



HULL PLANNING BOARD

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July 9, 2014

Members Present: Jeanne Paquin, Chair, Jennifer Berardi-Constable, Vice Chair, J. Timothy Reynolds, Steve Flynn, Joseph Duffy, Nate Peyton, Harry Hibbard

Members Not Present:

Staff Present: Robert Fultz, Community Development & Planning Director

7:30pm J. Paquin called the meeting to order

J. Paquin opened the Public Hearing on an application under the Subdivision Control Law for **Approval of an Amendment to Definitive Plan** filed by **Adam J. Brodsky, Esq.** which seeks a **Roadway Extension to North Truro Street** and read the Public Hearing Notice.

Comments received from the following Departments were read aloud: Peter Lombardo, Building Commissioner dated 7/8/2014, Captain Daniel Evans, Office of Fire Prevention dated 7/7/2012 (should be 2014) Jim Dow, Chief Facility Manager – Wastewater Treatment Plant dated 7/2/14, Joyce Sullivan, Board of Health Director dated 6/17/2014, Richard Billings, Police Chief dated 6/19/2014, Anne Herbst, Conservation Administrator dated 7/1/2014.

Adam Brodsky, Esq., Drohan Tocchio and Morgan to R. Fultz dated 7/1/2014 regarding the Public Hearing Notice was also read aloud.

R. Fultz added that the Planning Board also received the Stormwater Engineering Report which is required by DEP for wetlands and stormwater runoff original dated 8/13/2013 and revised on 11/20/2013 and 12/5/2013.

J. Duffy asked J. Lampke for his opinion regarding Mr. Brodsky's letter regarding the Public Hearing Notice. Mr. Lampke stated that he believes that Mr. Brodsky is maintaining his position that Mr. Horne did not need to follow the Subdivision requirement. While not typical this does relate to a previously approved or legally existing subdivision of lots. The work being proposed at a minimum suggests that work is going to be done in the road which is not shown of the original subdivision plan of record. So in one sense it is amending the previously legally existing subdivision, secondly he feels that the issue could be clarified by the Chairman indicating that the application seeks what it says and the Board views it as an amendment to the subdivision and also the legal notice specifically said extension of the street. He feels that it covers the necessities for going forward this evening. Mr. Lampke stated that Mr. Brodsky could clarify that his point was that his client wishes to preserve their issue that they have raised periodically that this does not need to follow the Subdivision Control Law. Given the fact that the notice said "amend subdivision" and also specifically referred to the "extension of the street". Mr. Lampke does not think that a court would invalidate the proceedings on the basis that the public was misled by the reference to amendments to the subdivision; presuming that that's an issue and it gets adjudicated.

Mr. Brodsky provided introductions for Bill Horne, Mr. Horne's parents, Dan Armstrong, P.E. from Strong Civil Design, and Steve Bernstein also an Engineer. Mr. Brodsky stated that they believe that this is a straight forward application simply to construct an unconstructed portion of North Truro Street. North Truro Street was laid out in 1921, this portion was accepted as a public way in 1933 and was only partially built. There is a portion of the old pavement beneath soil as it leads towards Mr. Horne's property. The entire purpose of the filing is simply to construct the remaining portion of the street to provide access to Mr. Horne's house lot. Any

issues pertaining to the house lot are not in front of the Board. Mr. Brodsky stated that he had not received copies of comment letters from departments but would get them from R. Fultz so that they could properly respond as some of those comments are unrelated to the very limited application here. For example, Mr. Lombardo's comments with respect to grandfathering that were litigated in land court that apply to the house lot and not part of this application to seek extension of the remaining portion of the public way. Mr. Brodsky added that with respect to the Public Notice, the only point that he wanted to make is that they are not seeking to amend and any plans. The plan and the layout of North Truro Street remains the same. He stated that they do not have the right to amend the plan. They simply want to construct the remaining portion of the street to provide access to Mr. Horne's lot and that was the purpose for that clarification. He stated that North Truro Street has been around forever and does not comply with any of the design standards within the Rules and Regulations. The right of way width is 40', the roadway width in many places is less than 20'. What they have done is design the roadway extension to substantially comply with the modern standards and will dramatically result in an improvement in existing conditions. They are going to be increasing the roadway width to 20'. There is presently no stormwater management on this portion of North Truro Street. As will be explained in the technical portion of the presentation, they have designed stormwater management system that complies with the most recent DEP stormwater standards using the most modern BMP's (Best Management Practices) that was confirmed by DEP. They are taking a condition where there is no stormwater treatment and getting that stormwater treatment. There is no emergency vehicle turnaround at the end of this portion of North Truro Street. They are creating an emergency turnaround. You will find from the design particulars that it was designed to federal highway standards when talking about turnaround radius. They are essentially taking a very narrow road that goes nowhere and actually creating emergency turnaround access dramatically increasing public safety and some additional benefits, there is no snow storage location, and they are going to be managing snow. Presently snow just gets pushed to the end of the street and is untreated and it goes into the wetlands. None of the work that they are proposing is going into the wetlands. That was all reviewed by DEP. DEP found that the project complies with the wetlands performance standards including the modern stormwater management standards adopted by DEP and incorporated into the wetlands regulations. Dan Armstrong will speak to the specifics. There is some question, since we are dealing with a non-confirming road whether your design standards should apply and he will not go into the legalities of that, if they do apply, they have submitted the appropriate waivers request that is require and allowed and provided the technical justification that supports each of those waivers. All of the environmental issues have been resolved and tonight they are only presenting to construct the unconstructed portion of the way. Ultimately they are asking the Board to approve the project. To the extent that there are additional questions raised by the Boards, once they have received the letters, they will provide a formal response to the Board. He feels that a lot of those concerns do not necessary relate to the limited application in front of the Board. If the Board approves the project, they must go back to the Selectmen, to negotiate how they are going to build it because it is Town property, they are going to need a license from the Selectmen in order to do that. The Selectmen were co-applicants on the Notice of Intent for this project so they have been apprised and advised each step of the way.

Mr. Dan Armstrong of Strong Civil Design, a Professional Engineer that worked on the design of the roadway extension continued the presentation. Mr. Armstrong stated that as was stated by Mr. Brodsky, the right of way width is not in compliance with the current roadway specifications being only 40' and not the recommended 50'. The existing road pavement varies as well in width. The design intent was to provide the extension so there would be sufficient space for two way traffic as well as a modified turnaround for emergency vehicles. Because the right of way is already established, they can't provide a turnaround as is typically used. The design of the turnaround is not the same width at the top as it is on the bottom in the drawing. The reason is that you really don't have room for a vehicle to drive and make a complete "T" turnaround so they have to go back and forth quite a bit so you need more space along one side as the vehicle moves up as it turns around. It was modeled by using a template for a 40' long truck. It is very tight, he would not say it is a 3 point turn but it is a turnaround that is not existing there now. He pointed out on the drawing that North Truro Street now just ends with no width for any turnaround and is aiming toward the right of way. Another thing that was done was to move the street into the center of the right of way for the extension to provide that shoulder width for the turnaround. From a storm water perspective the road itself drains in the southerly direction and therefore to account for that there has been a stormwater management system that takes any stormwater from the new developed portion and routes it to the new stormwater system. Some of the runoff will also be collected by swales and will not be going into the wetlands. There is a 10' deep snow storage space at the end of the road provided. The snow will melt and go into the stormwater management system. The stormwater management

system has two sediment basins and a bio retention area which is a small pond that will have wetland plants that will help absorb any type of nutrients that would be damaging. The comments received from the departments regarding the extension of the sewer and water lines will be addressed with comments to those departments. Mr. Brodsky added that the project has been designed to not encroach into the wetlands and they are trying to achieve a balance between environmental protection and maximizing the design and feel they have accomplished that balance. He stated that DEP found that this would result in improved conditions of the area, they recognized the new emergency vehicle turnaround access as well as stormwater management for the protection of water quality and the health of the wetlands. He stated that things like the design of the bio-retention basins are state of the art BMP's. Mr. Armstrong stated that the Board could read the Stormwater Report.

Mr. Brodsky added that Mr. David Nyman provided a peer review for the project for the Conservation Commission. All of the communications back and forth are included in the materials submitted. The road design has been changed to incorporate Mr. Nyman's comments and ultimately approved by DEP. Mr. Brodsky pointed out the location of the house lot on the plan and stated that they would still need to obtain a building permit for the house.

Mr. Lampke added that part of the process the applicant would need to do is to negotiate a license or some agreement with the Board of Selectmen in order to make the improvements to the road. Part of this process of getting to construction is that the Board of Selectmen wanted the input of the Board and various Town Departments.

Robert Fultz, Director of Community Development and Planning provided information to the Board to include a review of the submitted application with his comments dated 7/9/2014.

Mr. Fultz recommended that the Board hire a Professional Engineer to review the plans as is allowed under the "General" section of the Subdivision Control Law. A cost proposal received was approximately \$2500. Other proposals would be received.

Relating to Section 2 under "Contents of the Definitive Plan"; although a letter was provided from the design engineer the word "certification" was not in that letter therefore he is requesting verification from Town Counsel that this requirement was met.

Relating to Section 2p, an earthwork summary has not provided.

Regarding review by other Officials; Comments not submitted are Superintendent of Highways, Aquarion Water, Hull Light Plant, Gas and Telephone Companies. He recommends continuing until these other officials have responded.

Regarding performance guarantee; if the project is approved, the Board may approve a bond, surety or letter of credit. He recommends that the Board require a performance guarantee so that if the work is not completed by the applicant, the Town would have the funds to complete the project.

If the project is approved, he recommends that the Board hire a civil engineer to provide inspectional services for the construction as provided in section (9) Inspection Fees.

Mr. Fultz recommends that the Board hire a civil engineer to ensure compliance with Section 4 "Design Standards" in its entirety. Of concern is the definition of a street which questions the effects of the design standards. His opinion is that it is a dead end street whether temporary or permanent and would require a waiver from the Board for relieve of the design standards. A request of waiver for those standards has not been submitted.

Additional concern is raised that the proposed stormwater system is in the right of way. If the road is a public way, the applicant would need approval from the Board of Selectmen to construct. If the road is a private way, the applicant would need approval from the abutters.

Additionally, as per the DEP superseding order and the proponent's Stormwater Engineering Report, the system will be maintained by the property owner.

Mr. Fultz provided the Board with the information that would allow the Board to grant a waiver of any of its rules and regulations of the Subdivision Control Law if they find that such action is in the public interest and such action is not inconsistent with the intent and purpose of the Subdivision Control Law.

Mr. Fultz distributed a google earth picture of the area with street lay out, the approved subdivision plan of 1921, the assessors map indicating the subject property and the paper streets and the map from the assessor's office that is used to obtain the abutter's list.

J. Duffy asked how the proposed road is different from the design standards and asked Mr. Armstrong to explain. Mr. Armstrong stated that roadway width for a minor street is supposed to be 25' wide and this is 20'. A waiver has been requested on this standard. They are not requesting a waiver for the right of way, just commenting that the right of way is already not in compliance. Mr. Brodsky added that they are not laying out the street that is why they are not submitting a plan. It already exists. J. Duffy asked other than cost, why couldn't you pave the extra 5'? Mr. Armstrong stated that it was to reduce the impact to the wetlands, to try to reduce impervious areas and to provide a turnaround and it provides a better access for turnarounds. The main reason was for environmental reasons. Mr. Brodsky added that Mr. Nyman required that they make those areas gravel, as they actually wanted those areas to be paved. They wanted them to be paved because it was easier to be paved because it was easier to manage the stormwater. That was one of the requirements of the Conservation Commission and a design change in the Conservation process so that is how they ended up with gravel turnarounds. The comments from Mr. Nyman have been included within the Stormwater System information. Mr. Armstrong added that one of the reasons was to provide sufficient room for car travel as well as not putting additional burden on this area. J. Duffy asked why could you not comply with the design standards as set forth in the Town's subdivision controls and regulations. Mr. Armstrong stated that besides the roadway width they pretty much did, and the only other one that there was a waiver for was the sidewalk as there is no sidewalk out there now. J. Duffy stated that there were four in the June 5, 2014 letter. Mr. Armstrong stated that he believed that there were 2 waivers on the front and the back was just the existing conditions of the right of way. Mr. Armstrong added that if this were a brand new project, they would be required to comply. Why would they put in sidewalks and curbing and everything else when they are not there? They tried to match the existing conditions without going too far out from the regulations. The slopes are the same, they did follow as the best they could when they got to the physical and dimensional constraints they made some modification based on what they had seen out there. J. Duffy asked if they had ever presented this to any other Town employees before tonight. Mr. Brodsky added that over various times over many years they have consulted with the Fire Department and Police Department. J. Duffy asked what about the engineering aspects because that is what the waivers are based on as the Town does not have an engineer. Mr. Brodsky stated he thought that this process was the formal way of getting all of the input from the various Boards and offices and that is what they have done. By the way, road width again is specified by the Conservation Commission, they wanted the minimum amount of roadway so they have the minimum amount of asphalt because what they want is the maximum infiltration of water. They want less of stormwater there. They could make the road a little bit larger but they told us shrink it so that is the safe width for two cars to be able to pass. They are trying to make the environmentalist happy as well as how to suit the Town. J. Duffy asked if that was the Town Conservation Commission or was that the DEP Superseding Order of Conditions. Mr. Brodsky stated that the road width was determined by the Conservation Commission as part of the review process and that is how they up with the design. J. Duffy asked how many environmental issues are in the design. Mr. Brodsky stated that there are no environmental issues, it meets all of the wetlands performance standards including the stormwater management standards. J. Duffy asked if they have articulated those conditions in a separate document. Mr. Armstrong stated that all of the environmental issues are covered in the stormwater report. Mr. Brodsky added that the Board has a copy of the Superseding Order of Conditions and all of the wetlands issues. They have a permit from the DEP to construct the project.

S. Flynn had nothing to add at this time.

N. Peyton confirmed with R. Fultz that the Superseding Order of Conditions stated that the applicant would be responsible for managing the stormwater. R. Fultz added that not only the Superseding Order of Conditions

but also the final plans submitted by the proponent. Mr. Brodsky added as a point of information that they had originally proposed that because this is a Town road that the Town handle the maintenance, the Conservation Commission insisted that they accept responsibility for maintenance and they agreed to do so that is why it is in the Superseding Order. J. Lampke added that the Board of Selectmen and the Town Manager also took the position that the applicant would need to be responsible for maintain the system and that will be part of the final agreement. Mr. Armstrong added that there are outlines in the permit that describe all of the maintenance requirements. J. Lampke added that the documents are recorded so that it would run with the land and title and that they would be responsible for the maintenance and upkeep. The Town does not want to be responsible for having to maintain the system. Mr. Brodsky added that the system not only treats water generated from the roadway extension but all of the additional water that comes down from the roadway now. So not only are they treating our project but they agreed to treat that entire section of road. N. Peyton asked if the Town would maintain the road itself. R. Fultz stated that he did not think that they had a definitive answer to that question, he is being told that the only thing that the Town wants to do is plow the road and that all other infrastructure including the roadway would be the responsibility of the proponent. He has nothing in writing that says that but that is what he has been told. Mr. Brodsky added that it was their expectation that because it was a Town road that the Town would plow and maintain it. But he understands that they need to go back to the Selectmen to have a conversation as to how mechanically they are going to this and that will be reflected in the final agreement that will be put in writing and recorded with all requirements.

J. Constable asked for clarification; did D. Evans letter state that the 40' turnaround was insufficient for a fire truck turnaround? Mr. Armstrong stated that he has not had an opportunity to discuss this with him and they can make modifications to it as he feels fit as part of the whole process. Mr. Brodsky stated that the existing right of way is 40' that is all they had to work with, that is why they shrunk the road width and created this turnaround and asked Mr. Armstrong can you turn around a piece of fire equipment in that turnaround. Mr. Armstrong stated, theoretically yes, but it has not been tested. J. Paquin read the relative portion of D. Evans letter. Mr. Brodsky stated that parking for the project is on Mr. Horne's property, there is no street parking. Mr. Armstrong stated that it should be noted that there is no turnaround now; the road just ends. J. Constable add that she understands the Town Planner's opinion of the road and is familiar with the road, and that this is classified as an extension of the road; it is a dead end at the moment, is that the intend upon completion, or is this a thru. Mr. Brodsky stated that if you look at the 1921 Subdivision Plan you will see t h a t it was never intended to be a dead end road. It actually is supposed to connect to a private way known as South Truro Street. That was never built. It is now salt marsh and it's unlikely that it will ever be built but it was never intended to be a dead end street. But if the Board is of the opinion that you are going to treat that as a matter of regulation as a dead end street and you require waivers, they will submit an application for waivers. They do not believe it meets the technical definition of a dead end street given the fact that it's not supposed to end. Mr. Armstrong added that the definition of ways and street are always combined. The way has already been established but the street has not been constructed so they are in that grey area, if it's one or the other, they are trying to figure out what is the right definition. They gave the opinion based on the fact that the way itself is continuing is way although the street itself has never completely been constructed at the time it was established.

T. Reynolds has concerns for the Department of Public works regarding the management now and the management in the future and will hold any other comments until he has heard from abutters.

H. Hibbard had nothing to add at this time.

J. Paquin expressed her concern about the maintenance of something and how is that enforceable by the Town. How does one enforce somebody to maintain something that now is in the public street? J. Lampke added that what is envisioned is that there would be a binding agreement that would provide the obligation of the proponent and subsequent owners that they be responsible for maintaining this property and all costs associated with that we believe that that is binding and enforceable. There are mechanisms that can be put into the document similar to what you see in homeowner's associations that provide default mechanism that if the owner or responsible party doesn't do it, (the Town has no responsibility to do it) but if the Town does do it, the costs associated with it can be a lien against the property. J. Paquin asked if there was a maintenance schedule for this stormwater treatment system. Mr. Brodsky stated that there is.

J. Duffy asked if the 1921 approval of the subdivision was approved by the Board of Selectmen. Mr. Brodsky stated that it predates the modern subdivision control law; it is a recorded plan approved by the land court adopted and accepted as a public way at Town Meeting in 1933. Those documents are available if needed. Mr. Lampke stated that the land court seems to be satisfied that as of now the plan has been recorded. J. Duffy asked if there were any other documents such as a narrative that may be available in the Town archives. J. Lampke stated that that is a document from the registry of deeds from the land court. He is not aware that anyone has looked for any material that you are referring to.

J. Duffy asked Mr. Brodsky if it would be possible to put together in writing summarizing all of the items that they are agreeing to so that the Board can figure out what they have to decide. Mr. Brodsky stated that they have done that; there is a narrative from him and that Mr. Armstrong has put in his waiver list, what the requirements are; what the waivers are requested and the justification for each waiver. Mr. Brodsky stated that they may need to supplement this information based on R. Fultz's opinion that this is a dead end street. They may need to add some waivers with respect to that if the Board feels that they want them to go through that exercise. J. Duffy asked from Mr. Brodsky's perspective that the only issues before the Board are the requested waivers that are articulated in Mr. Armstrong's memorandum. Mr. Brodsky answered yes, we think that the Planning Board should approve the project and if you think that the standards apply grant us the waiver. J. Duffy asked if there were any other issues that he was asking the Board to rule on or to look at. Mr. Brodsky stated that he has not reviewed the comments from Departments that have been submitted to the Board however, comments received such as from D. Evans regarding the turnaround are within the purview of the Board and should be addressed, comments by Mr. Lombardo regarding whether they have a buildable lot, that is not what we are asking the Chairman. Should the turnouts be gravel or should they be paved as explained, the Conservation Commission required that we make them gravel. J. Duffy asked if it were Mr. Brodsky's contention that this is not a subdivision and that this doesn't apply to Subdivision Rules and Regulations. Mr. Brodsky stated that that is a legal issue that they are working out a legal discussion. He added that, they are not proposing the subdivision of any land, they are not proposing or submitting a definitive plan or a preliminary plan. All they are doing at the request of the Selectmen coming and talking to the Board and presenting to get the Board's approval for extending this roadway. J. Duffy stated that if things would whittled down it would simplify for the Board and the abutters what they are asking for regarding waivers. Mr. Brodsky added that it is not about wetlands, it's not about environmental protection, it's not about the house; it's only about the extension of the road. Not intending to speak for P. Lombardo, J. Lampke added that he believe that part of his reason for writing his report was that he wanted to call attention to the Board and everybody that there is a necessary frontage that this lot needs to have in order to qualify for a building permit and as the Board considers the alteration of this way, that they be aware so that if the issues comes up later on that P. Lombardo was sure that you were made aware of it. J. Duffy asked if that was something that could be waived by the Board. J. Lampke stated that that would require Zoning Board approval. Mr. Brodsky stated that they would provide a copy of the land court decision which held that this was a grandfathered lot subject under 40A section 6 including frontage. R. Fultz added that he believed that P. Lombardo's comments were addressing frontage is because his Board is charged with determining appropriate access and frontage has to do with appropriate access. Mr. Brodsky stated that they are not here asking for anything relating to the house lots.

Comments from the public: (those in favor spoke first, then those opposed)

Patrick Finn, 8 Telegraph Ave – lives on a dead end street with a paper ending to it. Would love to see it improved by a benefactor or abutter or property owner who is willing for the public good come in and pave an existing paper street in an existing subdivision and improve the stormwater runoff and then enter in an agreement with the Selectmen to maintain it. From a public policy perspective, and a planning perspective; it's a no brainer. Who cares if they ever build a house? You are going to get an improvement of the road and you are going to get a piece of fire equipment that will be able to turnaround a lot better than it can now. And if you read the rest of Captain Evans' letter at the bottom, which was read at the beginning, it says that there is no detrimental effect and he is saying there is really no improvement so that is just like a wash. He was not saying it is good or bad. But from the Engineer's presentation clearly this is an improvement and it is a free improvement for the tax payers. With no disrespect intended, we all live in the Town, we all know the condition of the roads, and the problems that the Town has maintaining the roads and paving roads and raising taxes to do so. If the DEP and the Conservation Commission already approved this, this is simply improving a roadway

and they are willing to pay for it. I urge you to approve it and I think whatever waivers the Town Planner is concerned about, at the end of his presentation he said that the Planning Board could allow it as long as it is for the public good within the Subdivision Control act. Clearly I think that they can make a good case that they have both taken care of.

Bill Horne (owner) – I bought it 20 years ago and just left it the way it is so everybody could go fishing there, could take their fishing and not get thrown out of there. Another neighbor used to throw people out of there. Now I own it and I want everybody to go fishing and enjoy it and all that. The road is blocked right now. There is a 4 x 4 right in the middle of the road that someone put in. I have asked the Town to clear it so that my parents can even just today go down there and go fishing and she can read a book and he can go fishing and the road is not clear, I can't get to my frontage; I have 96 feet of frontage. They put in a sewer line 7 years ago and I said, let me inquire about building a nice little spot for my folks to enjoy it like you folks do that live down there. And for 7 years I have been going through all of the different departments and right now as far as I am concerned, I just have to remove the 4x4, the shrubs that are planted in the middle of the street, scrape the 25 feet of pavement that is covered over and then just pave another 50 feet. I have been at this for 7 years and I just want to build a nice little house for my parents. I want everything to be state of the art, you can see I hired these guys. I have spent over \$100,000 on engineers just to make sure it's right. I want it beautiful down there and keep it as it is. I just want to get it approved so that they can enjoy some time down there and when they catch their fish, they can bring it into the house and cook it.

Joe Prodnack - 111 Gallivan Blvd, Dorchester, a long time family friend of the Hornes, formerly a Resident 166 Nantasket Ave, formerly a Hull Building Inspector. My only comment and no disrespect to the Fire Department, I have been to hundreds of structural fires over the years and for an emergency vehicle turnaround in the unlikely event that a fire truck ends up at your property or maybe this property, fire trucks don't need real turnarounds, they put their lights on and put 3 guys in back of them and they back out and everybody gets out of the way. It is good to have a turnaround for police cars and ambulances so it is just my opinion that the tightness of the turnaround is not all that detrimental to a fire department, just from of a common sense and practical point of view. Again as a former and maybe a future Hull resident I am looking for the support of this Board.

Mr. Horne (Sr.) - It is hard to believe that this thing could go on for 5 years, I think they built the Empire State Building in 2 and World War II was 5 years and we have been over 5 years on this now. First he went to the environmentalists, they refused it, they never gave us an answer why they refused it, different ones were rumored that they would like to buy the place, nobody offered any money. When he bought a little cottage down here, when we went to pass papers on it, the girl in the real estate office said would you like to buy a piece of property. He said where is it, she said North Truro Street so we went down to look at it and he bought it. Everyone in this room had the same opportunity that he did. They brought up the issue that he didn't pay much for it, that has nothing to do with them. Everyone had the opportunity to buy one. So we never got an answer why he couldn't build it from the environmental people so he was forced to go to the State, the judge ruled in his favor so then the next thing he needed was to build a house. Everyone refused him to build a house. So he finally had to go spend all kinds of money and he went to the State again and the State approved it and then after he went to the thing, there is a little stipulation in it that said when you build a house, we want you to build a street in front of it. He said certainly, anything that you want I'll do it. If you want to leave the tree there, we will leave it, we will do anything that you want. They turn around and we have been fighting now for about 2 years. All that he is asking to do is to take a road that is here and move it 30 or 40 feet. My wife can't get in there, she has to walk through about 7 automobiles in order to get to our property and nobody is doing anything about it. So we went to the State again, the lawyer, the judge from the State said you can build a road there and now we have the same thing again all you are doing is putting a piece of, you could have gravel or anything at all in there and they turn around and now we are fighting this thing and they are dragging it on and on and on. I just can't understand why this thing is going as nobody has given us a reason why they keep saying no. I go with the intention I wake up at night and I say this little kid said to his father, can I go to the movies and the father said no you can't and he said to his father why can't I go to the movies because I am your father, that is why, that's about how good we are getting for answers on this thing. Now another thing I did, we go way back to the Civil Rights and down in Mississippi a black fellow went to vote and they said certainly come right in here we will sign you right up. He went in, they said here is your application. Fill this out and you will be all set. So they gave him an application written on wax paper and they

gave him a ballpoint pen and they turned it upside down and it was written in Chinese and they lowered the lights and they said okay just fill it out and you will be all set. I am just telling you this to give you a for instance what I am thinking all the time. The fellow looked at the paper for a while and he said I can't read this he said but I can read between the lines here and it said no black guy is going to vote here. Well they certainly by perseverance and they finally won the case and that is what he intends to do. To keep people holding up the works, the last meeting that I came to here, I came in and it was a disgrace. The building, the door was taped. If they had accepted him to build this house here, he would have made enough money for the Town to build this, to paint the whole building here but they are just holding him up for what. Now I am telling you right now, everyone in this room would do the same thing that he is doing. This isn't the America that I went in and joined up in the service. Well I will tell you right now, everything is going wacko, postponing this, postponing that, going up on the taxes, going up on the taxes, it is just terrible the way things are going on in this Country. That is all I have to say, it is just disgraceful, the whole works.

Steve Bjorkland - developer from Scituate, I have done some work in Hull, some work on North Truro Road, don't know if you have heard my name, we were involved in new home construction down there and some permitting for the Muir's which is a couple of doors away from this particular property. First I want to say that the Planning Board so far from what I have heard tonight is really listening to what is going on. I think Jim is doing a pretty good job working with Mr. Brodsky I have no horse in the race here I am not building this house I have nothing to do with it but I have probably gone to thousands of Planning Board meetings and sat here sweating through the whole thing. I think that this is the first Planning Board meeting here on the construction of the road so I appreciate what you are saying as far as getting the house done but the Planning Board is just looking at the road construction here and hopefully the neighbors understand that as well. It is that roadway layout which is in existence, these guys are just looking at what do we have to do to build the physical road inside the existing layout that is there. That is the only thing in front of the Board. I know that the end of that road is atrocious if you guys all lived there, you can't turn your car around, you are looking for someone's driveway to turn it around in. The extra 50 or 75 feet, I haven't really studied the plan but that distance that he's got, if they allowed the widening of that it would be great to have it 100 feet wide it would be great to have a fire truck whip in and whip right out, that is not going to happen but if an ambulance had to go down there, the ambulance would probably turn around much easier. Smaller fire trucks may get in there, a forestry truck or something like. But from what I have heard so far this evening, I think the Planning Board is taking the information in and from an environmental standpoint, I served on the Conservation Commission for 4 years, I am very familiar with all of the BMP's and stuff that they have to meet and if they have already gone through that process, the Planning Board should just say that's great, that stuff is all done, so really it is how you build the physical road within that layout. So far I think it is reasonably smooth and I think if these guys are going to pay to maintain it, this gentleman in the corner is right. It is going to be a good turnaround spot for everybody and if it's not going to hurt the environment, it's going to make it better if the road gets extended another 50 feet. There may be 50 people in here who say, but we don't want a house down there, that is not the issue that is in front of these guys this is just how do you build the 50 or 75 feet so hopefully that will shed some light for some of the neighbors. Again there is nothing in it for me here but it sounds like there are right near the end of their whole process of 5 years, 7 years, whatever it happens to be. And if the Planning Board deems it appropriate, I think that the waivers that they are asking for are realistic because it is going to be better than what's there now. It is not perfect, it's never going to be perfect but it is definitely going to be better than what exists there now. As far as plowing the road is concerned, if there is a storage area for snow there, I don't think that the Town is going to stop 50 short and just leave the snow there, they are going to plow the road right to the end of it because it is easier and they can actually turn the plow truck around when they are in there and go back out the other way. So I think it sounds funny but I think it is a reasonably good project so hopefully with all of the stuff that is flying around out there, I hope that you can approve it on the standing of what the gentleman is trying to do.

Paul James Hiltz - 61 Barnstable Road – I am in favor of the project. I agree with Steve and what he came up with. I think that the Town should put the extension in and pay for it because they are going to be using it. They are going to be using it to turn their buses around, their snow plows around, a place to put their snow.

James McNamee – Meade Avenue – I am in favor of it. Basically I will just agree with what everyone else has already said. I think it avoids the environmental concerns. They have done a lot to accommodate those, it actually improves the road, with its current state and there's a solution for the stormwater as well.

Dan Dagell - Barnstable Rd- Can I come in as kind of neutral? It's a good project on the surface. A question about the Sewer Department's letter and the storm management. Years ago police used to patrol that area and they would drive on the paper roads through the woods it seems to me that storm management plan in the right of way is kind of stopping the road permanently, in perpetuity. I thought that the Sewer Department's letter mentioning something about it into the asphalt area. Mr. Armstrong replied "just the sewer manhole was all they were talking about". And whether or not there were options for that other than putting it in the right of way beyond, out in the woods for stormwater management. Is it the only way to go, I understand that it is BMP and all that but is there other options. Has the Conservation been through 2 or 3 other scenarios from an engineering standpoint? J. Paquin added that they are indicating that there is no detail on the plans for the proposed sewer manhole at the end of the extension and that would be a clean out, air relief valve, potential connection point. There is no detail on the plans for the 60+/- feet of proposed sewer line for the extension. There is not adequate capacity in the existing line so the line is going to have to be increased in size and the proposed manhole at the end of the sewer line extension is outside of the final paved area and they would like it within the paved area to prevent potential I & I (in-flow and infiltration). Mr. Fultz added that that means in-flow and infiltration into the sewer system, water getting in would have to be treated at the expense of everybody in town. Dan Dagell - one other question on that letter. Where is the 2 inch line? How far would they have to dig to get to the 2 inch line? J. Paquin answered that there not adequate capacity in the existing line that the proposed line would tie into. Approximately 100-feet of the existing 1 ½ inch line would have to be excavated and the pipe size increased to 2 inches the approximate distance of when the pipe in the street turns. J. Lampke added, unless they connected to some other street. Mr. Brodsky stated that he would like to simply remind the Board that they will have to pull a sewer connection permit and those are issues that will need to be resolved with the Sewer Department. With respect to driving on the wetlands, I don't live in Hull so he cannot comment on that, all I suggest is that those wetlands are salt marsh. It is one of the most protected resource areas under the state Wetlands Protection Act, I don't think that DEP or the Conservation Commission would ever take driving on the salt marsh lightly so I don't expect the police to be driving through there.

Irwin Nescoff - 165 North Truro - I have been asked to speak by the residents of North Truro, many of whom are here tonight. I have a statement that was prepared by the residents and also I would like to present the Board with a Petition. I would like to read it first "Petition to the Planning Board and the Selectmen of the Town of Hull. We the undersigned are opposed to a road extension that will encroach the ACEC (Area of Critical Environmental Concern) of the Weir River Estuary. The residents of Rockaway Annex, the Hull Land Conservation Trust, the Conservation Commission, the Weir River Watershed Association and the Weir River Park Committee have all worked very hard over many years to preserve open space and conservation land in this area. It is one of the few areas in the Town of Hull having trees and open space. The land where a proposed extension of North Truro Street is a gateway for animals that swim between World's End and the Weir River Woods and is also a sanctuary for birds. This whole area is extremely fragile and disturbing the land risks creating more erosion than presently exists. We are also concerned that if we allow this project to go forward, it would establish a precedent and lead to more development in the estuary. We ask that you stop any further action that will result in disturbing any ACEC area in the Town of Hull." I would like to present you with this, it is 262 signatures of residents of the Town of Hull and if I may, I would like to read a statement prepared by a group of residents of North Truro Street. "I am here this evening to speak for the residents of North Truro Street. We have major concerns about the proposed extension of North Truro Street into the Area of Critical Environmental Concern of the Weir River Estuary to allow access to an historically unbuildable lot. We are concerned that if blasting is necessary to install water and/or sewer lines that it could cause structural homes. During the original sewew installation there was damage to several homes including cracked foundations and falling ceilings. There were also numerous leaks in the water mains as a result of blasting. We are also concerned about the capacity of the low-pressure sewer system, as we were informed when the system was installed that the systems was designed to serve only existing homes and buildable vacant lots. We were told that there was no capacity for any additional connections. At that time the lot that the road extension is to serve was not a buildable lot. Also increased space at the end of the road will lead to people parking at the end of the roadway to launch kayaks, go fishing or to enter the Weir River woods. There is already a parking area on Chatham Street on land belonging to the Hull Land Conservation Trust. This lot is available without charge to anyone wanting to enter the Woods and the estuary land. We have already observed a vehicle driving through the bushes at the end of the existing street to reach the estuary land so that the occupants could go fishing. The residents are also concerned that more people entering the estuary at the

end of North Truro Street will cause more erosion than already exists. Increased traffic in the Annex area will only make a bad situation worse. As it is now, the roads are so narrow that oncoming traffic has to pull off the side of the road in order to pass. I would also like to express our concern about an item in the letter from Mr. Fultz, Director of Community Development and Planning. If I could direct your attention to the Stormwater System/Right of Way/Maintenance; it stated here the Stormwater System will be maintained by the proponent as per the DEP superseding order and the proponent's final Stormwater Engineering Report. We are concerned about how this would be guaranteed to be maintained in perpetuity over the decades or subsequent owner's of the property and unless there is a strong requirement with an escrow fund involved, we don't believe over the long term there will be any enforceable, any way to enforce this in perpetuity and without that that it negates the plans that were set before you this evening. (Copies of comments were submitted to the Board)

Judeth VanHamm – 1 Hullportside - As I understand it from listening to the Town Planner, you will be deciding on waivers and whether that is in the public interest. We are talking about something that will last a long time. Mr. Horne's parents, his mother is actually a friend of mine, we don't see each other very much but I care about them, I care about their enjoyment of life. But I also care about the long term future. I am not going to be here on earth, none of us are and we are looking at a NASA report that has said that the ice sheets at Greenland and West Antarctica are beyond the point of no return that puts lots of the world into the 3 foot of sea level rise at a minimum. I hope that there is some way around that. I am doing my best to work in the other direction but that is the science that stands out there right now. This property and the road are very exposed to a rising instrument. The houses around it are blessed by being on rock. This is not that way, there is quite a bit of erosion going on to the salt marsh as is right now and I would only imagine that that would continue so that when you are talking about the public interest, would you please consider not just now but it sounds like 100 years from now is hard to even imagine but we all look at these pictures of things that existed in our time 100 years ago and that is what we are deciding about. Totally separate from that, and I don't know that it's totally appropriate tonight but this, the Weir River Woods and these are the paper streets. At some point whether it is the Conservation Commission or the Planning Board there ought to be a decision are those supposed to be counted as open space or are they streets. It may take a Town Meeting Act, it may take a simple decision but we have been treating them as part of the Conservation Land and all of the sudden they are being treated as streets. It sets a precedent for other places here in Hull where there are streets that are used as open space. I would like to see the Town take some kind of decision on particularly on these streets or rights of ways in the Weir River Woods and make a long lasting overall decision about them.

Susan Etkind - 197 North Truro Street – I just have a question about the Public Access and if this goes forward is there still public access to conservation land, the water through that road or the driveway. Mr. Brodsky answered yes, it is a public way. Mr. Armstrong added that there was an existing dirt trail there and we intentionally preserved that dirt trail so that people can still have the access out to the ocean. Mr. Lampke asked whose land the dirt trail is on. Mr. Armstrong answered "the Town public way".

Bill Horne – if the signatures are from that article on Facebook with the stop at the Annex, if that was signed by anybody, then a lot of that information on that is wrong so the people that signed, some of the information that was on the Facebook on the Hull Happenings was misleading. J. Paquin stated that it is not the same text that was on Facebook, it is different text. Every page has the same text.

Paula Nesoff – 165 North Truro – For clarification, the Town Planner, you were saying there were certain things that had to be assured beforehand, and will the Planning Commission/Committee be voting on that and the completion as you are voting certain stipulations that were suggested in terms of hiring engineers just to have the Town be informed as to the plans and having the Town be educated not just by the proponent certainly but also having an outside engineer and will that be part of the vote and the decision. J. Paquin added that sure if we hire engineers, their reports would be part of our decision. Ms. Nesoff - well in order to make a decision I think you need to have a report before you make a decision. That is what I understood. J. Paquin answered "absolutely". Ms. Nesoff – the other, also before making a decision about having the stipulations around guarantee of the maintenance. The Town Lawyer is saying that there is certain written information that would need to be agreed to again in terms of maintaining the road, etc. before a vote is taken. How does that go? Mr. Fultz stated that the regulations say that the documentation of whoever owns the property has to be in place before a decision can be made. Ms. Nesoff - so I would like that to go on record

then. I think that is very important for us old timers seeing that. J. Lampke - just to further clarify, the Board of Selectmen ultimately have to give some type of approval for this work to be done and part of the Board's process in considering whether to grant that approval, what conditions to impose on that approval is to have all of the Town Board's weigh in on it so that is part of what the Selectmen are looking to the Planning Board for. So ultimately, time wise, the Planning Board decision would come before the Selectmen make their final decision and any conditions, they need to have that input for the Town Board's for them to decide what to do. Ms. Nesoff, I would like to say that I have been in the community now 6 years so relatively the newcomer and one thing that I do want to say is that the group of neighbors are extraordinary people and welcoming people and I think it is not to the Horne Family that they are against them, I think that the intent of any of our opposition is really within the confines of having a community be maintained well, contributing to the whole community and so if we can settle some of it, and a lot of the environmental issues were settled and we appreciate that and acknowledge that. But I think that this the extension of the road really and I appreciate people who are not in the community and people who are in the community see it as a win, win situation, we need to really to fully appreciate if in fact it is a win, win, we would like nothing more than a win, win situation and welcome in new people as well. But that is really I think our intent as well, it's not to prevent people but really to make it a win, win situation on both sides. R. Fultz to J. Lampke - He is not sure how that will work out, Jim. The regulations say that the approval of the Owner of the property has to be demonstrated. I am sure that you can figure out how that will work out, but that is what the regulations say. "if it's not owned by the Applicant, the Applicant must demonstrate an easement or other right to do so" that is in the regulations. Mr. Brodsky stated that they agree with Jim that ultimately it is the Selectmen that are going to finally approve this and impose whatever conditions are required. Again, I don't mean any disrespect to Mr. Fultz he keeps talking about the general requirements for the submittal of the Definitive Subdivision Plan. We are not submitting a Definitive Subdivision Plan. So a lot of these requirements that you would ordinarily require for someone coming in to do a new subdivision aren't really applicable to this project. Having said that it's ultimately, we are going to have to go back to the Selectmen. There is no question that the Selectmen have approved us going forward Jim could produce the minutes of a meeting with the Selectmen. The Selectmen are co-applicants on the Notice of Intent, so they have given us the green light to go through this process. J. Lampke added to clarify; I probably have the minutes here with me, the Selectmen were requested to be co-applicants because that is a Town street there. But I believe the vote of the Selectmen at that time was very clear that it is only to accommodate the applicant to be able to file, I believe at that time with the ConCom and it was not an indication that the Board of Selectmen are approving or will approve of any aspects of the project or not necessarily deny any aspects of the project. I know we had this discussion before because it came up when someone from the wetlands' process made a representation that the Selectmen approved of everything when in fact that specifically was not the case submitted in their minutes. Mr. Brodsky added that that was entirely accurate. J. Paquin added that she always feels more comfortable and forgive her but she would want a letter or something from the Selectmen indicating what their opinion is or any other Board that anyone mentioned this evening. I need to hear from them directly, whether it be another Town Board or Department. I don't take hearsay as part of the meeting. Mr. Brodsky asked if the Selectmen could be invited through J. Lampke to submit a letter to the Board. J. Lampke added that he did not think that Selectmen will be submitting any letter until they get all the input from all the different various Town Boards.

Mr. Brodsky stated that they were obviously going to request a continuance because they needed to address each of the letters. He does want to raise the issue of the peer review. Again, I think that Mr. Horne has spent in excess of \$3,000 for Mr. Nyman's Professional Engineer with CEI, reviewing this very design and providing input on behalf of the Town. When we submitted our application, the Planning Board requested a \$1,000 fee and we were told that that would be used for engineering services if the Board needed it. At that time we actually requested that the Board please waive that filing fee because we had already spent over \$20,000 with a Town consultant reviewing the project. The Board said no that they wanted the \$1,000 which Mr. Horne provided. The thought of hiring another professional engineer with an additional cost of \$2,500 to do some scope of work that I am not familiar with since I have not seen the proposal. We don't see the need to spend yet another \$2,500 to hire yet another professional engineer to work yet again on behalf of the Town to review a straight forward project. If it's a question of identifying the waivers, Dan has already done that. To the extent that we need to add to that list, we will consult with R. Fultz and we will submit a written addition requesting additional waivers. We have no idea what a professional engineer would have to review anything beyond what Mr. Nyman has reviewed. R. Fultz stated that the engineering that was done before was for the Wetlands Protection Act. The engineering that we are requesting is for the road construction and has engineering type

details. The engineer for this section would review the proposal in relationship to its compliance with the regulations, design standards and those engineering details. It is different than what the other engineer did. Mr. Brodsky added that they will follow whatever the Board wants; the only additional details with respect to the road are actually the thickness of the pavement which is specified. All other aspects were reviewed by Mr. Nyman. Again, we can identify those instances where we don't comply and provide you with the waiver standards. We don't see the need to spend \$2,500 additional dollars to go through the list and say this is what the requirement is, if we don't comply, we need a waiver. We can do that in consultation with the Planning Department. Mr. Fultz stated, no you can't. J. Paquin added, no you can't; R. Fultz is not an engineer, none of us are engineers and as R. Fultz has described, there are different things that we look at that David Nyman doesn't look at. And then Bob, you also had comments relative to compacting. R. Fultz added that what he did say was that if it is approved we would need an engineer for construction oversight because there are requirements in terms of compaction the layers of the roadway. Mr. Brodsky added that they are not building a subdivision road, they are extending pavement for 50 feet. Mr. Fultz stated that they would be making sure it is built to the plans that you submitted. Mr. Brodsky stated that they could certify compliance. Mr. Fultz stated that that was only if it's approved. J. Paquin stated that anyplace else would require such things. Mr. Brodsky stated that he perfectly agreed. If they were coming in, in the first instance with a subdivision road, we would fully expect to be writing a pay check to the Town for peer review. I am respectfully suggesting that the only major element of this road that really matters is the stormwater management and it has been thoroughly reviewed to the extent that we have to identify the waivers. T. Reynolds asked if this wasn't already discussed at the last meeting and we made the requirement very clear. J. Paquin agreed. Mr. Brodsky stated that they never really formerly waived the requirement of the \$2,500 peer review because we never knew that that was going to be required. We were talking about the \$1,000 fee for filing. H. Hibbard stated that the \$1,000 fee has been paid and that is being held in escrow for the inspectional expenses, it's the \$2,500 for the civil engineer to review this that is new. R. Fultz stated that the \$1,000 is because this is an amendment to the definitive plan, is actually for review of the plans. We are not getting any money at all for processing this application. Mr. Brodsky requested copies of the proposal to make sure that it is acceptable to them. R. Fultz, stated that first of all the proponent does not have the authority to accept what the scope is, number one, number two, the scope is very simple and I can provide you with what I have been provided but at this point it is simply a review of the engineering of the project and in relation to its compliance with the Subdivision Rules and Regulations. Mr. Brodsky stated that under Chapter 59H, the applicant has the ability to review the qualifications of the consultant and if the consultant is found not to be acceptable or unqualified the applicant is has got the right to appeal to the Selectmen unless Hull has not adopted Chapter 59H. J. Lampke does not believe that division is applicable in Hull. He is familiar with what Mr. Brodsky is referring to. That is statutory process by which a developer or applicant would be required to post monies to pay for consulting work. I am not aware that any Town Board has utilized that in Hull. What we have done in the past is that we sometimes enter into a tri-party agreement between the Town through the appropriate Board and the Planning Board has done this in the past years, the applicant and the consultant and it spells out that the consultant is going to be paid for by the applicant. The applicant is going to be posting a certain sum of money with the Town for which the bills will be drawn down. But the consultant's fiduciary obligations are to the Town though technically being paid by the applicant and if the money runs low, then the applicant is notified and they need to replenish it. So that is another option if the Board does require. Mr. Brodsky is happy to work with Mr. Lampke to come up with whatever is appropriate planning, they just want to know who the consultant is and what the scope is. Mr. Lampke stated that certainly they would have an opportunity to know who the consultant is and the scope as determined by the Planning Director would be a public record and I am sure if they had some comments on it, that they would be considered. J. Paquin stated to Mr. Brodsky that she didn't know if it would be more appropriate that he is working with R. Fultz or J. Lampke relative to that. Mr. Brodsky deferred to J. Lampke on that. Mr. Armstrong asked if you did get comments from a third party that they have the right to contact them to go over their comments and not just in this meeting. Mr. Brodsky added that that is what was done with Mr. Nyman, they authorized the consultants to speak to minimize cost and not to have the lawyers involved and so let them work it out, they are working on technical issues. J. Paquin added that she would imagine that would be after the Board receives a report and not before. Mr. Brodsky stated that they need to know what their concerns are. J. Paquin agreed that they would get that. R. Fultz agreed that the Board will want them to respond to the comments just like was done for the stormwater review. Mr. Armstrong stated that he just brought it up because there are certain Town Boards that need to give permission for that to happen, he was not aware about the Town of Hull. R. Fultz added for a point as to how this worked for the stormwater, asked how many revisions there were, Mr. Armstrong answered 2 or 3. R. Fultz stated that there were changes that

were significant including the maintenance; including who was responsible for the maintenance of the system that were made so this does have value and not being an engineer, I can't really see what might come out of it but it is his opinion that it would be in this Board's responsibility to make sure that happens.

Mr. Horne (Sr.) – why all this engineering, we are overwhelmed by it, all it is is a house there that will go up on stilts there is going to be a sewer line going under that will tie into the existing line, there is going to be an electric line going to the house. J. Paquin stated that it does not have anything to do with those things, it is just the road. Mr. Horne added that the road has to be dug up to do it but there is no change in the road at all. What changes, what is the difference between that section of road and 30 feet at the end against the 30 feet before it. The rain still comes on it, the snow gets on it, the wind and the rain comes down from the street, I don't see why we have to have all kinds of engineers and it's just overwhelming for a simple thing like that. It's been going on for 5 years and it is still no farther ahead than when it started. I think the American people have more brains than that that it doesn't have to happen this way.

J. Constable asked in regards to the comments not submitted (DPW, Aquarion Water, Hull Light Plant Board, Gas Company and Telephone Company) have they been given a deadline for comments or a time frame. R. Fultz responded that they can have up to 45 days to respond but he thinks he can get them to respond a lot faster than that. J. Constable asked if it was 45 days from when the request was made. R. Fultz stated that if they don't respond within 45 days, the Board has to proceed. He believes that the 45 days would put them out side of the decision time.

Bill Horne – Would like to formally request tonight that as of right now there is a 4 x 4 stuck right in the middle of the street because somebody put a fence across the street and planted shrubs in the middle of the street and put loam and grass in the middle of the street and it goes for 25 more feet down. As my mother now walks with a cane, she can't walk down there. I formally request that you folks clear that street tomorrow, send the highway department down to clear it to the paved section that is already there existing. J. Paquin stated that unfortunately that is not the purview of the Planning Board and asked if he has called the highway department. Mr. Horne replied that you go to the Planning Board for roads. Mr. Horne replied - I have asked every department, I've asked the Selectmen, I've asked the highway department, I've asked the police, I've asked the Building Commissioner, and Peter Lombardo did come in and have the neighbor take the picket part of the fence down. But right now it is paved for 25 feet down and we can't get there. The neighbors has his cars parked there, we have to park back in front of other people's houses. If the 25 feet was open that is existing and has been there for a long, long time and I have asked everybody so when I have it on tape tonight in front of everybody that I am asking that to get cleared so my parents can go down there and get their own vehicle down there which they can't now. And if you folks are in charge of the roads, that is what I am asking from you. Please clear that road tomorrow. J. Paquin stated that she cannot guarantee that it will be cleared tomorrow. R. Fultz stated that they could pass your request to the Board of Selectmen and the Department of Public Works. They would have the responsibility to do that. Mr. Horne added that if somebody put a board in front of your driveway and planted things, I think you could probably get it removed pretty quickly. I have been asking since we started this project to get it done and no one will get it done so tonight I'd really like to get it on record for tomorrow to have it removed, July 10, 2014. R. Fultz stated again that they do not have the authority to do that but would pass the request on to the Board of Selectmen and DPW.

R. Fultz informed the Board that if they are trying to move through this process as quickly as possible, the Board should make a decision about retaining an engineer tonight because he does not think that it is a very time consuming operation for them but we need to move the process along as quickly as we can and need to make that decision tonight.

J. Duffy asked if R. Fultz had made any inquiries into any engineers that he could share with the Board. R. Fultz stated as was stated earlier in his memo that he did discuss it with a civil engineer whose primary occupation is doing this kind of consulting for communities. His estimate was \$2,500. But that is just one, he can get another one but he would like to get it moving as quickly as possible if that is the Board's desire.

S. Flynn what departments they were still waiting on comments from. J. Constable answered DPW, Aquarion, Light Plant Board, Gas Company, and Telephone Company. S. Flynn stated that he can see why we need comments from the DPW because it is a roadway; why are we waiting for something from Aquarion, the Gas

Company and the Light Company. There are no street lights proposed for that and we are not talking about a building lot we are just talking about an extension of the roadway so he doesn't think you need to get comments but you can get them. J. Paquin added that comments were requested but she did not think they would hold up anything if they were not received. J. Constable added that if they were allowed additional time to submit those letters then in fairness to them, and the Board. S. Flynn stated that he did not want to hold anything up waiting for something from Aquarion when no one has even requested to put a waterline in there at this point. That maybe later on when they are dealing with Peter Lombardo but not being a purview of this Board. R. Fultz added that it is specifically listed in the regulations.

H. Hibbard stated that regarding the engineering services that require a \$2,500 spend, he would feel more comfortable voting on it if he knew with a little more precision precisely what needs to be reviewed. R. Fultz responded that if you look in the regulations you will see the design standards and it is very specific about such things as slope, compaction, thickness of the sub-layers of the road, all of those things are very engineering specific. H. Hibbard added that he understands that there is some controversy over what would the design standards actually apply to here and asked J. Lampke to answer. J. Lampke stated that we take the position that at a minimum the design standards should be addressed and take the view that they need to be met or waived by the Planning Board. Fortunately there is a waiver process in this and this is a unique situation so there may very well be some requirements that for one reason or another are not appropriate or perhaps not necessary and the Planning Board upon proper request and proper consideration can waive those requirements. H. Hibbard asked if it is correct that we don't have a request for a waiver of that before us. Mr. Brodsky stated this is a discussion that he thinks he needs to have with J. Lampke and added that we take the position that since we are not proposing the subdivision of land and we have not submitted either a preliminary plan or a definitive plan that your design standards for construction of subdivision and subdivision roads are not applicable. Having said that as a practical matter, the Selectmen have told us to come and speak with you so we are complying with the requirements of the Selectmen. We have simply reserved our rights to say in the future if the design standards don't apply we've had Dan specifically address the design standards and where we thought they were applicable, we've identified those standards and identified those waivers so you do have a specific waiver request. Again, the only addition being is that Mr. Fultz is taking the position that this is a dead end street for which there are additional requirements and we will take a look at that and to the extent that we need additional waivers for dead end streets we are happy to do it. Those are the technical design standards. But a lot of the things that we are talking about, permission of a land owner, those are general requirements for the submittal of a definitive plan. At the end of this process you are not going to have a plan in which you are going to endorse for recording in the Registry of Deeds as you would with a definitive plan. All you are doing is going to give approval of the road for which we then have to go back to the Selectmen and negotiate all of the licenses to do the work on Town property. Ultimately the Selectmen will decide whether we can go ahead and do that so there is no plan that you are going to be signing and recording in the Registry so a lot of these sort of general requirements that apply to subdivisions are not going to apply here.

J. Paquin asked if there were any other questions or concerns this evening or would someone like to make a motion relative to this engineering.

J. Duffy asked if this was with respect to hiring the engineer or asking for payment of the \$2,500. J. Paquin replied that it was to hire the engineer. R. Fultz added that he would look for other proposals; the \$2,500 is a ballpark for everybody to understand what the costs were. J. Duffy asked if he would have something for them to look at at the next meeting. R. Fultz replied that he would actually like to have the report for you to look at the next time we meet. If you look at the schedule, I think the 60 days is up August 12. J. Paquin stated that either we make a decision or it passes. J. Lampke added that he thought he heard Mr. Brodsky say that he was going to request an extension so they could respond. Mr. Brodsky stated that he said he would request a continuance of the Public Hearing. Mr. Brodsky added I'll be candid with you, because it is not a definitive plan I don't know if there is any constructive approval but I raise that as a question for Mr. Lampke. R. Fultz added that Mr. Brodsky has a different opinion on what applies here than what the Town does, so just keep that clear. What we are talking about here is August 12 would be the date that we would have to make a decision by. The only other scheduled meeting we have would be the 23rd before that decision date. I was hoping to move the process along as quickly as possible so that we could have, that would give sufficient time for an engineer to do the review and submitted it to the Board and give sufficient time for me to try to get any other relevant comments from other departments. J. Paquin added as well as allowing the proponent to have time to respond

as well. It may well be that we might have to have an extra meeting. H. Hibbard asked if there were two meetings before the 12th. J. Paquin stated that the 12th was on a Tuesday so there was only one meeting. R. Fultz stated that for the proponent's sake and for everyone's sake he is just trying to move it along.

Joe Prodnack of Dorchester; I am a building inspector and have been around for 27 years. We provide engineer stamps all the time. I just want to point out that this gentleman is here is an engineer and he designed the road and the only part of this particular proposal is should there be a failure in the road, the applicant bears the responsibility to maintain it. That would mean fixing any issues.

J. Paquin replied that she understands that but that the Board has a responsibility to the Town and to the Town's people to make sure that we carry out our process in a proper way and it is something that we can do. We are not engineers and if somebody sitting on this Board in fact was an engineer, we might depend on them for their expertise but we don't have that talent on this Board so we have the ability to do this and I feel comfortable in doing it. We are not trying to go crazy but we have a responsibility to the Town. J. Prodnack replied that as a building inspector, I rely on engineers stamps all the time.

H. Hibbard asked for clarity, we are talking about hiring an engineer to review this plan to determine that it complies with the rules and regulations then subsequently we will be hiring an inspection engineer to confirm that it was constructed in accordance with the plans. J. Paquin agreed. J. Lampke added that it may be the same engineer. J. Paquin added that it could very well be and that would probably be the most cost effective thing to do is to have one engineer do it.

H. Hibbard motion that the Board authorizes the Town Planner to solicit proposals and hire an engineer to review the plan to confirm compliance with the Subdivision Control Law and the Rules and Regulations governing the Subdivision, 2nd by T. Reynolds. Discussion for a question by J. Lampke because he knows that there was talk earlier that the applicant was going to be responsible for paying for this and it wasn't part of the motion giving R. Fultz authority to go hire an engineer which I think is good so this moves along but there is going to be a question of who is going to pay for it. If the board is going to require the applicant or the applicant was going to agree to pay for that, that should be part of this so that it is clear and if that is the case, I am sure that Mr. Brodsky and I can quickly come to a written agreement, one of these tri-party agreements that has been done before. That is something that he is comfortable with. R. Fultz added that we just need to be clear that the regulations allow us to make the proponent pay for that.

W. Horne stated that he believed that at the last meeting Paul Gratta was here and he said he was an engineer and he builds most of the roads in Hull and he said that he would do it for nothing. J. Lampke added with all due respect I am not aware that Paul Gratta is an engineer. Mr. Horne stated that he believed he said that at the last meeting, and that he may be mistaken but thinks that is what he heard. J. Lampke added that he thinks that he is a good contractor and all that but he was not aware that he was an engineer and also he has made inquiries about I got the impression to do the work so I think there may be some fiduciary issues, if he was an engineer and reviewing the plans and then doing the work, one part of this is that the engineer has to have his fiduciary responsibilities to the Town.

Steve Bjorkland, just for the record if the engineer that is going to review that particular plan based on whether it meets all of your Subdivision Rules and Regulations for a definitive subdivision plan, these guys are probably going to need about a hundred waivers. Because it is not a subdivision plan so he probably has something that says you need 5 sheets, you need an index sheet, a layout sheet and all of this, so if they come back in with a request for a hundred waivers, I just want you to understand that it is because they are not really doing a subdivision but if that is what he is charged with doing, because I have done tons of these, they may have to request a hundred waivers, one by one every single one of them against that book of regulations which is 100 pages thick, just to do this small piece of work, so the scope of work for that engineer is going to be extremely important. J. Lampke stated that R. Fultz will be coordinating that with the engineer and will be addressing that. R. Fultz added that he thinks the way that we do that is to focus on what is proposed and how that may or may not meet the standards and not the other way around. S. Bjorkland added and not worry about if there is a cul-de-sac, or the design of curbing. R. Fultz added that as he stated early he feels that is a necessary waiver. S. Bjorkland added that an Index sheet would be a necessary waiver. R. Fultz added those things could be a simple listing, he does not think that is a big issue. S. Bjorkland added that he just said that

because he want the public to understand that there are going to be many, many waivers that don't really mean much but it is going to sound like they are asking for a hundred waivers.

H. Hibbard amended his motion to move that this Board authorize the Town Planner to hire a civil engineer to review the plans for compliance with the Town's Rules and Regulations governing the subdivision of land and that the expense be borne by the proponent and that that agreement would be worked out between the proponent's attorney and Town Counsel. J. Lampke added two comments, it would be good to know that the proponent agrees to that and H. Hibbard's motion said in compliance with the subdivision rules and regulations. He thinks that the Board does not want to be limited to just that but what other best advice the engineer may want to give to the Board on this particular design unless you have already had somebody else review this design which he is not aware of. J. Paquin answered no, J. Lampke added too limited. J. Duffy asked if you are looking for the engineer to look at the design standards of the specs as set forth; there is a whole bunch of things about the inspection and all that. Are you looking to see if there is sufficient design standards of the specs and then see if they are reasonable, is that it? J. Lampke added to see if the design that is being proposed is appropriate for these circumstances. J. Duffy asked, by appropriate does it mean every single one of these as suggested or is it an overview. R. Fultz responded that the engineer that he has spoken to does this kind of work all the time for towns and he think that things that don't apply to this project are going to be quickly discarded and he thinks that the focus should be on design standards and specifications for construction. J. Duffy is warning to make it as flexible for you and for the engineer. R. Fultz stated that as J. Lampke stated we could also ask him to make any general comments.

H. Hibbard moved that this Board authorize the Town Planner to hire a civil engineer to review the plans for compliance with all of the applicable rules and regulations and any other matters deemed important to the engineer and that the proponent bear the cost of the engineer's services pursuant to an agreement to be worked out between the proponent and Town Counsel. T. Reynolds 2nd, voted unanimously.

Mr. Brodsky requested that the Board email him all of the communication for Town Boards as well as the proposals for the consultants.

J. Paquin stated that we would be continuing to July 23rd which is the next meeting at 7:35 at which point we will have the additional information that we required.

10:10pm - T. Reynolds moved to adjourn the meeting, N. Peyton 2nd. There was further discussion, R. Fultz stated that mistakenly thought the meeting was over but there is now discussion. J. Constable asked that as the letters come in could they be forwarded to the Board.

W. Horne asked if David Nyman has been requested to submit a proposal because he is familiar with the project and is a civil engineer. R. Fultz said they could discuss that. He will get a couple of proposals, it will be through email so that it is quick.

Vote was unanimous to adjourn.

Documents:

Department responses as noted above

R. Fultz memo to Planning Board dated 7/9/2014, google and assessor maps

Petition submitted by Residents

Plans:

Strong Civil Design/SLB Group dated Existing Conditions Erosion Control & Demolition Plan S1- dated rev. 12/5/13, Roadway Layout, Stormwater & Utility PlanS2 - dated rev. 12/5/2013

Minutes approved: _____

Date: _____