

**FRANKLIN PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING –
COUNCIL CHAMBERS
Wednesday, May 27th, 2015 at 7:00 p.m.**

Call to Order: Chair Brian Colburn called the meeting to order at 7:04 p.m.

- Pledge of Allegiance
- Roll Call

Present: Brian Colburn, Tim Flaherty, Timothy Stangroom, David Veysey, Michael Freeman, Mayor Ken Merrifield, Anthony Giunta, Brian Sullivan, Ted Starkweather, David Testerman and Planning and Zoning Assistant, Angela Carey.
Absent: Jo Brown and Powell Glenn.

Member Veysey was seated in place of absent voting member Powell Glenn and Member Flaherty was seated in the vacant voting member Jo Brown, for tonight's meeting.

❖ Approval of Minutes: April 22nd, 2015.

MOTION: Mayor Merrifield and Member Starkweather seconded to approve the minutes of the April 22nd, 2015 Planning Board Meeting. All were in favor of approving the minutes as amended.

Old Business: None.

New Business:

At this time, Mayor Merrifield and Member Giunta recused themselves.

- Seven (7) Site Plan Review Approval applications are being presented by NH Solar Gardens, Applicant, and Nobis Engineering, Engineer, to build community Solar Garden arrays on seven (7) properties in the City of Franklin. These properties are identified as:
 - **P15-004:** River Street, Tax Map/Lot # 123-403-00, C Zone (Conservation District) and RR Zone (Rural Residential District), owned by the City of Franklin.
 - **P15-005:** A second area located on River Street, Tax Map/Lot # 123-403-00, C Zone (Conservation District) and RR Zone (Rural Residential District), owned by the City of Franklin.
 - **P15-006:** 73 Punch Brook Road, Tax Map/Lot # 082-409-00 [I-1 Zone (Industrial District)] and Salisbury Road, Tax Map/Lot #082-401-00 [C Zone (Conservation District)], both owned by Concord Regional Solid Waste Resource Recovery Cooperation (CRSWRRC).
 - **P15-007:** Hill Road, Tax Map/Lot # 091-007-00, C Zone (Conservation District), owned by the City of Franklin.
 - **P15-008:** 79 Hill Road, Tax Map/Lot # 114-039-00, R-1 Zone (Low-Density Residential District) and B-1 Zone (Low-Density Business and Commercial District), owned by the City of Franklin.
 - **P15-009:** Commerce Drive, Tax Map/Lot # 102-402-00, I-1 Zone (Industrial District), owned by Franklin Commons Realty Group, LLC.
 - **P15-010:** Industrial Park Drive, Tax Map/Lot # 082-408-00, R-1 (Low-Density Residential District) and I-1 Zone (Industrial District), owned by Stanley S. Weglarz.

MOTION: Member Sullivan moved and Member Starkweather seconded that the Franklin Planning Board vote to accept for public hearings the 7 seven applications from the applicant NH SolarGarden. The

projects are located on a combination of City-owned parcels, and privately held parcels, and are referenced as P15-004 through P15-010. All were in favor and the motion passed.

Andrew Keller was present to speak for the application. He stated he is the representative from NH Solar Gardens. He indicated they came in and introduced the project to the board last month. They took the information back to the office and have come back with plans to continued the process and for site plan approval.

As a quick update he stated they have begun the initial process with Eversource and it was positive. He stated engineering studies will now take place. He stated Eversource is looking at all of the projects as a family and not each as an individual, which will save expenses and time. He stated there have been no constraints and this has been a positive project.

He stated the most important component in developing the community solar project is finding the locations. One is by the Waste Water Treatment plant, and has good sun exposure.

Panel connect to the grid system and the energy is moved to different locations. The NH law governing solar gardens was passed a year and a half ago.

He then explained the sites:

- 1) The first site is a piece on River Street.
- 2) The second site is adjacent to the above and is another site where power will go onto the grid for the Waste Water Treatment plant.
- 3) The third site is the ashfill, by the landfill, and the parcel is to be deeded to the city.
- 4) The fourth site is on Hill Road by the sand pit, with minimal impacts and minimum need.
- 5) The fifth site is the Water facility off of Hill Road, which is a sensitive site and will need to be treated the same way as landfills. The array will be kept on top of the soil, using concrete pads that they will be connected to.
- 6) The sixth site is the Weglarz property, which is a good location and site. This site will require the most amount of clearing.
- 7) The seventh site is off of Commerce Drive, in the area of Industrial Park Drive, and an area for future development will be maintained.

Angie indicated that for the two properties, that we received the wrong parcel identification information for last month, the abutters were sent a notice along with the minutes, so they could be kept up to speed on the discussion that already occurred.

Member Starkweather asked if a roadway off of Manuel Road would be put in to access the land beyond the array. Chris Adams, from Nobis, stated there is already a gravel access road. The panels will be a in row. There is already an easement for access. It was asked if the setbacks would be maintained of 25' to each property line from the new subdivision line and it was indicated it would be. Member Starkweather clarified his question and stated if the remaining land wanted to be used in the future for another use would there be access to the land and it was indicated they do not plan on putting any additional access in.

Member Stangroom asked if there would be any state funding. Mr. Keller stated they would not be and they would receive a federal tax credit. He stated the reason they scaled up the project was that when they started project sizes were small, but the smaller projects cost more. He stated state funding has no impact on their project.

Member Veysey asked why the Water Treatment facility was sensitive. Mr. Keller stated they had the opportunity to build within the infrastructure, but want to build outside of it. The site is sensitive. They are looking at pile driving posts, or if there is a concern then they will install concrete ballast blocks with crush stone under them and the panels would be on top. There are two areas of the lot that allow them to build.

Member Testerman asked if after 2-3 years if the incentive is gone, how account for the project and will it sit there unattended. As was discussed at the prior meeting, it was indicated that if something happened, though nothing will, that the bank would take over and step in because the sites bring in money. Member Testerman asked about inspections and it was indicated that as was indicated last month, they will mow 2-3 times a year, and the electronic components would have a warrantee, so if something went wrong things would be replaced. If something happened with the converter it would be replaced within a day as they won't want to lose any money. Mr. Keller explained that income is based on the project and repairs would be done in a timely fashion. It was indicated there is insurance.

Member Starkweather stated the board went over the decommissioning before, but asked Mr. Keller to go over it again. Mr. Keller stated there would be language in the lease about removal and restoring the land to its previous state. Everything would be taken away and this lease flows with ownership. Mr. Keller added that there is language in the lease that protects the city and tax payers and there is value in the equipment, so they do not have to escrow a lot of money. Member Starkweather asked Mr. Keller if he had seen the lease and he stated that he has not, that it came back from the City attorney with comments. Member Starkweather asked if there would be an escrow account for unforeseen circumstances and Mr. Keller stated if he company was decommissioned then the financial organization would acquire the ownership and the lease would fall with them. Member Freeman stated that this part of the discussion lies with the City Council and not the planning board.

Member Colburn stated the Board's responsibility is setting the language of the conditions. Member Stangroom asked if there would be a bond and Member Colburn stated that would be worked with the City Manager, the City Attorney and the Council. It was indicated the City Attorney is providing guidance on that process.

Public Comment

Mr. Fife was present to speak. He stated there are seven solar sites and two are on River Street. He added that two of the 7 sites account for 70 acres. He stated the River Street site needs to be subdivided. He stated that he has farmed this land for 50 years and farms 20 acres. He stated this land provides a great deal of his corn production, for feeding his 300 head of cattle. He stated he is on board with solar production, but as a crop producer the crop is an energy source for his cattle. He stated it is critical he is able to continue to farm this land with the little farm land that is available. He asked the board to not allow these two sites to affect his farming. He stated there is 15 acres of land that is not affected by his farming and wanted to know if they could use that. He stated he was originally told it would only be 2-3 acres used. He stated he spoke with Andrew 3-4 weeks ago and was told that PSNH has said only one area was usable. He stated there are beavers in this area and wetlands too. He stated he hopes they do not allow them to use land that is farm producing.

Member Stangroom asked how long the lease is in affect and Mr. Fife stated it is year to year and ends in April. He stated if the city leases to Solar Gardens it would behove him to find new land. Member Stangroom asked for clarification that the lease is going to expire and there is nothing guaranteeing that it will be re-signed and Mr. Fife indicated that was correct.

Member Flaherty asked Mr. Keller if he knew where the farming was taking place and if it would be affected. Mr. Keller stated he is not sure of what portion is being used. Mr. Adams, from Novis, stated they are attempting to stay out of the wetlands area and the 250' Shoreland protection area from the river. He stated he is not sure where the farming takes place and how it will be affected.

Member Starkweather asked how much acreage would be involved with the two arrays. Mr. Adams stated if they subdivide and create two lots then the area would be approximately 17 acres. He stated each box would be 5 acres so there would be a total of 10 acres with arrays. Member Starkweather asked if they have considered moving the arrays and Mr. Adams stated with the wetlands, the Shoreland protection area and the slope area that wasn't an option. Mr. Adams added that after they receive approval they will look at the land closer and can look at other areas as options. He stated they would like to compromise for both uses.

At this time, they then looked at the map and Dan Fife showed them the area that he farms.

Member Colburn stated the board could make a condition to approve that will look at the siting and review other options to see if there is limited access to the agricultural land. Member Stangroom stated that this falls under the City Manager, the City Attorney and the lease agreement. Member Testerman stated he would like the parties to be able to work it out, as the city has already taken land from Fife.

Member Keller stated the reason the site was considered was he wasn't aware of this use. He stated they didn't want to use land that extends the process by needing wetlands approvals or Shoreland approvals. He stated he doesn't want to create a loss to anyone and if they are able to adjust the location they are happen to, in order to minimize the impact to the agricultural use. He stated they should lean on City staff to work that out. Mr. Keller stated they need to attempt to stay away from land that is above a 15' slope.

Member Sullivan asked Mr. Fife if some of the land he leases is owned by the State and he stated it is. Member Sullivan asked how much of the land and Mr. Fife stated 25%. Member Sullivan asked if Mr. Fife has a lease from the State and he stated that he does not. Member Sullivan asked Mr. Adams if the land being used for the solar was just city land or state too and Mr. Adams stated it is all City land. Member Colburn asked the board if they were okay with this being worked out at the Staff Level. Member Veysey stated that conditional approval is premature at this point and that the details of the lease need to be received or an alternative proposal submitted and come back.

Member Sullivan asked if it was possible for the applicant to come back to the board for the workshop meeting. That way a site visit could be done and they will have a better orientation as to the location of the farm land and the City, the applicant and Mr. Fife can walk the property. Member Sullivan stated he would like the other properties to be moved along.

Member Flaherty stated that the board needs information on the legal documents. Member Colburn stated the Planning Board cannot discuss the lease. The board is only approving the use and does not have the authority to say who the city can or cannot lease to.

Member Freeman asked if there were any other leases on any of the other properties and Member Sullivan stated there are not on the City properties, but he cannot answer for the Weglarz property. Mr. Keller stated there are not any other leases that he is aware of.

Member Sullivan stated the City Council will ultimately approve or deny the lease agreement and asked Mr. Keller if he would have any problem with getting a map for everything the board needs. Mr. Keller stated that the initial conversation was about this years crops, and this will not affect this years crops as it wouldn't be built until October when the harvest is done.

Member Sullivan stated there is a lot of area at the gravel pit. Mr. Keller stated they can move it away from the agricultural land but will need some of it. Member Starkweather stated he would like to see the other applications moved along. Chair Colburn stated a motion to approve could be done without doing application P15-004 or P15-005.

MOTION: Member Sullivan moved and Member Veysey seconded that the Franklin Planning Board issue Conditional Approval documents to the collection of NH SolarGarden projects, which are referenced as File ID numbers P15-006 through P15-010. The findings and conditions of approval for each individual application are as outlined in the draft approval documents circulated to the Board, which were reviewed and approved, with any modifications as noted in the Minutes of Record. All were in favor.

MOTION: Member Veysey moved and Member Starkweather seconded to continue applications P15-004 and P15-005 to the Planning Board regular meeting, scheduled for June 24th, at 7:00 p.m. in Council Chambers. All were in favor and the motion passed.

No Public Comment

Other Business

- Discussion regarding the Family Dollar Property located at 785 Central Street, identified as Tax Map/Lot # 147-401-00.

It was indicated that in the packet, there was correspondence. The Hamel's and Jake Seaton were present for the discussion.

Member Colburn stated that himself, Brian Sullivan, the Hamels and Jake met at the site on the 20th of May. There were suggested improvements and changes to the site plan that were proposed. The City Staff continues to be concerned on the changes that were done on the site, that didn't correspond with the approved site plan. The abutters are concerned due to issues they have had with their lot. The decision will be placed in the hands of the board this evening. The question is whether we allow them to continue to deal with the Staff or if the board wanted to make a motion that they come back for a hearing, so that abutters are notified, and submit a revised site plan showing the changes based on the staff concerns. He stated that Hunt can address the board this evening and the board can ask questions.

Member Sullivan stated that City Staff have been dealing with this issue. He stated that with Dick being out, he has taken over for Dick on the review of the site. He stated he has expressed upon Hunt the need to respond in a timely fashion and correct the issues. He stated he spent most of the day on Saturday and Sunday working on this project. He stated regardless of the Hamel's concerns, the site is not in compliance with the site plan approval. He stated he has been trying to work with Hunt and every time they come to an amiable solution, it is removed and they come back with a new suggestion to save money. There have been numerous concerns over the course of the construction process. He stated the gate box was hit for the water shut off, and there are drainage concerns and landscaping issues, as well as a pipe that was put in and is too small. He stated regardless of the Hamel's issues, which consist of people driving across their property to the Family Dollar property, which has caused their driveway to crack and break, as well as other drainage issues.

Member Sullivan stated that as of yesterday, when Mr. Seaton submitted plans, everyone thought the issue had been resolved and then this morning a new plan has again been submitted. He stated receiving the new plan this morning, after he thought the issues were resolved, was very disheartening. He stated that Family Dollar should have the right to continue to do business, a temporary extension to the Temporary CO could be issued with conditions and the first temporary CO was issued in January and nothing has been done. There were problems with the sequencing of work, with the vegetative cover, but now board involvement is necessary. If the applicant had come in with the plan that was proposed yesterday, the board would just be voting on allowing City Staff to continue to work with the applicant; however, City Staff have spent many, many hours on this to no resolve. If the plan that everyone agreed on had not been changed, everything would be okay, but since changes have been made and a new plan, board involvement is necessary. Member Sullivan stated he is not comfortable that City Staff and the applicant can come to an agreement.

Angie Carey then handed out the plan that was agreed upon yesterday and a copy of the plan that came in this morning so the board could see the difference.

Member Colburn stated the board needs to make a decision as to whether they will continue on staff level or if a revised site plan is necessary.

Mr. Jake Seaton stated that he thought the meeting was successful. He stated the issue with the change this morning was due to the Temporary CO and nothing in that pertained to drainage. He stated an 8" pipe was put in and not a 12" pipe, and they are willing to work with the city. He stated a temporary CO was issued by Dick and is about to expire. The proposal was to repair and replace the driveway, keep it intact and keep people from traveling through Hamels to the Family Dollar property. These items were worked out on the new plan of this morning. He stated the three items of the TCO did not include the water issues and the Planning Board does not issue the Temporary CO. Chair Colburn

stated concerns of the erosion were covered in the TCO. Member Sullivan stated the issues that were not done per the approved Site plan included, but are not limited to:

1. Ground Coverage and landscaping, the hydroseeding was done way too late;
2. The winter was harsh and there has been no water activity since, so we cannot tell if the pipe will be adequate for drainage and it hasn't been proven that it is, as the pipe is too small;
3. There are guidelines to follow to establish 75% ground coverage;
4. There are erosion control issues and the problem areas have not be touched this year and could've been done a month ago;
5. The plans approved by the Planning Board were suppose to be followed and they were not and his notes go back to January on this;
6. Issues that are put into a TCO are typically the building issues and in January we didn't know that there would be problems with erosion and traffic as there was snow on the property. These issues have recently arisen and as the property has not been done to plan, now a new TCO or final CO will not be issued until some kind of resolution is in place.

Member Sullivan stated that some other issues that are a concern are:

1. Boundary line of Hamel's property;
2. Non compliance of landscaping;
3. Trench area resolutions needed;
4. Curb stopping pulled up by excavator;
5. 8" pipe, engineer said would handle a 10 year storm and the Site Plan regulations call for needing to handle a 25 year storm and this hasn't been determined; and,
6. Boundary line issues need to be worked out;
7. Drainage;
8. Basin if will be overtaxed.

The building is so close to the property line that the swale is the best option. The issue of the 8" pipe was overlooked and Dick should have brought it back to the board when it was brought forward.

When they came to the board the board waived the need for an onsite engineer and that was a bad decision, and this is the reason why we are in this predicament.

Member Starkweather asked if the two plans they just received, if one was for the front and one was for the back. Member Sullivan stated they are not, they are both for the lot line between Family Dollar and Hamels and one was agreed upon yesterday (he then pointed out that plan) and one was submitted this morning in place of the other agreed upon plan.

Mr. Seaton stated it isn't like they haven't been working on the project. He stated they have recommended the swale and crushed gravel.

Bill Hamel stated that he came in to the office in January and told the office that an 8" pipe was put in and not a 12" pipe. He indicated he has stated from day one that he is not here to stop growth, but he wants it done right. He stated the elevation was done wrong, the retention basin size was wrong, the pipe was wrong and signed off by an engineer for Hunt Real Estate, and the driveway was never dug up. He stated the Temporary CO was issued when it shouldn't have been, and Family Dollar could've stayed where they were and continued to pay rent there. He stated that Hunt Real Estate just wants the property turned over to Family Dollar and when they are gone the problems will still be there, but they will be gone. He stated that he has informed Family Dollar that the garage on his property could be removed and the backyards could be fixed to flow as one. Mr. Hamel stated when he sold his property on Ward Hill Road, he had to remove a wall for an unapproved family apartment and the next week the buyer got approval to put it back in. He stated he is not asking for too much and just wants them to be in compliance. The fact the building was allowed to be built without any setbacks and then the board changed the setback requirement afterwards due to the problems with this building. The building could've been moved over.

Mr. Hamel stated he has sought council and he doesn't want to go any further because he wants it done right. He stated they thought they had come to an agreement and then again the plans changed and he wasn't even included in the email with the new plan. He stated that extending the CO extends the time frame that they will have to deal with the issues.

Mr. Hamel stated he spoke with Jake in January about the drainage, asphalt, snow piled against his garage and other items. This has been an ongoing issue for too long and now he wants it done and done right. He added that the footing was dug up and the loader operated while the loader was being used while other work was being done.

Mr. Hamel stated that he has a home, his family and his businesses in Franklin. He stated he is staying in Franklin and as soon as Hunt gets their approvals they are gone.

Member Sullivan stated he would prefer to see the CO extended and for Family Dollar to not buy the property until the work is completed. An agreement needs to be come to. Richard sent a letter to Doug Murray and Doug Reynolds back in November on the 20th, where he noted the 8" pipe and asked for the calculations. The calculations were suppose to be in once the parking lot was paved and when they came in they were for a 10 year storm and not the 25 year storm that the site plan regulations call for.

Member Testerman asked about the issues of compliance and stated that if the city has issues with them being out of compliance then they should shut them down, and maybe then they will get everything done.

Member Starkweather asked about the worksheet that shows the flows at .652. Member Colburn stated those calculations are for a ten year storm and the City's regulations call for flow determinations for a 25 year storm. Member Starkweather stated they need to be given a time line to get the work done and get it done right.

Member Flaherty indicated that his opinion is that they need to spell out specifically what Brian outlined today and Hunt Real Estate needs to do it and get it done by the time the Temporary CO expires or no further occupancy.

Chair Colburn asked if the board wants formal revised engineered site plans. The next time the board meets is the 24th and the Occupancy permit expires before that. The developer wants plans approved in order to build it so they don't have to go back and change after. This process has been going on for five plus months and putting a padlock on the door is not going to help the issues. He stated his recommendation is to allow City staff to determine how to handle the TCO, but have them come back to the board for the June meeting with revised plans, abutters will be notified and all concerns can be heard.

Member Sullivan stated that TCO's are always handled by Richard and Chuck. If the City gets an engineer, then the Board can lean on the engineer who can submit a letter indicating what portions of the site are in non-compliance. Member Sullivan stated that no matter what the engineer or Richard new at the time of the Temporary CO, the 8" pipe will not be able to handle larger storms and the water will end up somewhere, either in the building, on the neighbor's property or in the retention basin. There is one basin with an 8" pipe leading to it when a 12" pipe was called for. They could have accommodated a 12" pipe and it should've been done no matter what. When the 8" pipe was done, a waiver should have been done and approved prior to it being put in, but it wasn't. The site needs to be brought into compliance. The conditions and the approval were in March of 2014 and it is over a year later.

Member Sullivan added that he would recommend doing the TCO as his feeling is that it is not Family Dollar's fault and the issues cannot be resolved by June 14th. He stated he would recommend a TCO being issued, getting the City Engineer in to look at the lot and to rely on Brian Colburn's expertise.

Member Veysey stated that he agrees with Brian Sullivan, that locking the doors would be counter productive and an extension would allow the work to be completed. He recommended a 90 day extension. He stated the board didn't have the engineer look at the site initially, but the City needs representation and a new plan needs to be submitted with the current site conditions.

Member Testerman stated he believes in giving them leverage. He asked if a bond for the work would be appropriate? He stated he doesn't want to put Family Dollar and their employees out of business and have a bond could be helpful. He indicated that maybe a \$100,000 bond would cover the expenses.

Member Starkweather stated an engineered plan is necessary by a licensed engineer and stamped.

Jake Seaton stated that Doug Reynolds is the engineer.

Member Sullivan stated that Mike Vignale, the City Engineer, needs to review the site and plans for the Planning Board.

Angie Carey stated that Dick has recommended a 45 day extension on the Temporary CO, Brian Colburn has indicated 60 days. She stated that it shouldn't be any longer than 60 days, because this is the same issues we have been dealing with for months and months and nothing has been done. The more time you give them, the more time it will take.

Mr. Hamel stated that he sent an email to Jake Seaton on May 4th and hasn't heard back.

Member Sullivan stated that Angie has vented, Dick has vented, Bill has vented, and he has vented. He stated that Dick is out and since that time he has spent an inordinate amount of time working on this project when he should've been working on other items.

Member Freeman asked if the board was looking at the engineer coming up with a solution with the Hamel's and the rest of the issues or bringing the lot back to what was approved? Chair Colburn stated that if the board votes to bring it into compliance then there will be a lot of digging up of what is already there.

Jake Seaton stated he would like to think the board would agree to them finding an agreement between both parties.

Member Colburn stated the hearing is next month, a presentation will be made and approved by the City, the abutter and signed and stamped by a licensed engineer.

Member Veysey asked about the 8" pipe on the boundary line and where they stand with the grass, erosion and curbing. Jake Seaton stated that nothing has been done, because they didn't want to do work if they had to re-do it all afterwards. He stated they want a solution that works for everyone. Member Sullivan stated that there was an agreement up until yesterday afternoon.

Member Flaherty stated he has seen the emails and the agreed on plans that have changed. Yesterday they agreed to a plan and this morning a new plan is submitted that is not agreed upon. All of this needs to stop. An agreement needs to be come to and a time line set that is followed.

Member Stangroom asked if the city can deal with the 8" pipe, even though it is non-compliant. Member Sullivan stated the way to resolve this is to put in another 8" pipe that parallels the existing pipe and to notify the city when the work is being done and is completed. A 12" pipe to the retention area solves the problem and again, with the plan of yesterday they thought the problems had been solved.

Chair Colburn stated that pursuant to the Site Plan Review Regulations, pursuant to section 402-6.E.3, which states:

“The Board reserves the right to require, through the conditions of approval or at any point during the construction process, that the Applicant take additional steps necessary to insure the satisfactory completion of the approved improvements. Said steps may be determined by the Board on a case-by-case basis depending upon site-specific conditions or project specific issues.”

MOTION

Member Colburn stated that the issues that have arisen during construction are:

- 1) An access barrier is needed between the Hamel property and the Hunt Real Estate property to prevent vehicles from entering or exiting the Hunt Real Estate property through the Hamel's property. This access issue, has arisen since the store has opened, along with some erosion that has created some pavement damage along the edge of the Hamel's property that needs to be repaired.**
- 2) Also, it has been observed that there is an erosion problem with the amount of storm water that comes down the slope in between the Hamel's property and the Hunt Real Estate property that will likely prevent any turf from being established and leading to a long term erosion problem. The slope begins adjacent to the edge of the Hamel pavement surface. A long term solution to the pavement stability needs to be incorporated into a revised site plan.**
- 3) During the construction a proposed 12" pipe was replaced with an 8" pipe reducing the capacity of the system in that section from a 25 year storm capacity to a 10 year storm capacity. A solution needs to be proposed in a revised site plan that shows that this area will not flood during a 25 year storm event.**

He added that the above issues are the issues that have arisen during the construction of the project. He stated the issues that are in non-compliance of the approved site plan include the following:

- 1) The site stabilization has not reached the required 75% as dictated on the plans.**
- 2) A curb stop was damaged during the construction and needs to be restored to the satisfaction of the City Staff.**

It was indicated that Chair Colburn was looking for a motion to schedule a public hearing for the submission of a revised site plan for review for the June 24th meeting.

So moved by Member Starkweather and seconded by David Veysey.

Chair Colburn stated that he was looking for the addition of the following conditions, and including the items above:

- 1) That the Planning Board authorizes City Staff to deal with the temporary Certificate of Occupancy extension or dictate the extension duration.**
- 2) That the Planning Board is requiring an outside Engineer's review of the revised plan and the site.**
- 3) That the Planning Board directs the applicant to submit a schedule of the proposed improvements with the revised site plan.**
- 4) That the Planning Board directs the applicant that they must produce a bond in the estimated amount of the proposed improvements.**

Member Starkweather included these conditions into his motion and Member Veysey re-seconded that motion.

Member Veysey then made a motion to amend, to include the following:

- 5) That completion of the work is ordered to occur 7 calendar days prior to the expiration date of the Temporary Certificate of Occupancy. This will allow inspections by City Staff and the Engineer to review the site and make sure that all items have been completed to their satisfaction.**

The amendment was seconded by Member Starkweather.

All were in favor of the amendment to the motion.

All were in favor of the motion as amended.

Planner's Update:

It was indicated that it appears that Dick won't be back until some time in July. A brief update was given.

Adjournment

MOTION: Member Veysey moved and Member Starkweather seconded to adjourn the meeting of May 27th, 2015 at 9:31 p.m. All were in favor and the meeting was adjourned.

Respectfully submitted,

Angela M. Carey
Planning and Zoning, Assistant to the Administrator