

47
48 Mr. LaCortiglia – **Motion** to accept the voucher with a total of \$9445.00.
49 Mr. Watts – **Second.**
50 **Motion Carries: 4-0; Unam.**

51
52 **2. H.L. Graham and Associates: Technical Review for Turning Leaf Definitive**
53 **Subdivision**

54 Mr. Snyder – This money will come from the M-account.

55
56 Mr. LaCortiglia – **Motion** to accept the voucher with a total of \$1655.00.
57 Mr. Watts – **Second.**
58 **Motion Carries: 4-0; Unam.**

59
60 **ANR:**

61 **1. 4 Heather Road: Plan of Land for Lot Line Adjustment.**

62 Mr. Grasso – We are basically readjusting a lot line. We are adding 25 feet to Lot D. We are
63 taking parcel B, a non-buildable lot and combining it to Lot C. The owner of both the lots is
64 putting a conservation restriction on Lot C which was approved by the ConCom last week. It
65 will combine the greenbelt and the Georgetown conservation area. He will have restrictions on
66 Lot D saying no buildings etc...

67
68 {Mr. Howard arrives at 7:23 PM.}

69
70 Ms. Evangelista – So just moving the lines?

71
72 Mr. Grasso – Yes we added 25 feet of frontage. Mr. Maripotti is into tree preserving.

73
74 Mr. LaCortiglia – Is there an existing house on that lot?

75
76 Mr. Grasso – It is a vacant lot. We are proposing a house with a septic on that lot. We have
77 done test pits with the Board of Health.

78
79 Mr. LaCortiglia – It meets current zoning with frontage?

80
81 Mr. Grasso – Yes.

82
83 Mr. LaCortiglia – **Motion** to endorse the ANR stamped by Mr. Grasso on 6-16-2014.
84 Mr. Watts – **Second.**
85 **Motion Carries – 5-0; Unam.**

86
87 **2. 111 and 113 West Street: Plan of Land for Lot line Adjustment.**

88 Mr. Snyder – I provided the info in the packet. One of the properties was subject to a finding by
89 the Zoning Board of Appeals and approved for a non conformity. An addition was added on but
90 did not meet what the Zoning Board of Appeals approved. By endorsing this ANR plan you
91 would bring the property in conformance with the finding by the Zoning Board of Appeals.

93 Mr. LaCortiglia – There were two variances granted.
94
95 {Mr. Graham arrives at 7:30 PM.}
96
97 Mr. Flaherty – I am a land surveyor and a civil engineer. I prepared the plan and one abutter is
98 here tonight. I have copies of the variances if you would like to look at them.
99
100 Ms. Evangelista – If I recall the applicant was going to come back once the abutting property
101 was sold to square the lots and meet the town zoning for the side dimensions. They were going
102 to swap land.
103
104 Mr. Flaherty – {Shows the plan on the easel.} Both meet frontage and area requirements. The
105 house next door had several additions put on and the lot line goes thru part of her garage. We
106 located the driveway and tried to straighten everything out. They will swap equal pieces of land
107 to make it easier.
108
109 Mr. Snyder – So the lot line internal to the two properties will change.
110
111 Mr. Flaherty – This allows access around the house too. It seems like they will be happy with
112 the new lot line.
113
114 Mr. LaCortiglia – How could a dwelling be expanded over a lot line? I don't get it. The plot
115 plan I see here says the house is 45 feet from the lot line.
116
117 Mr. Flaherty – That plot plan is a mortgage inspection plan and it is written on it not to use it for
118 anything other than inspection purposes. I did an on the ground survey.
119
120 Ms. Evangelista – At the time it was complicated with two additions no one ever saw. The first
121 addition the Zoning Board of Appeals never heard and the last addition the Building Inspector
122 denied and the Zoning Board of Appeals granted a variance for both additions to conform to our
123 zoning requirements. We got involved and made the other addition legal and granted a variance.
124
125 Mr. Snyder – If the board is not comfortable endorsing it tonight and needs more information,
126 you have 21 days to approve it.
127
128 Ms. Evangelista – **Motion** to endorse the ANR plan for 111 and 113 West Street.
129 Mr. Howard – **Second.**
130 **Motion Carries: 5-0; Unam.**
131
132 Mr. Dineen (abutter) – I am very satisfied with this.
133
134 {Break held to sign the mylars.}
135
136 **Public Hearing:**
137 **1. Special Permit: 60 East Main Street Athletic Fields - Continued from May 28th.**
138 Mr. Snyder – We received a letter from Gale Associates tonight. It is in your supplemental
139 packets. There is also a Form H that the clerk needs to sign.
140

141 Mr. LaCortiglia – **Motion** to have the clerk sign the Form H to extend the decision time
142 to September 30, 2014.

143 Mr. Howard – **Second.**

144 **Motion Carries: 4-0; 1 Abstention.**

145

146 Mr. Perry – There were a couple of item’s mentioned at the last meeting regarding some pretty
147 minor design edits and in the letter is a recap of that. On the cover sheet we requested special
148 permit note – on Sheet C 101 on the layout plan there was where the road turns to gravel there
149 was a sliver of grass so we redesigned that to square that off. We provided a swing gate to
150 prohibit traffic when it is not in use. We called out low maintenance field mix on the slope. We
151 provided a sign indicating the hours of use. On C 102 we re-dimensioned the angled parking
152 spaces. We added a note in the skate park that the slab should be tan in color. We added
153 plantings. We had wood posts but took the cable out. Curb stops are everywhere as well. In lieu
154 of the guardrail we replaced that with stone walls to reuse the stones claimed from onsite. On
155 the drainage plan we provided a 2 foot level area behind the sidewalk. On sheet 507 in lieu of
156 metal posts for signs we are using wood posts. We added a sheet with site distances on Main
157 Street. On sheet C 501 there was discussion about removing B soil from under the pourus
158 pavement sidewalk. My opinion is that this soil is adequate and it is just an added cost for the
159 town to remove that.

160

161 Mr. LaCortiglia – That was in response to Mr. Graham comment?

162

163 Mr. Perry – Yes. Those are all the edits we have made.

164

165 Mr. Graham – I had sent a letter to the board and Gale and they responded to me on June 24th. I
166 don’t know if they responded to you as well. I see your 2 foot shoulder...

167

168 Mr. Hoover – Sorry for interrupting. You got a response on the 24th? Did you send one to Mr.
169 Snyder as well?

170

171 Mr. Morrison – No, we wanted to discuss some edits beforehand.

172

173 Mr. Graham – Before the church parking lot I don’t see the 2 foot shoulder on the plan. That is a
174 critical point. DEP says to put the reservoir to a total depth of 24 inches. You previously
175 showed 19 inches. And you justified that by saying due to the fact that it was a sidewalk and that
176 you would not have to do that. My interpretation of DEP’s storm water standards is that it is for
177 infiltration not loading.

178

179 Mr. Perry – Our point of view is that they do recommend reservoir depth. Below the sand bed is
180 a crushed stone reservoir. That is for detention storage. We are providing the permeable
181 pavement.

182

183 Mr. Hoover – Where does that water that can’t be stored go?

184

185 Mr. Graham – The DEP puts it in their booklet as a standard. I am not satisfied in your response.
186 I don't think the sidewalk should go where it is proposed at the top of the slope with the removal
187 of trees and tree roots. By pulling out all those roots, I think we will have severe issues along the
188 bank. I am very much opposed and won't make a recommendation to this board that the
189 sidewalk be placed where it is proposed with pervious pavement or not. I have a lot of questions
190 about pervious pavement. To the point I will tell this board that if you want to approve the
191 sidewalk that you to go to another engineer who has more experience in this. It is based on
192 UNH's study and that paving is still new. I don't know of a paving company that has done it.
193 That is the way I feel about it.

194

195 Ms. Evangelista – Do have any other solution to solve this?

196

197 Mr. Graham – I have suggestions. If you consider going narrower on the pavement and making
198 a narrow grass shoulder to save those trees - that will give kids some place to walk off of the
199 pavement. I don't see that this sidewalk is going to be used much. I am not comfortable and I
200 won't make a recommend to the board to accept this.

201

202 Mr. DiMento – Because of the two ponds there is no other place to access. The sidewalk is there
203 for when kids get out of school. They have to come up that road. The road is narrow and there
204 should be a sidewalk.

205

206 Mr. Graham – You can cut into that bank and push everything away from the bank and trees.

207

208 Mr. DiMento – We don't own that property.

209

210 Mr. Graham – I think that it is a big thing that should be kicked around.

211

212 Mr. Perry – Going back to the reservoir, on the bottom of the stone that is to provide detention
213 and storage. We are trying to mimic existing conditions and there is no detention storage right
214 now. It does infiltrate water very quickly.

215

216 Mr. Howard – I can see why Mr. Graham is not keen on the sidewalk and taking out those trees.
217 Is there another solution, I don't know that. I cannot say if the flow is going to stay the same or
218 not. I hate cutting down all those trees. Would the church grant an easement?

219

220 Mr. DiMento – We bought as much as we could without leaving them with a non confirming lot.

221

222 Mr. Watts – It looks like on the northern side there is more distance between the sidewalk and
223 the lot line. As you get to the road that potential buffer disappears. Are Mr. Graham's concerns
224 with the entire expanse of this?

225

226 Mr. Graham – It is within the first 300 feet.

227

228 Mr. Watts – It looks like the sidewalk is right on the lot line.

229
230 Mr. Perry – It is. There is minimal grading there.
231
232 Mr. Morrison – The easement granted is a 25 foot width.
233
234 Mr. LaCortiglia – There is something here that has not really worked out for me. In a two, ten or
235 hundred year storm, is this going to create more, less or equal amounts of runoff from the
236 property?
237
238 Mr. Perry – Less.
239
240 Mr. LaCortiglia – And Mr. Graham says it would be more?
241
242 Mr. Graham – I am saying they have used certain parameters to get those numbers. {Talks about
243 the different types of soils.} I don't know if we have any soil tests that support what they are
244 saying is going to happen in 19 inches versus 24 inches. They are treating the porous pavement
245 sidewalk as if it were grass in a good condition. It is right up to the max recommended slope
246 which they say is ok but they did not provide any examples for the board or me to look at.
247
248 Mr. Hoover – In regards to those examples; were you not able to find examples for us?
249
250 Mr. Perry – We don't have specific examples. We could do some digging on the UNH's test.
251
252 Mr. LaCortiglia – The number comes from the DEP.
253
254 Mr. Perry – The DEP suggests not going beyond 5% for the slope and we are at 4 ½.
255
256 Mr. Graham – These are things that go into the calculations. The DEP says if the 100 year storm
257 is going to cause off site flooding – I call the water flowing onto United Foam's lot off site
258 flooding. Well if the rain flows off the property then they must provide discharge attenuation.
259 That is the way the regulations work and all those things I am not comfortable with. A 100 year
260 storm that they use for this area is like 6 ½ to 7 inches of rain in a 24 hour period. They provided
261 feedback that says the pavement will absorb at the rate of 8 inches an hour. That is probably
262 when the pavement is brand new and most likely on a flat surface. But when you get a cloud
263 burst it might be 2 inches in 30 minutes. It will not go thru that pavement at 8 inches an hour. I
264 admit to you that I do not have the expertise in porous pavement and if this board is of the mind
265 to accept that I recommend that you find someone that has that kind of experience to make you
266 feel comfortable about what they presented because I don't.
267
268 Mr. Hoover – I think what we are looking for is to be shown that it will work. If you can find
269 examples that have been in place for a while – that will go a long way.
270

271 Mr. LaCortiglia – It has always been if the number work or not. In 10 years a lot can change.
272 This is a public project and I am giving it the benefit of the doubt for myself. I am going with
273 the numbers and the DEP and I am comfortable with it that it will work out.
274
275 {Discussion held in regards to the water that flows off of the United Foam building.}
276
277 Ms. Evangelista – If we can leave the trees I would be more supportive.
278
279 Mr. Perry – A fair amount of the trees will be able to remain.
280
281 Mr. Hoover – No, look at that plan - all those trees are coming down.
282
283 Mr. Perry – I think there will some remaining vegetation there.
284
285 Mr. Graham – Is there any possibility to bring the sidewalk across the road and then cross at the
286 half point? Is the church interested in having a sidewalk to the church?
287
288 Mr. DiMento – We cannot take any more of their land. The grade on that side is steeper. It
289 creates another set of issues.
290
291 Mr. Hoover – No way to get access thru the United Foam property through an easement?
292
293 Mr. DiMento – In the future maybe. They have already donated 1/4 acre to the town. My
294 suggestion is to cut down the trees and replant it with something else.
295
296 Mr. Hoover – Any way to get access into the back of this park?
297
298 Mr. DiMento – The only access is thru Lisa Lane which now has a housing development there.
299 There is a ton of wetlands so it would not get by ConCom.
300
301 Mr. LaCortiglia – Mr. Graham when ConCom does this they go with BSC. So there is going to a
302 level of a third party.
303
304 Mr. Graham – They don't look at this because it is not in their jurisdiction.
305
306 Mr. Snyder – If the sidewalk were not to be put in, would it require the same amount of grating?
307 Would it be less or the same?
308
309 Mr. Perry – A little less.
310
311 Mr. Snyder – If the sidewalk were a turf strip, would the storm water be an issue?
312
313 Mr. Perry – It is the same number. That is not an accessible surface.
314

315 Mr. Snyder – My opinion is if the turf strip is there it provides some access but will not change
316 the storm water issue but it may preserve more trees. I tend to agree with Mr. Graham that the
317 people using the sidewalk will be brought with vehicular traffic.

318
319 Ms. Evangelista – On Baldpate Road we have a sidewalk that goes around the trees. Is that a
320 possibility?

321
322 Mr. Graham – No, because they are right beside the road.

323
324 Mr. Hoover – We have been focusing on the sidewalk and I think there are a lot of other items
325 still on the table. I don't think I have heard responses to the letter that Mr. Graham wrote.

326
327 Mr. Graham – They answered the letter but they did not satisfy.

328
329 Mr. Hoover – With all due respect we have a responsibility to the public and the water issue is a
330 big issue and when I hear Mr. Graham talk he is quite specific as to where there may be issues. I
331 think to just look at the numbers and nothing else, is not taking into account how storm water
332 management works. There is a lot more to it than the numbers. Have you looked into a no cut
333 area where the trees are?

334
335 Mr. DiMento – That will be issued tomorrow. The pastor has reviewed it with the church and
336 there was also a plan for the parking lot and he is reviewing that with the church as well. We
337 will get a letter to United Foam for a sliver of land easement we may need as well.

338
339 Mr. Hoover – The partial release in order to be effective it needs to be recorded. I see town
340 counsel is advising you to secure a license. Those are all things that we will need to see. Please
341 don't show up the day of the meeting with this information. It is hard on a volunteer board. It is
342 something that I will not allow in future projects. It is not the way to do business.

343
344 Mr. LaCortiglia – All of those documents that we need - if we were to approve this tonight we
345 could write those into the decision that they must be in place.

346
347 Mr. Hoover – We could do that but the list would be so long that I strongly recommend against
348 that. That is up to the board – I am not a voting member on this project. Do you still want the
349 HP parking space at 20 feet?

350
351 Mr. Morrison – No, that was supposed to come out.

352
353 Mr. Hoover – That is just one example of when I looked at the drawings and caught that. I don't
354 know what else on the drawings need to be addressed. What is the plan on lighting?

355
356 Mr. DiMento – There is no plan.

357

358 Mr. Hoover – So that would be a note to put on the plan that if a lighting plan happens to come
359 back to the board. It would look nicer by adding trees along Rt. 133 after all those other trees are
360 gone. It would be nice to get some trees back in there. The church is aware that all the trees are
361 coming down right?

362

363 Mr. DiMento – They are aware.

364

365 Mr. Hoover – In the deed there is also maintaining the paved right of way and utility easements.
366 All of that needs to be maintained just like any road in town. This is something you guys will
367 need to look into. Now there will be a gate but if it is being plowed which is gravel... Have you
368 talked to Mr. Durkee?

369

370 Mr. DiMento – He has been plowing it since the town took ownership of it. He goes to the top
371 of the hill - the church is fine with it.

372

373 Mr. Hoover – That's fine but it needs to be taken care of legally.

374

375 Mr. Perry – Would the gate need to be removed?

376

377 Mr. Hoover – I think you need to take into account this piece yes.

378

379 Mr. LaCortiglia – The utility easement is for the benefit of the church and when they transferred
380 the property to the town then that means if they need to pull utilities into their property this
381 preserves their right to do so.

382

383 Mr. DiMento – That was reviewed by legal, I can check the legalities.

384

385 Mr. Hoover – This is about maintenance at the end of the easement. Will you verify that please?

386

387 Mr. Perry – I think it is a legal issue with the deed in regards to snow removal.

388

389 Mr. Hoover – I believe you would go thru the same process as limited restriction but I am not an
390 attorney.

391

392 Mr. DiMento – It may be as simple as giving them key to the gate.

393

394 Mr. Hoover – They are asking you to secure a license from United Foam – you are doing that?

395

396 Mr. Perry – Yes.

397

398 Mr. Hoover – When I look at the pond existing conditions it looks like there is topography on the
399 pond. What is that about?

400

401 Mr. Perry – We inherited this plan and we reused the existing conditions.

402
403 Mr. Hoover – Can you help me understand when I asked Bill if the property line and topo had
404 been confirmed and the answer was yes.
405
406 Mr. Perry – The property line has been confirmed because we based it on the deed information.
407 The topo was confirmed mostly up front. We sent our survey crew out at the entrance way.
408 Gale did not do another complete site survey.
409
410 Mr. Hoover – When you saw the topography, does that raise any flags to you in regards to the
411 accuracy of the plan?
412
413 Mr. Perry – I think everyone is aware that the accuracy of the topo is in some cases fairly
414 general. I don't know how Mr. Mammolette inserted those contours in the pond. If we were
415 doing the survey we probably would have cut the contour lines at the edge of the water line.
416
417 Mr. Hoover – Is there anything you can do to help me feel more comfortable with the accuracy
418 of the topo and clean up that plan and do some spot grades?
419
420 Mr. Perry – We have a cad file with some spots and we can show you that.
421
422 Mr. Hoover – We all want the same thing in the end. We just want the topo to be accurate. This
423 is up to the board at this point. I wanted to ask the board to think about moving this to the next
424 meeting.
425
426 Ms. Wade – Just a concern about this process as it has been three years and every time we walk
427 away from a meeting we address the issues and when we come back we have a whole new list of
428 issues. We trust our engineers and they came up with storm water calculations and numbers are
429 the numbers. We can't keep walking away from these meetings with more items. Why is the
430 sidewalk issue such a big deal tonight? We go on and on and the town has spent enough money -
431 it is time to vote on this project. We came in here tonight ready to hear the vote and finally after
432 three years to build the park.
433
434 Mr. Hoover – I can only imagine a three year project. Don't shoot the messenger. We have a
435 job to do but more importantly and just one example is - all this information shows up tonight
436 and you're expecting the board to respond in the same night? That is unreasonable.
437
438 Ms. Wade – What information?
439
440 Mr. Hoover – Please tell her the information.
441
442 Mr. Perry – The letter and verbal issues we received.
443
444 Mr. Hoover – How you expect the board to respond? You expect them to respond the same
445 night they get information?

446
447 Mr. LaCortiglia – Again, I ask the board to recognize that this is a public project and at this point
448 we have spent a good deal of money and have added a great deal in terms of safety, cost and
449 ConCom will have their additions as well. I would like to close the public hearing.

450
451 Mr. LaCortiglia – **Motion** to close this public hearing.

452
453 Mr. Hoover – Do I hear a **second**? Seeing none, the **Motion fails**. Do we have a motion to
454 carry this to the next meeting? Will you folks get some of these legal documents? I would not
455 recommend you approve a project without seeing some of these legal documents in writing. It is
456 a dangerous thing to do for the town. We all want the same thing.

457
458 Mr. LaCortiglia – I would like to go for a vote and close this. I don't think it will carry and I
459 don't think it is right to put these people through any more.

460
461 Mr. DiMento – Also we will be spending about \$125,000 in engineering and it has been a three
462 year process. If this is a no vote, then do it now. It has actually been four years. I understand
463 the legalities of it need to be resolved and Mr. Farrell is working with the town to get those in.

464
465 Mr. Hoover – You don't want to wait till the stuff comes in?

466
467 Mr. DiMento – Is it about waiting for the legal stuff?

468
469 Ms. Evangelista – What I heard tonight is that there has been no soil testing and that he is not
470 familiar with creating this type of sidewalk.

471
472 Mr. DiMento – They went with an acceptable grade by the DEP for the sidewalk.

473
474 Mr. Perry – There were 15 test boring sheets done throughout the whole site.

475
476 Ms. Evangelista – Let's key in on the big issue of connection to Rt. 133. What soil testing have
477 you done for the drainage?

478
479 Mr. DiMento – At the top of the hill there was testing.

480
481 Mr. Hoover – The motion didn't carry. I suspect that if you want a vote taken right now which I
482 recommend against it that to go to the next meeting. I would suspect they would vote but that
483 would give you time to do things like show us how porous pavement works.

484
485 Mr. DiMento – We need to vote at the next meeting one way or another. I want to retire.

486
487 Mr. Snyder – In defense of the Planning Board, the first public hearing for this project was held
488 October 24, 2012, so we are still under two years.

489

490 Mr. Hoover – I think that is important.
491
492 Mr. Watts – I would like to see a punch list so they know what their marching orders are.
493
494 Ms. Wade – After the last meeting we had a punch list which they addressed. If we are going to
495 vote at the next round we have to have an exact punch list so then we can make it contingent and
496 we will have them signed before the next meeting. We had a punch list and we addressed all the
497 issues. This is a difference of engineering opinions. We will get the easement documents and it
498 is time for a vote.
499
500 Mr. Hoover – Does the board want to make that commitment assuming we get the info a week in
501 advance of our meeting that we will take a vote?
502
503 Mr. LaCortiglia – I agree to that.
504
505 Ms. Evangelista – We have never made a habit of doing that. Otherwise you are open to
506 somebody saying you did not give us enough information.
507
508 Mr. Hoover – What would you recommend Mr. Snyder as the best way to make this final list?
509
510 Mr. Snyder – For the board to agree with what the final list of outstanding items are. So far I
511 understand it that the board is requesting the applicant to provide in a timely manner - the
512 outstanding items are the legal documents that are being requested from the 2 abutters and to see
513 that they have been recorded. The board did not see the response to Mr. Graham’s letter as well.
514 I think if the applicant formalizes the discussion then the board will be able to say this is what
515 the applicant is saying and this is what the engineer is saying.
516
517 Mr. DiMento – We also have a utility easement we need to get.
518
519 Mr. Hoover – The other outstanding item is the porous pavement issue where we have two
520 different technical opinions.
521
522 Mr. Snyder – The board will have to resolve that.
523
524 Mr. Hoover – If town counsel says to the Planning Board that you have done the best you could
525 and you can approve this project then I am fine with that. Then I don’t care if they find
526 information about the porous sidewalk pavement material. This would be in the same way that
527 they have advised on other issues.
528
529 Mr. DiMento – They would say if they meet the DEP specs then the town is under no additional
530 liability?
531
532 Mr. Hoover – I am after getting a letter from town counsel that says we have done everything we
533 should do and if that is fine with town counsel...

534
535 Mr. Snyder – If that is the desire of the board then it may be the way the decision is written. And
536 town counsel can say that this decision protects the board...

537
538 Mr. Howard – You could work with them in the wording.

539
540 Mr. Hoover – My biggest concern has been that issue and if that... If we protected the town in
541 regards to that abutter then whatever I think of the project is irrelevant.

542
543 Ms. Evangelista – The applicant has an engineer that says the calculations are ok- do we have
544 that confirmed in writing?

545
546 Mr. Snyder – I think what happens is that they are putting their stamp on the storm water
547 calculation on the drawing.

548
549 Mr. Hoover – All that information together is their professional document.

550
551 Mr. Perry – We have met all the storm water standards but to guarantee that nothing would
552 happen in a storm event, clearly we can't guarantee anything.

553
554 Mr. LaCortiglia – **Motion** to continue to the July 23, 2014 meeting.

555 Ms. Evangelista – **Second.**

556 **Motion Carries: 4-0; 1 Abstention**

557

558 **New Business:**

559 **1. Planning Board: Member Appointment to other Boards and Commissions.**

560 Mr. Snyder – There is only one which is to appoint a member to the MVCP as an alternate. I am
561 currently the Planning Board's commission and Mr. Watts is the current alternate.

562
563 Mr. LaCortiglia – **Motion** to appoint Mr. Watts the alternate with the appointment to
564 expire on June 31, 2015.

565 Ms. Evangelista – **Second.**

566

567 Mr. Snyder – It is a roll call vote.

568

569 Ms. Evangelista – Yes.

570

571 Mr. Howard – Abstain.

572

573 Mr. Watts – Yes.

574

575 Mr. Hoover – Yes.

576

577 Mr. LaCortiglia – Yes.

578

579 **Public Hearing:**

580 **2. Definitive Subdivision Plan: Turning Leaf - Continued from June 11th.**

581 Mr. Snyder – Provided in you packet is the copy of the inclusionary bylaw.

582

583 Ms. Mann – We had some residual questions from the last meeting. I believe the final issue is
584 the inclusionary bylaw.

585

586 Mr. Williams – The outstanding issues are notes going on the plan and changes to the detail for
587 the street trees. I have changed the sugar maple trees to Greenbay Zelkova trees. I added a note
588 saying the main leader will not be cut, take the notation off that noted curbing and make it one
589 line and where the grass plot is less than a foot we will be cut it off and then I will put a note
590 about putting a tree in the ground to include better drainage soils. The material that is there
591 should be adequate to plant trees.

592

593 Mr. Hoover – That takes care of the list and it will be added to the drawings.

594

595 Mr. Williams – I will put them on the final drawings as I didn't want to create another 20
596 sheets.

597

598 Mr. Snyder – I was at the same meeting of the applicants and the trust and the task force. It was
599 codified in an email I sent to the board for written documentation.

600

601 Ms. Mann – We did appear as requested to try and get an agreement. We discussed payment in
602 lieu versus onsite construction of 2 units. It would be the equivalent of the average and then a
603 fractional payment of .2. We thought we could do better to respond with a payment in lieu.
604 How the bylaw works is a little confusing. It says you look at the average sales and there is a
605 formula based on the number of units for a payment in lieu. Every time you sell it is 6 percent to
606 the town. We have to provide a full payment on 20 units. This is for the first 10 sells and when
607 you hit the 11th sale it is a fractional payment. The bylaw is not clear so they asked us to do it by
608 sale of half and half of the homes. Mr. O'Connell agreed to do it on the 11th and 22nd sale.

609

610 Mr. Snyder – It is the AMSP (average market sales price) in the formula it is for the fractional
611 payment. They agreed to look at the previous 11 sales to find the average. In the bylaw is the
612 ability for the Planning Board to condition how these payments can be made. This is different
613 from what the board has done on previous subdivisions. For instance, Harris Way is still selling
614 the lots and the Planning Board said every time you sell one of the units you give us so much
615 money. There may be a difference with selling a builders lot and selling a home. Little's Hill
616 sold the last lots to developers who then built houses and when that home was sold we received
617 the funds.

618

619 Ms. Mann – We anticipate to sell - we already have two purchases of sales agreements. We
620 anticipate selling some lots to homeowners.

621

622 Mr. LaCortiglia – Those numbers would come up after you've make the sales?

623

624 Ms. Mann – When we make the sales.

625

626 Mr. LaCortiglia – What if you sell the first 10 lots?

627

628 Ms. Mann – We may have to. We will definitely sell some lots to homeowners.
629
630 Mr. LaCortiglia – So the 6 percent would come from the price of the lot?
631
632 Ms. Mann – Yes from the lot, not from the house as we have no connection to the house.
633
634 Mr. LaCortiglia – What would prevent you from selling the 10 lots for 1 dollar each?
635
636 Ms. Mann – We can't make money, that would be fraud. If we set a minimum, then we need a
637 maximum. Right now our target is \$250,000 for a lot and \$625,000 for a home. We have no
638 choice but to preserve our capital and satisfy the bank.
639
640 Mr. LaCortiglia – Harris Way had a minimum and the average price even for a lot was
641 considered \$550,000. That was built into the agreement.
642
643 Mr. Hoover – Mr. Snyder what is the goal of board tonight on this issue?
644
645 Mr. Snyder – The goal is to listen to the applicant and understand the decision made by the trust
646 and task force. Hammering out what these numbers are and once that is set then we can write
647 that into the decision. There was discussion too about the time lines given. You could condition
648 the decision that when you issue the fractional payment after the first 11 lots you could revisit
649 everything because the market may be going up or down.
650
651 Ms. Mann – That would be an unforceable condition. If we were looking to create an average
652 price but we will pay an actual. We are saying that when we sell high, we pay it and if we sell
653 low we pay it. We do not want our hands tied in how we sell.
654
655 Mr. Hoover – What is your proposal then?
656
657 Ms. Mann – Our proposal is if this board will consider payment in lieu then our suggestion is to
658 pay as each lot is sold and that we pay 6 percent of the purchase price to the town. Then at the
659 11th lot we average the price to 4 percent.
660
661 Mr. Snyder – That is the fractional payment.
662
663 Ms. Evangelista – Mr. Snyder you were at both of these meetings and you feel they understood
664 that the developer only wants to pay the required amount when they sell the lots and not when
665 they sell the house? Did they talk about that? The notes you send all referred to the word
666 “house” not “lots”.
667
668 Ms. Mann – When the developer sells anything, a lot or a home, the full price will yield a 6
669 percent payment to the town.
670
671 Mr. Snyder – Is there difficulty in selling a lot to a third party and having them pay the 6 percent
672 when the house is built?
673
674 Ms. Mann – It wouldn't happen, we wouldn't be able to sell them.
675

676 Ms. Evangelista – There is nothing in the bylaw that says anything about lots. The whole goal of
677 amending that bylaw was because the town had gotten burnt from people buying offsite and it
678 never came thru. The whole intent of this is to develop the units in the development and then
679 we gave leeway for the money. That was the goal. To sell lots was never intended anywhere.
680

681 Ms. Mann – We would rather develop the onsite units than have the board control our ability to
682 market this property. Almost all developers will sell lots in the beginning for individuals to build
683 themselves. How do you tax those homeowners? You can't. Six percent is a large percentage to
684 ensure there is an adequate payment.
685

686 Ms. Evangelista – I understand what you are saying but we have the pressure of 40B which the
687 state is shoving down all communities. When we have a 40B in town we increase our population
688 and it impacts the town, the tax rate and it is a burden on the communities. The 40B in town
689 according to the production housing plan had 39 children. We are building a new school
690 currently because of the overcrowding in our school. Your protest effort should be with the
691 Housing Bldg. Association who lobby at the state house to keep 40B. If you are going to
692 protest...
693

694 Ms. Mann – We are not protesting. In fact I volunteered to help identify properties for you and
695 help with zoning. We are not fly by night; we understand the demands and needs of affordable
696 housing. You are not in a position for getting 40B.
697

698 Mr. Snyder – I want to add, when the trust and the task were listening to the in lieu of payment, it
699 was offered that they would be involved in a quarterly meeting to help evaluate land with the
700 task force. The other aspect that the trust and the task force considered beneficial is to meet the
701 goals is the creation of rental units.
702

703 Ms. Evangelista – Did they understand about when they sell lots a payment will be made from
704 that sales price of the lot and not with a home on the lot?
705

706 Ms. Mann – We will sell a combination and have no intention of selling all the lots.
707

708 Mr. Snyder – The selling of lots was not discussed at the meetings to answer your question.
709

710 Mr. LaCortiglia – Mr. Snyder, about the task force and the trust - are they happy with this
711 agreement/criteria?
712

713 Mr. Snyder – The trust took a vote and unanimously approved to work with the developer and
714 accepted in lieu payments to further the goals of the housing plan.
715

716 Mr. LaCortiglia – Is what you have right now something you could plug into a decision and is
717 this something that the applicant is in agreement with?
718

719 Mr. Snyder – Yes.
720

721 Mr. LaCortiglia – So the trust and task force and the applicant are all in agreement.
722

723 Mr. Snyder – I would say there is general consensus. It was never discussed at the meeting if a
724 unit was a lot or a home.
725
726 Mr. Howard – I think you need to have that discussion.
727
728 Mr. LaCortiglia – Between the task force and the trust I think they are fully aware of what they
729 are doing. If they are in agreement than I am good with that.
730
731 Mr. Snyder – Would you want to hear that before you close the public hearing or accept... It
732 will take several weeks to schedule both the trust and the task force and then report back to this
733 board.
734
735 Ms. Mann – I would ask then under the terms of the bylaw that says you have to provide 2 units
736 onsite and that is it. Then it would be at the Planning Boards digression and I would have to say
737 if the trust said we were not able to sell lots then we would just provide the 2 onsite units. We
738 cannot do that and allow that kind of restriction on us.
739
740 Mr. LaCortiglia – Could that be in the decision so we can move forward?
741
742 Mr. Snyder – What is written in the decision and voted on by the board would be vetted and
743 approved by the trust and the task force.
744
745 Mr. Howard – We were looking for their input. The only issue is of selling lots.
746
747 Ms. Mann – If we could not come to a decision then it would automatically default to the 2 lots
748 and the fractional payment. The bylaw states that it is 2 homes and if this board approves it then
749 it is the contributions.
750
751 Ms. Evangelista – Generally we can't make a decision pending another board's recommendation.
752 I recommend continuing it.
753
754 Ms. Mann – We really don't want to do that. This is a matter that will hold us up for a long time.
755
756 Mr. LaCortiglia – What about a decision that said you would do "X" which is already agreed
757 upon by the task force and the trust? Or if you wish not to then you would provide 2 homes and
758 pay .2 fractional.
759
760 Ms. Evangelista – We don't have "X".
761
762 Mr. Snyder – We just discussed how the trust and the task force would accept fractional
763 payment.
764
765 Ms. Mann – It is our ability to choice whether or not it would be the onsite.
766
767 Ms. Evangelista – Wait a minute - it is our ability.
768
769 Ms. Mann – The way your bylaw is written is there must be 2 affordable homes onsite and a
770 fractional share. If an applicant wants to make a payment in lieu then only this board can permit

771 that. However an applicant does not have to offer to make a payment in lieu. So you can decide
772 tonight that we will put 2 homes plus .2 fractional or and this can be a condition, or you can
773 agree to work with the the task force and provide them with a satisfactory payment. We already
774 know that they are willing to work with us. I believe they will come back to you and say that we
775 are able to sell lots if we have to.

776

777 Ms. Evangelista – I think they are looking for close to \$650,000 thousand dollars how is that
778 going to happen if you are selling lots and all you do is the 65 on the lot?

779

780 Ms. Mann – Because we are not going to sell just lots – we can't afford to just sell lots.

781

782 Mr. Snyder – The low of a lot and the high a home is expected to average across the 22 lots.

783

784 Ms. Evangelista – I think they are figuring they will get over a half a million dollars.

785

786 Ms. Mann – We think the same thing.

787

788 Mr. Hoover – Mr. Snyder would you say how this motion would read right now?

789

790 Mr. LaCortiglia – Is this a motion that needs to be made? Closing this hearing and Mr. Snyder
791 writing the decision that we could tweak if we had to...

792

793 Mr. Snyder – You don't have to formalize it exactly as to what may change in the future. It
794 could be that the board recognizes that the applicant will meet the inclusionary housing bylaw by
795 either 2 homes onsite and the fractional payment or per the agreed upon method approved by the
796 trust and the task force.

797

798 Ms. Mann – I would actually move to close the hearing and I would put it subject to the
799 condition to be written as Mr. Snyder said. You would say that relative to the inclusionary
800 bylaw that the applicant shall provide 2 onsite homes and a fractional payment or shall issue to
801 the town payments in lieu pursuant to an issue by a decision of the task force recommendation.

802

803 Mr. Hoover – Ms. Evangelista if this ends up being in their lap, would you be ok with that?

804

805 Ms. Evangelista – No I am not ok with it. Every board I have been on is that we don't make
806 decision on what another board says or recommends. I don't think it is legally legit, is it?

807

808 Mr. Snyder – The trust and the task force is an advisory to the Planning Board.

809

810 Mr. Howard – What if you sold the whole subdivision to somebody?

811

812 Ms. Mann – Then the new developer would be responsible.

813

814 Mr. Howard – If you sold only lots and no houses the town would get \$330,000.

815

816 Mr. Hoover – How much time do we have if we close the public hearing?

817

818 Mr. Snyder – Within 90 days of the public hearing.

819
820 Mr. Hoover – So if we close the public hearing, is there any reason that we can't get their
821 recommendation back from them?
822
823 Ms. Evangelista – We can't, that would be new information.
824
825 Ms. Mann – This is not considered new information. You can always go back and modify a
826 decision without public notice.
827
828 Mr. LaCortiglia – We are not getting new information, the planner is.
829
830 Mr. Snyder – No you would be discussing the decision.
831
832 Ms. Evangelista – You never mentioned lots before and they have not had a discussion about it.
833
834 Mr. Williams – If they sold half the lots and built the other half, the town would get \$625,000
835 and they would obviously not sell half the lots.
836
837 Mr. Hoover – I would like to suggest that someone make a motion.
838
839 Mr. Stead – I want to ask if the board recalls the many mentions of the condition of Searle Street.
840 And there was mention about a potential condition in regards to protecting the road from further
841 deterioration.
842
843 Mr. Snyder – When the decision is drafted I will revisit all the meeting minutes and make notes
844 of all that was discussed.
845
846 Ms. Evangelista – In this they keep saying units.
847
848 Ms. Mann – That is what it says in your bylaws. I don't think it is new information I think it is
849 just clarification.
850
851 Ms. Evangelista – I think it is.
852
853 Mr. LaCortiglia – **Motion** to close the public hearing.
854 Mr. Watts – **Second.**
855 **Motion Carries: 3-1; 1 Abstention.**
856
857 Mr. Howard – My question is, if the affordable housing task force looks at the possibility of half
858 the property being sold as lots only and they decide that they want to alter their recommendation
859 in terms of what they are looking for in lieu payments that can still be done. Would that be new
860 information?
861
862 Ms. Mann – No it would be a point of clarification because they never set forth about whether it
863 is lot or homes sales.
864
865 Mr. Howard – So if we go back to them and they say they want to change it...
866

867 Ms. Mann – I think they know we are not in a position to sell the majority of the lots.

868
869 Mr. O’Connell – We would be willing to limit the number we sell as lots. Say no more than a
870 third of them.

871
872 Mr. Howard – I am good with that.

873
874 Mr. Snyder – With a third being 7 lots.

875
876 Mr. Howard – I am totally happy with that and I think Ms. Evangelista should be too.

877
878 Mr. Hoover – That was a good clarification. Do we need to make a motion about providing 2
879 homes or a payment in lieu?

880
881 Mr. Snyder – If you want it written into the record then you can advise getting the opinion from
882 the task force and the trust. If you want it in the meeting minutes then you can say that the
883 Planning Board has charged the town planner with seeking out that material for clarification for
884 the board to consider when they are writing their decision.

885
886 Ms. Evangelista – The affordable housing should have been here.

887
888 Mr. Snyder – I will contact them directly tomorrow.

889
890 **Planning Office:**

891 **1. M-Account #26495: Harris Way Street Tree Bond.**

892
893 Mr. LaCortiglia – **Motion** to release the escrow balance of \$5304.92 and close the
894 account.

895 Mr. Howard – **Second.**
896 **Motion Carries: 5-0; Unam.**

897
898 Mr. Snyder – This is a unique effort so I have also written up a certificate of vote and have a Form J
899 as well. So the board will be voting to sign a certificate of vote and to sign a Form J.

900
901 Mr. LaCortiglia – **Motion** to endorse the Form J for Harris Street trees bond.

902 Ms. Evangelista – **Second.**
903 **Motion Carries: 5-0; Unam.**

904
905 **2. M-Account #26448: Superior Steel.**

906
907 Mr. LaCortiglia – **Motion** to release the escrow balance of \$1994.70 and close the
908 account.

909 Mr. Howard – **Second.**
910 **Motion Carries; 5-0; Unam.**

911
912 **Member or Public Report:**

913 **1. Any other concern of a Planning Board Member and/or member of the Public.**

914 None.
915
916 Mr. Watts – What about the New Business: Building Supply?
917
918 Mr. Snyder – The person who sent it to me is not here to explain. I will continue it as Old
919 Business at the next meeting.
920
921 Mr. LaCortiglia – **Motion** to adjourn.
922 Mr. Howard – **Second.**
923 **Motion Carries: 5-0; Unam.**
924
925 **Meeting adjourned at 10:14 PM.**