was somewhat disingenuous that the permit expired two years ago and now it seemed as there was a big rush for five additional units. He stated that he thought there was enough concern from the residents regarding the foundations and it would be inappropriate to move forward until the formal extension was done.

M. Poulias, 1 Explorers Way stated that he was a trustee and he could understand the Robinson's concerns. He stated that they need to do the site work before the ground is frozen and the best way to do that is to move forward with this approval. He stated that they need to get the building moving forward. He said if the trucks need to use their entrance for site work then so be it as long as Faford will agree to pave it but that they did need to move forward with the building.

W. Ritter asked how the Board wished to proceed.

J. Michalak asked what would be done between now and the next meeting (November 29, 2016.)

R. Ricker stated that he wanted time to do research. He stated that he felt for the people; that this should have already been built out and that if the Board was going to do a special permit then it should be developed in a reasonable amount of time.

W. Ritter replied that he was not sure that the Board could control that.

R. Ricker stated that the people who already bought in were in a hard spot; they had to pay their percentage but had no real control. He stated he felt the Board needed to be stringent conditions.

J. Michalak stated he could agree to that; some time to come up with conditions and visit the site.

J. Head stated he would like a better understanding of the conditions and site as well.

O. Lies agreed. He stated that he would like more time to see if they can craft something more stringent as well. He stated he did not know how they would do it but that if they could do something to expedite the project they should try.

Motion by O. Lies, seconded by R. Ricker, it was UNANIMOUSLY VOTED TO CONTINUE THE PUBLIC HEARING FOR EXTENSION OF TIME-SPECIAL PERMIT/ CONTINUING CARE RETIRMENT COMMUNITY-VILLAGE AT WESTMINSTER PLACE-FAFARD REALTY TO NOVEMBER 29, 2016

Update on New Department of Public Works Building

P. Harding stated that the DPW is in much need of a new facility and they are looking at the Reed Rico site who has agreed to gift the property to the Town.

I McCauley stated that the process began last fall where the Building Committee started meeting twice a month. The process began with thirteen sites that went through an evaluation process and they ended up with two properties; 18 Industrial Drive and 724 Main Street. She stated that after that they worked with Weston and Sampson in order to do site development study and they gave the Committee the cost of what it would be to develop on each site. 18 Industrial Drive was about \$20 Million and 724 Main Street was about \$30 Million. From there the Committee made a recommendation to the Town Manager that the preferred site for the DPW Building was 18 Industrial Drive.

I McCauley stated that the Committee continued to work with Weston and Sampson in order to prepare a site needs assessment and they met with the firm to give input regarding what equipment was needed, area, etc. The Committee also visited three other DPW facilities in the state that were designed and constructed by Weston and Sampson. She stated that the Committee used the scale based on that and the Town's needs and determined that the size would be 74K sq ft. I. McCauley stated that the Committee then continued to work and reduced the necessary size of the site to 61 sq ft.

I McCauley stated that while all that was happening, the owners of 18 Industrial Drive indicated that the Town could have the site at almost no cost. Weston and Sampson did a Phase I review to confirm the condition and reviewed the reports from engineers that worked with the State Department on the contamination sites. She stated that it was determined that it would cost about \$1 Million to do the remediation on the contamination on the property. She stated that the value of the site was about \$2.7 Million.

I McCauley stated that the Committee then recommended to the Board of Selectmen to call Special Town Meeting to acquire this site. The Selectboard had a lot of question for the Committee regarding the cost of maintaining it. She stated that meeting left off with the Board of Selectmen needing more information on maintenance costs and the Committee decided to not move forward with the Special Town Meeting this year in order to do more work on outreach and also to get more definitive answers on things like the liability insurance. She stated they were also working on an agreement where Weston and Sampson would allow the Town to do more assessment of the site.

I McCauley stated that the Committee thought that they would perhaps ask for a Special Town Meeting in the spring and at that point they would have hopefully done a better job with outreach and have better answers as far as insurance and cost. She stated at that point, the Committee is hopeful that the site will still be available to the Town.

I McCauley stated that the Building Committee does feel as though this is the best site for the project. She stated that the estimated cost of the project was about \$20 Million but that was before the project size went from 74K sq ft to 63K sq ft. She stated she is unsure how that will impact the cost of the project.

J. Michalak asked if the Special Town Meeting was in order to have the Town buy the site.

I McCauley stated that the Committee initially asked for the meeting in order to acquire the site however they are not looking for the spring time in order to move forward.

J. Michalak asked if that was the site that they were going to move forward with he asked about the contamination sites.

I McCauley stated that due to the nature of the business that was there the pollutants of concern were chromium and oils. She stated it had been approved by DEP and the remediation activities that they were doing now were satisfied by DEP do DEP is not looking for the town to do anything additional. She stated that they felt as though it was low risk based on what the current owner was required to do. She stated that the Building Committee felt as though this property was worth pursuing and that is why they wanted to recommend acquiring the land.

J. Michalak asked what was there now.

I McCauley stated that she had not been there but that they had let the Town use the site to store DPW equipment and the facility is heated and maintained by the owner.

APPROVAL NOT REQUIRED- R-40 Lot 8, River Street- KREG, LLC

P. Harding showed the Board the plans. She stated that this property was what they had just voted to release from 61a. She stated that they had needed to adjust the lot line to accommodate the 25ft set back and they are exchanging equal area of property so it is not effected by the set back.

W. Ritter asked if there was a lot width issue. P. Harding replied there was not.

Motion by O. Lies, seconded by J. Michalak, it was UNANIMOSLY VOTED TO APPROVE THE APPROVAL NOT REQUIRED FOR R-40 LOT 8, RIVER STREET, KREG, LLC.

ZBA UPDATE

W. Ritter asked if there was any update on Summit Wynds variance.

P. Harding replied that they were issued a cease and dissects and they would be subject to fines if they continued.

W. Ritter asked about the appeal period.

P. Harding replied that there is a 14 day period from the date of complaint and that the owner has 30 days to file an appeal which would then go back in front of the ZBA.

APPROVAL OF MINUTES

Motion by J. Michalak, seconded by R. Ricker, it was VOTED TO APPROVE THE SEPTEMBER 13, 2016 PLANNING BOARD MEETING MINUTES AS PRESENTED BY A VOTE OF 4-0-1(J. Head: abstain).

Motion by R. Ricker, seconded by J. Michalak, it was UNANIMOUSLY VOTED TO APPROVE THE SEPTEMBER 27, 2016 PLANNING BOARD MEETING MINUTES AS CORRECTED.

MISC

J. Michalak asked about the marijuana bylaw. He stated that they Town can come up with restrictions that they could limit the area in which they could operate. He asked if they could visit this.

W. Ritter replied that they would have to wait to see what happened as they could not pass a bylaw ahead of the statute.

Motion by R. Ricker, seconded by J. Michalak, it was UNANIMOUSLY VOTED TO ADJOURN THE OCTOBER 25, 2016 PLANNING BOARD MEETING AT 9:38PM.

APPROVED: _____