

Present: William J. Keller, Jr. (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Michael Fee, Eric Poch (Associate, arrived 7:50),
Jody Kablack (Planner)

The meeting was called to order at 7:45 p.m.

**Whitehall Estates II Definitive Subdivision Modification –
*Public Hearing/VOTE DECISION***

Bill Keller read the hearing notice into record.

Jody Kablack reviewed the project with the Board. The proposal is for property located at 427 Concord Road. Originally there were 4 lots, including an existing house on Concord Road. Frontage was gained on the original subdivision with access through the driveway under conditions not to damage the trees or aesthetics of the area. In the original plan, the utilities went through the right-of-way. Many trees have died since that time or are sick. This modification plan, which is presented by a different owner than the original subdivision, runs the utilities through the driveway and access is via a T-turnaround. This will allow for the pasture to remain untouched and saves the existing barn. The proposal meets the Town Engineer's approval and provides a simpler access for all 3 lots.

Bill Keller addressed the people in attendance; the Planning Board had a preliminary discussion with the applicant and was very familiar with the modification proposal. He opened the hearing to the public; there were no comments or questions.

Chris Morely: What about the comments raised in the memo from the Conservation Coordinator?

Jody Kablack: The first comment regarded wetland delineation – the lot has already been determined. There were no other issues with the other comments.

Lisa Eggleston: This is a 3 lot modification – does the local bylaw make it inclusive for fewer than 3?

Jody Kablack: No, there have not been any changes to the bylaw.

Mike Hunter: There's no plan to replace ash trees?

Jody Kablack: No, there is no planting plan.

Tracy Boehme (Trustee for the applicant, Whitehall Realty Trust):

They have contacted Lexington Tree Service and it was recommended not to use Ash but Oaks instead. The Oak trees require a shorter travel distance and would have a better survival chance.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on Whitehall Estates II Definitive Subdivision Modification.

The Board reviewed the draft Decision prepared by the Town Planner.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Decision for the Modification of Whitehall Estates II as written.

Frost Farm – Request for Bond Reduction

Present for Frost Farm: Phil Hresko, Bob Yelton, Rich Garaffo, Bruce Ey (Engineer).
Bob Yelton: In August of 2001, there was an infrastructure agreement in which the bank held retainage of \$580,000 until site work was completed. In July of 2002, work had progressed very well and the Town Engineer set a new estimate of \$240,000. There were 11 unfinished items at that time which were completed in the fall of 2002. The first occupant went in November of 2002. It was a very heavy winter/spring season in 02-03; very heavy precipitation. They met in the spring with Jody Kablack and Bill Place to discuss drainage modifications which were repaired throughout this year (spring, summer, fall). The applicant opines they have completed 90-95% of the work with regard to the \$240,000. They have requested the Town Engineer prepare another estimate to reduce the bond amount (submitted today). Also submitted on that request is a list of items they have completed. Under the terms of the AIGA conditions, the performance bond is still in effect. The Town is a dual obligee protected (general condition of the contract with Aegis Insurance). A one million dollar + bond covers the remainder until the point the Board determines work is complete.

Bill Keller: In terms of warranty; how long does that survive?

Bob Yelton: Until the Town rules it is completed.

Jody Kablack: The Planning Board is not a party to that warranty, the Town Manager signed it.

Bill Keller: Was the revised cost estimate done prior to the As Built Plan?

Bob Yelton: Yes (\$240k).

Bill Keller: It should match the plans but it doesn't.

Bruce Ey: The As Built Plan was completed with all the data they could physically find. There is some documentation from contractors stating what is missing. The vertical alignment was adjusted. In general, it follows the design with the greatest change being a 3' vertical road adjustment (horizontally it was okay). The design rims are 3' lower than designed. The sewer laterals, manholes and catch basins have all been inspected; there is

an approximate 1% slope on all 6" sewers. The quality of the sewer man holes is fine (pre-cast); there is an elevation change but the cleansing velocity works. He has certified to the Board of Health they are adequate slopes to the sewer pipes with 1/2 of 4" connectors from house to street no flatter than 2%. Not aware of any problems with the collection system.

Lisa Eggleston: Was the vertical adjustment specific to the road?

Bruce Ey: No, inverts and rims also.

Lisa Eggleston: Everything was moved together, not one to the other?

Bruce Ey: Yes, clear attempt to flatten the site (many slopes) – never below the minimum amount. From the Board of Health's view the collection system works (manholes went in). Some houses were adjusted vertically and horizontally; the lease line was adjusted from the As Built; meet setbacks. It appears the slopes were fixed; the sewer collection system is in good shape. Some equipment had been pulled off the market so they substituted with Bio-clear system which is functioning biologically, well initiated; 2 bio-clear units, vent was not originally designed (too close to the unit). It appeared some residue was going into the system that shouldn't have. This has been corrected (homes # 58 + 60). Air was blowing in causing a problem so they will move the bio-clear vent further away (the vent from the bio-clear unit itself was causing the odor). They designed the bio-filter and implemented it to be blown in at a lower rate with an 8" pipe, covered by wood chips. Normal maintenance to replace the chips once a year. The leaching field is in exact accordance with the plan. Excellent septic system; putting out clean water. The biological process sometimes causes odors – the wood chips will take the odor out; however, there may still be an odor coming from the roof vents. It was the Department of Environmental Protection who demanded a 23k gallon septic tank; which was much bigger than the applicant wanted.

Bruce Ey: The septic is in; the vent is taken care of (filtered) and is tested monthly under a provisional permit. This will be the case until the DEP releases it. The biology has to adjust to the flow.

Drainage; will have to certify with the Conservation Commission – basin is 22% short on volume, however, originally it was over designed. A slowdrain and liner went in and works well. This will be certified with the DEP. They may need to move the Conservation trail as it will always be wet. There is no overflow, even with inclimate weather.

Lisa Eggleston: This was sized to do what?

Bruce Ey: Retain the first inch of run-off and detain the remainder. It was re-routed; coming very close, zero impact on adjacent wetlands. They prefer not to recover 22% volume, disturbance reasons plus it meets criteria. Due to vertical alignment, the catch basins were adjusted. The quality is good (pre-cast concrete), elevations were adjusted. The collection system for drainage will work, will function as designed and won't back-up. There is puddling in some areas.

Lisa Eggleston: What about surface grating to the catch basins?

Bruce Ey: Water sheds stayed the same. They will set-up survey control for the contractor.

Chris Morely: So were you aware they were lowering it?

Bruce Ey: Not until later into the construction; the grade was steeper than the plan. Then discovered the road was lowered. Basic infrastructure found water gates, appears the water line went in where planned and didn't affect the water, no concern with pitch. The site contractor measured ties to water – will submit findings. Believes the Water Department saw this. He feels confident about the sewers, deep sump catch basin all in place, happy with drainage and sewer collection system (with the exception of few houses which still have adequate grate). At their last visit on October 20 with Jody Kablack and Bill Place, they saw some water puddling (in 3 areas). They noted one catch basin on Meeting House Road – water weeps off lawn but will not flood – the road wasn't crowned properly. There is small ponding by the curb and driveway at #63 which is easily resolved with a swale. Vegetation is stabilizing, no erosion, infrastructure standpoint showed location of road, pavement intact.

Bill Keller: What's the consequence where the road is bad (flat)?

Bruce Ey: Puddles; ½% pitch makes paving impossible, water on curbs, the end result will be freezing (slippery). The road could freeze and thaw, thus it will deteriorate quickly. The person at #58, the water is ¼ to ½ inches deep at maximum. Much larger ponding area at that driveway is solvable. The catch basin at Meeting House Road wasn't a problem after the recent storm; not all of the road is too flat.

Phil Hresko: Presumed elevation, contour was developed on site. Didn't want greater than 8% slope where people drove in and out. Adjustments were made to maintain under 8% slope, found to be more of a flat area. In reality it was harder to judge with contours different in the field. They didn't want to go up and down the curb. There were adjustments to field conditions; considered minor at the time. It was not an attempt to cut corners; they were trying to stay in the design perimeter.

Bill Keller: As a lay person, he is very uneasy with the elevation being lower than on the original plan – problematic puddles resulting.

Phil Hresko: There are very few puddles – at the time people moved in there was a large pile of earth. There had been a very early freeze and snow cover. The berm was at 6' and they lowered it to 3'. The water is not at peoples' doors – they feel they have made it better. Units 44-46 now have their lawns established; proper grades and swales have been established.

Bill Keller: That was as recently as?

Phil Hresko: One month. They acknowledged issues and have made them better. Things were not arbitrarily done; they tried to develop at a limited sale price. The signed plan from April shows one sewer connection and one water connection. Now there are two of each, paid at their expense. They have not been trying to take shortcuts.

Lisa Eggleston: What about the grading being certified?

Bruce Ey: Are you asking if I can certify where the grades are now?

Lisa Eggleston: Can you certify that they function as designed?

Bruce Ey: From a drainage standpoint.

Lisa Eggleston: Detention basin valve run; was the drainage area revised?

Bruce Ey: No, it wouldn't make a difference on the water shed. There are no qualms of drainage system working as well as the sewer.

Lisa Eggleston: Is it certified below grade plans?

Bruce Ey: Have to go below ground; pavement is the right width, the surface is fine.

Lisa Eggleston: Was there an adjustment in elevation relative to the buildings?

Bruce Ey: There was a little more slope from the houses to the street; originally had to soften the slopes according to use.

Bob Yelton: There are pages in the packets we submitted which show where there were issues with elevations and the resolution with additional piping/drainage.

Lisa Eggleston: The Board is interested in how the drainage has been impacted in the situation.

Bruce Ey: From a wetland standpoint, it's a good impact. From a residential standpoint, not good. There has not been any attempt to hide issues. It is a flat situation, they tried to keep houses low and the slopes down.

Jody Kablack: Bill Place is still reviewing the situation, but would agree that the septic and detention basins function fine. The main deviation and tenant concerns are:

- The foundations are significantly lower in the field than planned
- Two spots in the road were flattened without approval

Both Bill Place and Jody Kablack told Bay Avary last December about these issues.

They brought the excessive puddling in the driveway concern to Bay Avary's attention and had to nudge them along in effort to resolve. The problems were worked on slowly with a lot of the work being done in the last month. It is the end of the season now and it can't be experienced how these late improvements are functioning. The bond is never released in this type of situation.

Bill Keller: The Board needs direction in writing.

Bruce Ey: In the flat areas it's not feasible to go back and make adjustments, nor is it feasible to rebuild the road. The banking has to be pushed out to get the water off. The right approach is being taken, feels it can be solved this way. As the vegetation improves, the conditions will also. That would be next spring as there is no vegetation now.

Lisa Eggleston: The detention basin design; sediment forebay?

Bruce Ey: No.

Lisa Eggleston: Was it done before the storm in October?

Bruce Ey: Yes. They are still working on the baffle in the detention basin design.

Lisa Eggleston: DEP standards in terms of the liner; the only required write off is Conservation?

Bruce Ey: Yes; sewerage disposal is certified by the DEP and the Board of Health.

Bill Keller addressed the Board for questions. They had none.

Bill Keller: We need to get the Town Engineer's input. We are in receipt of a letter from the Trustees of Frost Farm. In summary, we will proceed cautiously and carefully. We will review all input. At this point any specific comments should be forwarded to the Planning Board.

Audience Member (unidentified): Will the Planning Board notify all Frost Farm residents prior to any vote?

Bill Keller: We will most likely notify the Board of Trustees.

Audience Member: Can you provide an outline of the items covered by the bond so we know what is germane and what we should address as appropriate to the Planning Board?

Bill Keller: Thank you for that question. In the big picture, it includes infrastructure; the roadway, drainage, etc.

Jody Kablack: Basically anything approved in the Site Plan. It does not include anything interior to the units.

Audience Member: "Schedule A", attachment to infrastructure agreement, is it specifically those items? Will we have the opportunity to address the items?

Bill Keller: Yes.

Bruce Ey: We will meet with Bill Place and go over the As Builts to check grades, elevations and anything else he wants addressed.

Audience Member: Problems cannot be determined now- is it appropriate to address after a full thaw to accurately portray conditions?

Bill Keller: That will be discussed.

Bruce Ey: May have extreme weather coming up; could measure then.

Lisa Eggleston: They would not be full conditions.

Audience Member: The Trustees should be notified in advance of discussions.

Bill Keller: The Town Engineer needs to do his work. He will write a report of the outcome. You are welcome to attend future meetings where this will be discussed.

Nancy Lewis: There's a need for appeal of concerns by tenants. These issues need to be heard. The Town has a responsibility to us and they want a chance to address the Board in the future.

Jody Kablack: Submit a letter to the office if you want to meet with the Board and we will schedule something.

The Frost Farm discussion was concluded at 9:30 p.m.

Verizon Wireless Facility, Wayside Inn – WRSP Vote Decision

The Board reviewed the draft decision prepared by the Town Planner.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Decision for granting a Water Resource Special Permit to Verizon Wireless as amended.

The Board discussed additional matters relevant to Frost Farm.

Mike Fee: We haven't seen the payment and performance bond; we do not know what is covered. The Infrastructure Agreement clearly says we have the discretion to determine if the work was properly completed; extremely subjective criteria.

Lisa Eggleston: There are ambiguous areas; Bruce Ey hasn't or can't certify.

Lisa Eggleston: The bond amount is based on being built to plan – this calls for regeneration of bond estimate for “fixing”.

Jody Kablack: They’ve never provided a remedy plan. We would be liable for too much if we generate it.

Mike Fee: We should generate a document listing what is wrong and what is necessary to fix it.

Jody/Eric: We have done that.

Mike Fee: But specifically erect resolutions.

Jody Kablack: Paul Kenny has told them they need to provide resolutions.

The Board wanted it on the record that they further discussed Frost Farm and is not eager to make a decision until they have a resolution to the issues.

Lisa Eggleston: We don’t bond conservation requests – need to do separate bonding. The Board instructed the Town Planner to send a letter to Citizens Bank informing them the Board is entertaining a request for bond reduction and ask the Bank what the retainage is.

Dakin View Subdivision – Request for Extension

Jody Kablack briefed the Board on the status. Mr. Maillet said they have 5 more houses to build within 1-2 years. They did put a walkway in on Dakin Road. She suggests the Board give the developer 6 months to pave to the cul-de-sac.

On motion duly made and seconded, it was unanimously;

VOTED: To grant an extension to June 1, 2004. The Board will revisit with the final coat on the cul-de-sac and walkway on Dakin Road.

2004 Annual Town Meeting Articles

Sign Bylaw

On motion duly made and seconded, it was unanimously;

VOTED: To submit the Sign Bylaw revision as an article for 2004 Town Meeting.

Designate Frost Farm Land

The Board requested the Town Planner to send a letter to the Selectmen requesting the proposed article to designate the remaining Frost Farm land as Conservation Land be withdrawn until all issues with the development are resolved. They also instructed her to communicate this to the Conservation Commission.

Cutting

On motion duly made and seconded, it was unanimously;

VOTED: To send a letter of support to the Community Preservation Committee to put the Cutting Proposal on the project list.

2004 Bonding Policy

On motion duly made and seconded, it was unanimously;

VOTED: To adopt the 2004 bonding policy prepared by the Town Engineer.

Miscellaneous:

Planning Board 2004 Submission Report

Jody Kablack: Upon further review, there were actually 7 lots approved by the Planning Board this past year (Willis Hill II, Lawhorn). Also, there were 2 Senior Housing Developments.

Meeting Schedule

The Board will meet on the following dates:
1/14/04, 1/28/04, 2/11/04 and 2/25/04.

On motion duly made and seconded, it was unanimously:

VOTED: To go into Executive Session to discuss litigation. (Roll Call Vote)

ANRs

Mercuri Estates; to change lot lines, Mercuri Lane

On motion duly made and seconded, it was unanimously;

VOTED: To endorse the ANR plan of land for Mercuri Estates.

The meeting was adjourned at 11:30 p.m.