

**WEST NEWBURY PLANNING BOARD  
MINUTES OF MEETING  
NOVEMBER 3, 2014**

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the West Newbury Planning Board was held on November 3, 2014 in the Planning Board Office. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, Chairman, and John Todd Sarkis attended. Associate Member Dennis Lucey and Administrator Jean Nelson were also present.

The meeting was called to order at 7:05 PM.

**Minutes of October 7, 2014**

The Minutes were reviewed and edited.

**Motion** made by Murphey, seconded by Sarkis, to approve the Minutes as edited. The vote in favor was 4-0-1. (Bardeen abstained.)

**Public Hearing to consider the following Applications for "Estate Homes at Rivers Edge" land located off Sullivans Court, Assessors Map R-11, Lot 18, in the Residence C Zoning District:**

**..Application for a Definitive Subdivision Plan, M.G.L. Chapter 44 §81T-81GG and the Town of West Newbury Regulations Governing the Subdivision of Land, for six lots and related infrastructure, including the extension of Sullivans Court,**

**..Applications for Special Permits under M.G.L. Chapter 40A §9, and the Zoning Bylaw:**

**..For a Common Driveway Special Permit to serve three lots, Section 7.D., and**

**..For Reduced Frontage Lot Special Permit for three lots, Section 6.A.1.**

**Owners are Kathryn Coffin, Louise F. Beard, Vincent P. Sullivan, Priscilla J. Santos, c/o 18 Sullivans Court, PO Box 31, West Newbury MA. Applicant is Walker Development Corporation, Thomas E. Neve, President, 447 Boston Street, Topsfield MA 01983.**

Murphey opened the Public Hearing. Sarkis read the Legal Notice.

Murphey said that the Applications for Definitive Subdivision Approval and Special Permits for three Common Driveways and three Reduced Frontage Lots have been filed together, and the Public Hearings are being held concurrently.

Neve made an Informal presentation to the board a couple of months ago, and feedback was received.

Murphey said that the Applicant, Thomas Neve, will make his presentation. He continued that we are going to do something different here. Following the presentation, members of the public will have the opportunity to ask questions. Usually the Planning Board asks questions first. We are reversing the order so that you, the abutters, will have the opportunity to comment and pose your questions tonight. Please wait until the presentation is over before you ask questions, and if you speak, state your name and address. I ask that the Board members hold their questions until the end tonight, if time, or until the next hearing date.

Murphey said these plans have been sent out to our Technical Review Agent and will be reviewed at the Applicant's expense. One hour has been designated for the Public Hearing tonight. A decision by the Planning Board will not be reached tonight.

Murphey turned the floor over to Thomas Neve.

Neve introduced himself. He said he is a Registered Civil Engineer and Professional Land Surveyor. He handed out copies of plan sets to abutters present. He said he had sent a letter and plan to abutters and offered to meet with them informally. The process involves a lot of detail and technical information..

The first sheet he showed was a Lotting Plan. He said the area is 13.3 acres of land at the westerly end of Sullivans Court. There is a barn on the property, and 3 agricultural fields on site. His proposal is to extend Sullivans Court to a turn around cul-de-sac and provide frontage for 6 lots. The parcel is in a 20,000 square foot zone, and his plan has an average of 2.2 acres per lot. He listed lot areas of each lot shown on the plan.

The lots with circles are Reduced Frontage lots. They must meet certain criteria, which includes lots which are larger and wider. The lots are subject to a Special Permit.

He has also created a Common Driveway rather than have individual curb cuts. One curb cut will serve three lots.

The second sheet shows the location of homes and limit of work in order to build the homes, driveways, and stormwater management provisions to protect the river and wetlands. The heavy red line is the perimeter of the property. Home sites are shown in brown and limit of work in light green. Land beyond the limit will be left in its current state.

Aerial photo shows the neighbors' homes and he indicated those. The common driveway is right off the cul-de-sac. The regs require a common driveway to be built

the same as a secondary roadway. Driveways need to be safe, and are kind of glorified roadway, according to Neve. He said he is trying to create a bit of space and width at the entrance. The island narrows down to a standard common driveway. He split the entranceway with a treed island. The circle will also be used by the public. This will be a public right of way.

Plan and profile view shows grades and how they will build it. The roadway ends flat and enough elevation will be created to get proper drainage. Grades are between 4-6% and 8% in one section to come around the circle.

Drainage is "country drainage" with a grassy swale which will collect water and find its way to a small infiltration pond. The roadway is going down all the way and the grades depict a swale along the side and eventually the water collects next to the steep ravine. Stormwater management is based on two locations. He pointed out two locations where stormwater needs to be managed.

A Hydrologic Model of drainage calculations was also submitted which was prepared by Jim Hanley, a Civil Engineer. Neve said they are required to not increase the rate of runoff from the site which currently exists and to make drainage work. If there are issues with respect to drainage in the neighborhood, they will try also to mitigate those also.

Neve said they are at bottom of the watershed and this is a perfect forum to find out existing problems. Neighbors know more about the land, and he welcomes their input.

Murphey opened the floor to questions. Thomas Horgan, 33 River Meadow, said he thought the Rivers Protection Act, went from 100 feet to 200 feet about ten years ago. He sees two houses within that buffer zone of the river. Neve said that is correct. About 10 years ago the Wetlands Protection Act was amended to include protection of rivers and streams. The Conservation Commission is the approving authority. They have filed the same set of plans with the Con Com so everyone is on the same page. He continued that Greg Hochmuth is before the Con Com now. Specific house lots have not been filed with the Conservation Commission. From the river, 100 feet is a no construction zone. From 100 feet-200 feet you can't alter more than 10% of the total riverfront area. The high water mark was located, and the amount of river front area is calculated. They have 130,000 square feet in that area. 10% of that is 13,000 square feet, and that is all that can be altered. Originally he proposed four waterfront lots, but that became difficult to manage. So now there are two lots.

Horgan asked if all work counts. Neve said yes, from 100 feet' to 200 feet. Murphey said the Conservation Commission has a stringent review process, and the Planning Board does not usually weigh into that.

Howard Hill, 32 River Meadow Place, said he understands conservation but if a subdivision is set up with these lots and limited roadway frontage, if the lots aren't buildable because of Rivers Act or where they can't be placed, the subdivision itself does not function. He said it is hard to understand how the subdivision works if the houses just can't be built. His second question was how does the valley between Lots 6 and 5 or Lot 3 work. That is a river which runs 24/7- 365 days a year. How does that not apply with the Rivers Act? You are within 100 feet with your homes in that. He said he is going to ask the Army Corps which has jurisdiction over all wetlands which run to the river and to the ocean for streams starts on that piece and that on the other side of River Meadow Way that runs 24/7-365 days a year next to his lot. So, Hill said, the house on lot #1 is within 100 feet of that river, and water from the detention pond will run into that, and if it runs 365 days a year 24/7 then that is a river. Neve said that's correct. Hill continued that he is concerned how he is squeezing all these lots in, when the Army Corps might come back and say sorry Tom, these are rivers.

Neve said he does not believe that they will. It is his responsibility at this point anyway—they believe their plans comply with the requirements of the Wetlands Protection Act and Planning Board Rules & Regulations with waivers such as curbing and dead end roads, which do not matter to the layout of the homes. They do their best job to try to prepare a plan which conforms, and he thinks it does conform. Peer review and the Planning Board will test that. The Rivers Act will allow them to make the crossing to gain access to one home site, which is allowed if there is no other reasonable alternative. Hill asked if there is no other reasonable alternative. He said Neve is asking for the subdivision to be accepted by the Planning Board and at the same time you have not asked the Conservation Commission to allow crossing that. He said you are asking for Conservation to allow you go to across. Hill said that they will say they have a subdivision and will now ask to be allowed to go because it is a hardship.

Neve said that won't happen here. Neve said he just started with this process and does not expect it to end for quite a while. The reason he filed with the Con Com and Planning Board at the same time is they both have separate jurisdictions and both have major influences on the outcomes of their permit, and that will be tested through the process. Hill said he does not want the Planning Board to approve the project until they find out what the Conservation Commission does. Neve said their requirements can't be waived.

Hill said behind Turunen's house they tried to build another house, and it was too close to the 24/7 stream. He is wondering how Neve's house will be allowed. Neve said they allow certain work within 100 feet of the wetlands. It is incumbent on him to file for a permit. They were asked by Con Comm to file a Notice of Intent for the subdivision

first, then will file for individual lots. Neve said they could go thru the Planning Board and Com Comm process and still not get a Building Permit, which is the purpose of all of this. They must comply with Zoning Bylaw. As the process goes along, this will be looked at.

Murphey said it is possible there could be a change or agreement. Neve may feel it is too difficult, for example. The river is highly regulated. It is not a rubber stamp from either board.

Hill asked who maintains driveway. Neve said the 3 people who use it. The Planning Board requires a maintenance agreement and each person will be bound by that agreement. It is a useful tool to limit construction of new roadways. He said they could have built a subdivision road with a layout that would produce more lots. Hill said there is still a frontage issue-Neve said that is because he has chosen to develop lots only with frontage on Sullivans Court. He had initially prepared a plan which showed roadways within the parcel which would have required waivers and had a plan that created a connection to the River Meadow neighborhood, which he felt would have been difficult. He felt this scenario was the most acceptable.

Murphey added that a common driveway reduces the amount of impervious area, and there are a number in town. He said the Town will plow Sullivans Court and the circle.

Hill said there is a tremendous amount of runoff without any pavement, and is concerned there will be more. Neve said there is a detailed drainage study that was submitted. They have studied current drainage patterns and have modeled the post development of the property drainage to mitigate those concerns. On the plan at every point where water exits the property, it exits in a way that is less than it is today. That is DEP stormwater criteria. Someone asked when the study was done. Neve said a month ago. The man said Summer time is dry. A stream runs thru his front yard to the river. He did not see anyone there. Neve said they are required to study for a 2, 10, 25 and 100 year event. That 100 year event is 7" of rainfall in a 24 hour period.

Cook said the consulting engineer reviews all of this and the modelling is done by computer. Murphey said there was more runoff concern on the parcel across the street and it is the belief that what is being done to treat the runoff will improve it.

Turunen said past the trees is where the water flows and showed it on the plan. Neve said this is one of their design points. It is shown by the topography. They don't just study within their confines. They study at each exit point where there are different slopes and soils. They have to mitigate. Turunen said there were no test pits dug in the corner. Neve showed little boxes on the plan where the test pits were. He said they did test pits for 15 sites, and did not have a problem.

Cindy Sherburne of 14 Sullivans Court, asked how will Sullivans Court handle 18 wheelers? The street is narrow with no traffic. It is a community. Neve said equipment stays on site. This is a 6-8 week job to finish. There won't be tractor trailers because they can't get around the corner. Sherburne asked how they will be building a septic system. Neve responded there will be 10 wheel dump trucks and smaller vehicles and they already did that when they did perc tests. They brought in loads of gravel to get to part of the site. Sherburne asked how will they build the road without equipment. Neve said they will be widening Sullivans Court from a point on. It is shown on the plan. It will be tapered from 100' up and will be 20' wide. She asked if eminent domain will be used to take her yard. Neve said they will be widening Sullivans within the layout of the street. Neve said it is 16 feet wide and will be widened to 20'. They will be working within the dedication. Neve said her front yard is not all her property. Sherburne said her front yard is narrow, and there is a giant rock there. Neve said he can't answer those questions now and he'd be happy to walk the street with anyway who is concerned. Murphey said there may be a way to mitigate it, and it is clearly within the right of way. Neve said there may be a way to widen the right of way on the other side. He had taken the centerline of the road and measured from that to propose the widening.

Cook explained eminent domain and said that he has not heard that here. He said he and she have something in common. He mows land which is part of the Town right of way. Neve said he will look at it, and this is the purpose of the Public Hearings. Sherburne said it seems developers have more rights than we do, and it does not matter. Neve said he will meet with her.

Brian Richard, 36 Whetstone Street, said it seems like when building an individual house we have a harder time than when have a big development. It was hard to position their house, had to deal with flood plain and Con Com, and it seems things get past thru easily. He said at the lot line he has maintained more than they own there. He asked if Neve is agreeable to putting a natural barrier there. Neve said it is about 10 feet and Richard asked if Neve can adjust the lot line for someone who has maintained the strip for 17 years. Neve said it makes sense to make a buffer area. Richard said he has some recreational areas in there and Neve promised to not tell anyone or the Army Corps of Engineers. There was laughter. Neve said once the location of the house is fixed and Conservation Commission is happy with it, he can stake it out and see how it looks. Plantings could be planned.

Richard asked how they can cross the little river. Neve said they will need to put in a bridge. Neve said it was an old farm road and Richard asked who determines that. Neve said it does not really matter. There was a culvert there which he was told was put in about 10 years ago, and it is now gone. He said they must follow Army Corps of West Newbury Planning Board Minutes of Meeting November 3, 2014

Engineers stream standards and must cross with an open box culvert and must meet certain standards to get across there. They must span the stream.

Richard asked if Neve will be building the houses, and Neve said he is not sure. Richard asked if the lots showing houses are set in stone where the houses have to go. Neve said they studied where the houses should go based on topography, so the setting looks natural. Once the septic systems are designed, that determines where the houses will go. Richard asked if someone could buy the lot and engineer a new house location and Neve said no, not in his subdivision.

Erin Brin, 21 River Meadow Drive, said there is an easement between her house and her neighbor's house, and asked if that is under consideration. Neve said no, but he thought it might be a good idea to propose a catwalk at that site. He might propose a trail along the edge of the common driveway and create a 10 foot x 20 foot outlook at the water's edge, not for access by vehicles or horses, but by foot. Brian Shea, 22 River Meadow Drive, said he thinks it is a terrible idea. Neve said there is a charge in the regulations to come up with ideas to help the public. Murphey said we typically like trails, scenic vistas, etc. The Board will consider it. Neve said it affords people who live there less privacy, but he proposed it as a public benefit.

Shea asked Neve's experience in Methuen and Boxford. Neve said he has had good luck in Boxford. He made the papers every week and papers are not kind to a developer. It is very difficult to promote change. He will put restrictive covenants to regulate location, color style of homes, prohibit fencing and above ground pools, etc.

Mark Bilodeau, 8 Sullivans Court, asked are all single family lots? Neve said yes. But he is required to provide one affordable unit and is struggling where to put it. One home will either be a duplex or large home with an annex. He said the Town allows 2 family homes in this district. Neve needs to do more work on that. Bilodeau asked if the plan will be approved with five singles and one duplex. Murphey said we are not there yet. Cook said there is no guarantee that the plan will be approved.

Bilodeau said 3 houses on one driveway seem excessive. Murphey said the regulation allows up to three. There can be good and bad. Visually, this is an open area. Bilodeau said it should be good but real life kicks in and there are problems. Murphey said if it is egregious the Town can kick in. Bilodeau suggested that maybe the duplex share a driveway.

Shea asked how long the driveway runs. Neve scaled it off and said it is approximately 700 feet long. He was asked if he had asked the neighbor to access from his lot, and there was laughter. Neve said regulations require that you access your lot from your own frontage.

A question was asked how the process will proceed from here. Murphy said the Hearing will be continued to the next meeting. He said this will go on for some time. The Board will have a lot of questions and comments. Shea said when he built his home, everybody played by the rules.

Cook said that he disagreed with the idea it is easier to get a large subdivision approved. There are Special Permits and approvals involved. The project up the hill was approximately 1.5 years. Neve gave his number for questions.

Deb Green, 1 Sullivans Court, asked about all the traffic being driven through. Aren't there other lots that are also for sale? Murphey said there are two single lots, and Green summarized big picture eight additional homes. She asked if there are other opportunities to disburse it on other streets that it is worth considering? Cook said if the connection were made people might try to shortcut to downtown and add more traffic. Murphey said some road improvements have been proposed by Neve and yes it will change. He said the owners had the right to sell the land. Cook said the Board of Selectmen had the right of first refusal on this land, and several people said they wish they had bought it.

**Motion** made by Murphy that the Public Hearing be continued to November 18, 8:30 PM. Cook Seconded. The vote in favor was 5-0.

**Continued Public Hearing to consider an Application for Modification of the Special Permit (Zoning Bylaw §8.A.2.g.4) and Site Plan Review (Zoning Bylaw § 8.B.) granted for the Cottages at River Hill, (Certificate of Vote recorded in Book 33371 Page 453, and Plan recorded in Plan Book 443, Plan 59, at the Southern Essex District Registry of Deeds.) The requested Modification is to authorize up to eight previously modified Type D units to be constructed with two-car garages. Owner and Applicant is Cottage Advisors, LLC, 454 Post Road, Wells, Maine 04090. Premises are identified as Assessors Map U-1, Lot 19, The Cottages at River Hill.**

Murphey opened the continued Public Hearing at 8:50 PM. Chip Hall, Owner and Applicant, and Chris Lorrain, LandTech, were present for the Applicant.

Murphey said that a note had been received from Meridian Engineering regarding the drainage calculations. He summarized the message from April Ferraro, engineer at Meridian. She had concluded that the distribution of units throughout the site should not stress the approved drainage system.

Cook agreed that the water is not a major issue. Murphey asked board members if they have any concerns. Bridges said his concern remains that you are adding more



square footage, have already made allowances for enclosing decks, and there is potential to build upwards to add extra space. The two-car garage is deviating from the cottage idea. With potential for more occupancy and more vehicular traffic, it is getting away from the original intent of the cottage concept.

Bardeen said that she agreed. The drainage calcs review was necessary but not persuasive. Eight more garage doors mean 38 doors, which is a 27% increase in garage doors. The Board had talked in the original permitting process about how tight everything was in the Exclusive Use Areas, and upgrades diverge from the original modest cottage concept that was sold to the Board.

Cook said he feels conflicted. He feels the concerns of Bardeen and Bridges. He feels that the changed streetscape and extra width of pavement will detract from the project. On the other hand, he wants the project to be successful, and can understand from a business point of view and the need for diversity in housing. He is conflicted because of this, but understands the business does not think is attractive understands why it is good business.

Hall said that driving factor was a demographic of downsizers. Some interested buyers want to head south for the Winter and want to have the cars in the garage as they head South. From a massing and scaling standpoint they are only increasing the width of original D by two feet. This unit is still more compact than the original D unit. From the streetscape, there is less scale and mass than the original D. Diversity is a good thing. He believes there is more diversity and look is more natural than not. Scott Brown did a good job. He pointed to differences in gable ends and rooflines. He would like the Board to support it.

Murphey said he sees utility of it. If it been part of the original application, he does not think he would have been opposed to it. He thinks is limited and can see the need on the business side of it. It is not unattractive. The units are tightly grouped. Lorrain said the two-car garages will not increase occupancy, because the living area is not changed. It has already been agreed that area over garage could not be extended. There will not be any additional cars or traffic. The extra car would be there anyway.

**Motion** made by Murphey to close the Public Hearing. Cook seconded. The vote was unanimous.

Murphey summarized the Conditions he thought had been agreed on. 1. No further expansion of the garages 2. Units will be distributed throughout each phase and not adjacent to each other. Lorrain said they will be complaint with the original condition which states that not more than two will be adjacent. Nelson asked if that was what the Board wanted. Bardeen said this was not on the drawing that the board had seen.

On that, none had been adjacent to each other. Lorrain said they still intend on disbursing, but want the opportunity to have a little flexibility. Nelson said that the original application and plan submittal showed a distribution of units. It was not in the Application that the distribution would be flexible. She said it is up to the Board. Lorrain said that the condition would be acceptable. Because of constraints, D-2 must be distributed, or they will start losing units. He said they will live with that condition.

Murphey asked Sarkis for an opinion. Sarkis said he had no thoughts on this. Cook said if two were built adjacent as mirror images, it is possible that there would be four garages in a row and he did not want to see that. Hall pointed out that two units together may possibly happen on the high point of the road. He said he would not have a problem with a condition that two could not be adjacent mirroring each other.

An Amendment to the Declaration of Restrictive Covenants was discussed. The Master Deed must be amended to reflect the conditions also. Back to the condition of adjacent to each other, Hall said he could agree if that was a deal breaker.

**Motion** made by Murphey as follows:

I move that the Planning Board approve the Application from Cottage Advisors, LLC, for Modification of a Special Permit at Follinsbee Lane. The Application is for modification to Unit Type D, to be identified as D-2, for up to eight two-car garages to be constructed at the site. Conditions of Approval are as follows:

1. Further expansion in any form may not occur in the garages of the eight units which will have two-car garages. Dormers shall not be added, the height of the garage shall not be raised, the second floor above the garages may not be converted to living space, etc. See Certificate of Vote recorded in Book 33371 Page 453, Section III.D.1., which is now superseded by this Condition which allows restricted expansion.
2. A. Units shall be distributed throughout each Phase of the Unit Production Plan, Sheet C21 of the recorded plan.  
B. Units with a two-car garage may not be built adjacent to each other.  
C. The Applicant shall notify the Planning Board when a Foundation Permit is applied for so that the Board can track number and location of D-2 Units.
3. When possible, where the Exclusive Use Areas and length of driveways is suitable, driveways to a two-car garage shall be constructed in a "Y" shape to reduce the curb cut and amount of paved area.

4. The Owner shall execute an Amended Declaration of Restrictive Covenants, as an Amendment to the Covenant recorded in Book 33371, page 487
  - A. Stating the he will not apply for a Modification to the Special Permit for additional two-car garages on any other units.
  - B. Stating that "For units identified as D-2, no upward extension is allowed over the two-car garage units. No further expansion of the two-car garages is allowed." This Condition shall supersede Section 3.J. of the recorded Declaration of Restrictive Covenants.
  
5. The Master Deed, recorded in Book \_\_\_ Page \_\_\_ shall be amended to reflect this condition. The Applicant shall submit language amending the Master Deed for the Board's review and approval.

All other Conditions of the Certificate of Vote remain in force as written and recorded.

The motion was seconded by Sarkis. Murphey asked for any discussion. Sarkis asked if the Amendment passes, would the board still need to craft a decision? He asked if the vote was to be the final document. Nelson said that there would be a document with conditions, with all other conditions as written, which must be recorded. Sarkis asked if the case of an amendment would apply to a modification. Nelson said the Board will have time to review and revise the document as it has in the past. The conditions as read by Murphey would be edited by the review. Sarkis asked if it would be treated as other applications in the past.

Murphey called the vote. Cook, Murphey, and Sarkis voted in favor. Bardeen and Bridges voted against the motion. The motion did not carry, as a four-fifths vote is required for a Special Permit.

The Applicant left at approximately 8:55 PM.

**Public Hearing to consider an Application for a Special Permit for a "drive-in bank", (Zoning Bylaw §5.B.2.c.) and Site Plan Review (§8.B.), at 279-283 Main Street. Owner and Applicant is Haverhill Bank, 180 Merrimack Street, Haverhill, MA 01830. Premises are identified as Assessors Map U-1, Lot 52, in the Business District. Fred Clark, Gail Linehan, Thomas Mortimer, Richard Sheehan, Ray Dussault**

Mortimer said that Bob Masys is still recovering and he will check on the status of the plans mid-week.

Clark said that the pitch of the roof at the parking lot has dropped in response to Bardeen's comment. Cook noted that the OPEN/CLOSED sign is internally lit, and that may require a Waiver from the Zoning Bylaw. It was noted that the OPEN/CLOSED sign

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will be on when the bank is open, and turned off at night. Nelson was asked to check with the Building Inspector to see what this would require.

Dussault distributed the latest lighting plans. He said the number of poles will be reduced to three. Building and canopy lighting was discussed. He reviewed the candle foot numbers on the photometric plan. The acorn style light has a full cut-off cap which is a "black sky cap." Murphey said he feels the light does not mirror West Newbury. Bridges agreed that downlit is more pleasing. Murphey had brought a picture of a lamp he felt was suitable. Dussault said he would run the photometrics on this light. Murphey said they may need four light posts with this light, which would be all right. Dussault said the pole will be 15 feet tall.

The ATM fixture was discussed. There will be two lights in the canopy. Bardeen asked about lighting near the emergency exit. Bridges asked if the alarms are on a strobe, and the response was no.

Murphey had asked about the windows on Main Street. Mortimer said they will not be illuminated at night.

Murphey apologized for not conducting a site walk six weeks ago. In response to the Board's letter, Mortimer said the leachfield will stay where it is. Mortimer said they will see if the tree can be saved. Mike the barber said the tree is done. Branches fall down all the time. Nelson had asked Gary Bill, Tree Warden, to look at the tree. He recommended that it be removed.

Mortimer said they may be able to make the 22 foot wide driveway narrower. He will ask Masys. Sarkis surmised that the width may be needed to make the turns around the corners. It was noted that big trucks not be able to use the drive up window, and Bridges said he cannot with his truck.

The Board had asked the impact of removing the barber shop. Mortimer had said that a few feet would not matter much. The drive up and the septic system are the main drivers. Mortimer said there will not be a generator or a dumpster.

Sarkis asked if the free standing sign would be better near the walkway rather than at the intersection. Mortimer said he would look into it. Bardeen recommended that the poles, sign post and railings should all be in the same family and color.

Cook and Sarkis said they appreciate the good will they have received from the Applicant.

Motion made by Murphey seconded by Cook to continue the Public Hearing to November 18 at 7:30 PM.

## **Ocean Meadow, Form J Release of 60 Moody Lane**

Doug Stockbridge appeared before the Board for Ocean Meadow. He said the guardrails are in place and half of the driveways will be paved on November 5, 2014.

He said it is Savage's goal to have the berms installed ten days from today. Units 24 and 26 are 45 days from completion. They will be sheetrocking in 14 days. There has been some interest in the units, and they are still waiting to hear from DHCD approving the marketing plan.

He said the closing on 60 Moody Lane has been moved to November 18<sup>th</sup>. Stockbridge said according to Sean Savage, the weather should not be an issue,.

Richard Gothage, 7 Ridgeway Circle, said they have been slow in raising the catch basins and some have been left open with only a cone left near the opening. Richard Mandeville, 2 Ridgeway Circle, said there is a lack of communication with Steve Gillis.

The Board was not inclined to release 60 Moody Lane until the paving is done. Stockbridge thanked the Board and said he will return on November 18<sup>th</sup>.

Motion to adjourn, 10:05 PM.

Submitted by

Jean Nelson  
Planning Board Administrator

These Minutes were approved by the Planning Board on January 20, 2015.