

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
April 7, 2015**

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 April 7, 2015 in the Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, Chairman, and John Todd Sarkis, (arrived late) were present. Also present were Dennis Lucey, Associate Member, and Jean Nelson, Planning Board Administrator.

The meeting was called to order at 7:03 PM.

The Cottages at River Hill, request for approval of a Tri-Partite Agreement and release of units from the Covenant Not to Convey, and discussion of status of the project, complaints received

Present for the Owner were Chip Hall, Owner, Melissa Robbins, Attorney, and Chris Lorrain, Engineer. Robbins said the bonding estimate is a bit old and the numbers are based on work as of the beginning of February. They agreed with Meridian's higher bond estimate of work to be completed at \$268,900. The Tri-Party Agreement had been reviewed by Jean and Michael McCarron. There had been a minor revision made by Nelson that day. The bank has approved it and minor revisions can be initialed.

Robbins requested a release from the Covenant Not to Convey of five units.

Murphey read a list of items to be done. He requested a date by which they will be completed. Robbins said they are working toward completion. Hall said the areas behind Units 1 and 3 have been worked on. It is still too wet to go down to interceptor trench #1. The plan is to start next week. The trench on the south side will be done the end of this week. Lorrain said they don't want to finish the trench to the stormwater wetland until they are further along, because it will fill with sediment. Murphey read from a list provided by Diane Gagnon of Meridian that grass swale, rip rap, infiltration trench and Stormwater Wetland #1 were on the list to be completed.

Robbins listed closing dates for the five units requested: Unit 3 has a 30 day extension to May 3, 7 is closing on May 1, 9 on June 2, 8 on June 5, and 1 on June 26, 2015. Bardeen asked for Nelson's matrix of the list of items to be done before any units could be released. It had been updated as of April 1. All items had been done except for the drainage. Nelson reminded the Board that the Tri-Party does not do any good until a year from May. It cannot be called in until May 16, 2016, when the Special Permit expires. The permit can be extended, but the Tri-Party can't be called until that date.

Nelson continued that this is not like a subdivision. According to the Attorney General, the Board would need to take in the funds, deposit them in the General Fund, then appropriate them at a Town Meeting in order to spend them.

She reminded the Board that utilities, first coat, and drainage must be installed to the satisfaction of the Planning Board before units are released. She said that she had talked with Charlie Wear and he said having the Stormwater Wetland #1 structure in place is important. In a heavy storm, it could have a big impact on the downhill side. It will affect both retention and water quality. It could flood out downhill properties.

Hall said last year we had six inches of rain in 12 hours with no incident. Jay Smith had said the system worked well. Nelson said that she had been through last Fall during the heavy rains and had seen erosion, piles of gravel, and runoff. Wear reminded her of the amount of snow melting into the ground this Spring. Lorrain said it is not entirely uncontrolled. There had been minor erosion, but there is control of the stormwater out there.

Murphey said he would be happy to release a couple of units tonight. Cook read the Performance Guarantee requirements. Robbins said they have completed most of the items and are still working.

Sarkis arrived with barely a voice. He asked to see what has been done on the drainage. Lorrain reviewed the drainage on a plan. He said the infiltration trench is roughed out, but they don't want to finish it. It has been too wet to do more work. Bardeen asked to see what has not been done. Lorrain turned to the sheet and said that Stormwater Wetland #1 has not been built; the grass swale, the infiltration trench and the rip-rap swale also have not been installed. The trench and a sedimentation basin have been roughed out. Sarkis asked why that work not yet done had not been done initially. Lorrain said they had to stop construction after November 1 or 15 (he was not sure) because of Con Comm requirements. Site work began after sometime in July, according to Hall. Lorrain said there was a big push on the septic system, and then the Con Comm date of November first for no work in the buffer zone had passed.

Bardeen said she was concerned with large chunks of the drainage system undone. Sarkis asked if the catch basins are functioning and Lorrain replied yes. He explained the temporary drainage system. He said they will be done in a week to ten days once construction of the system begins. It will still need to be vegetated. Lorrain explained the drainage system and said again that they did not want erosion getting into the system, and wanted to wait until a couple more houses were finished. They had asked the Con Comm if they could begin work in the buffer zone two weeks earlier than the April 15 date. He said that the date for finishing that wetland would be in July, based on rate of construction now.

Sarkis said the basins should have been in and stabilized as the first course of action. He said shame on our Board for not really mandating that. Lorrain said you do have temporary sedimentation now. Sarkis was thinking of retention.

Cook said he was inclined to release 3 and 7. Bridges asked about the slope on the north side. Lorrain said the trench is almost done. Nelson asked about the grading behind Unit 2, which appears not to be finished. Lorrain said it is done, and Nelson questioned that at the corner behind Unit 2, where cuts were made on both sides of the corner. Hall confirmed that it is not yet graded to plan.

Motion made by Murphey to release Units 3 and 7 subject to review and approval of the Tri-Party Agreement. The vote was 4-1 (Bardeen voted in opposition.)

Lorrain said they prefer not to put in the infiltration trench as discussed. It will silt out and need to be dug up and replaced. Sarkis said that is what he has had to do on every project. He cleans it out before turning over to the Homeowners Association. Nelson suggested that Chris write his position and send it, and she would ask Wear's opinion and input on the issue. Murphey agreed. Sarkis stressed that detention should occur in a safe and environmentally approved manner now.

Murphey asked if someone from the Driscoll residence was here. Nelson said Mr. Driscoll cannot attend. Murphey noted the concern on dirt of their property and the cut at the rear of the lot. Tom Chausse said he spoke with Mrs. Driscoll this morning, her husband was in Mexico, and he brought her up to speed with the project and gave her the whole communication he sent. He said she is fine. Chausse said he would meet with her husband any time and go over the issues and perform a site visit with him and go over the plans in his office. He said some of the information in the email was not 100% accurate. He related that she had said her husband would call him when he comes back.

Murphey said he would expect that they would go over the cut at the rear hill, and why it had to be done. As for the dirt issues, it is a big open site and it is impossible to cover all of the piles. He knows an effort has been made to cover the piles. He said it will be an ongoing concern because of the winds on the site. Chausse said he is anxious to visit Driscoll's site because the distance his property is and the change in elevation, he would like to see where the dirt is and if he has to clean it, he will take care of it. They have his email and cell phone number.

Murphey asked John McGrath if he would like to speak. McGrath said he had a long list, and thought he would wait until after. Murphey told him that we have 3 minutes, otherwise he could come back at 10:00 tonight. McGrath said he has a number of issues, and that he got a message from the office noting that he would have the opportunity to speak after the next public hearing.

Murphey said that he had asked for the comments in writing. McGrath said his points are founded on photo documentation with an extraordinary amount of wind-blown material that this Board and perhaps others have not enforced the terms of the contract with the developer. Material stockpiled over the winter has recently been covered since Tom came along. Stockpiles are 40-50 feet within wetlands. A temporary siltation basin was never been built and is the site of stockpiled materials to this day. A fire hose was at his back property line and was discharging

water and eroded an active drainage ditch. He followed the water to a B17 silt fence and found accumulated siltation on both sides of the silt fence.

Murphey said these sound like conservation concerns. He said he is not aware of any concern on the part of the Con Comm. McGrath said he has documentation of the amount of material that came onto his and Driscoll's yard. He had brought this up last October. Murphey said that the Conservation Commission has shown evidence of remedying the situation.

McGrath said he had emailed Brian about two weeks ago and sent 4 photographs as background for them to talk. He said he has not received Brian's phone call yet. Murphey said he had forwarded the photos to the developer because in his capacity saw this was an abutter's concern, and he was concerned. McGrath said he never had a chance to share the context with Brian. Murphey said he had asked McGrath to send a letter, which had not been done. McGrath said Murphey seems to want to bring this to a confrontation or a formal complaint. He said he would like to make comments with documentation to the Board, and each member can decide what to do with it. McGrath asked if he will be allowed to talk later, and Murphey said that will be up to the Board, which agreed to 10:00 p.m.

Tom Chausse said that he provides weekly communication to the Con Comm, and he meets with Jay Smith once a week.

Continued Public Hearing to consider Applications for Definitive Subdivision Plan (M.G.L. Chapter 41 §81T-81GG) and Special Permits for

..a Common Driveway Special Permit to serve three lots, Section 7.D., and, Reduced Frontage Lot Special Permit for three lots, Section 6.A.1., for "Estate Homes at Rivers Edge", land located off Sullivans Court, Assessors Map R-11, Lot 18, in the Residence C Zoning District: 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 continued Public Hearing.

Those present included Deb Green, Tom Horgan, Cindy Sherburne, John McGrath, Susan Richard, Jay Soucey, Jean Lambert

Tom Neve was present for the Applicant. Neve said this is the third iteration of plans. New plans had been sent today. A copy had been sent to the Fire Chief also. The easements are shown in the Lotting Plan in 50 scale. All drawings will be recorded. C-8 shows the easements for utilities, common driveway, and the trails. Survey information is shown. Trail B has been shown to the centerline of the mean low water line of the river. It is shown in the inset. The centerline has been shown in metes and bounds. There will be a 4' wide trail on an 8' wide easement. The easement abutting the Hill property has been added.

Easements will be noted in the deeds, and in the easement document.

Neve described that the catwalk will be a wooden system, 4' wide, 3' above the wetlands. There will be 4" x 4" stringers. It will be defined as a boardwalk in the applications to the Con Comm. The Con Comm will need to approve it. Bardeen noted it should be defined as a wooden walkway.

Sarkis noted that on C-8, cross section AA, the trail is on the left side of the paved area. Half of the trail easement is on the paved area, and half on the grass. It looks as if one can walk on the driveway, which Neve said was OK with him. It is a bit funky. He said it cannot be built off the driveway because of the slope and maximum distance from the wetlands. Neve said he does not know how the trails will be marked.

Lucey asked if the section where the Cottages trail comes in is dry. Neve said it is, but it is next to the wetlands. Neve said he will connect to the Cottages at River Hill trail. The wooden walkway will have three connection points, to the west, to his development and to the Cottages. They will be designed to connect.

Tom Horgan asked if the section going down to the catwalk will be paved. Neve said no. Horgan said it looks as if it is, but Neve said that there will not be any paving beyond the cul-de-sac.

Neve reviewed the sheets and revisions. The Fire Chief said the hydrant is OK as located, as long as there is not a berm. The pavement is 16' wide with 2' gravel shoulders on each side. The overall site plan has been revised. Neve related that last night the Con Comm had closed their public hearings for the subdivision and all the lots and would be issuing an Order of Conditions. Now the details on both submittals are the same.

Drawing C-7 shows the wetland crossing. A box culvert will be installed for the crossing. Half of it will be buried. The stream bed will be excavated by hand. The alteration will be less than 5,000 square feet. The floodplain replication will have to be prepared also.

Jay Soucey asked about the tree line at the crossing. He asked if it will come out. Neve said whatever is necessary will be removed, and it will have to be replaced in kind and rebuilt.

Required street trees have been removed from the drawings. The cross sections of the Common Driveway do not correspond to the Subdivision Regulations, and have been agreed to in the List of Waivers.

Murphey said the Landscaping Plan had arrived. Neve said that he had asked the Landscape Architect to keep the rural character of the area. He has asked him to keep 10' from all of the paved areas. The center island will be made up of three different types of trees. He reviewed the list of plants.

Bardeen asked where the limits of the plowing were indicated. Cook pointed to an area where nothing will be planted. This area was discussed. Neve said that nothing other than what is shown there will be planted. Language as a condition was discussed.

The Homeowners Association will be responsible for mowing and taking care of shrubs and plants. The unbuilt stub will have two gravel parking spaces. It was decided that it will stay as is, as a field. Nelson asked if the owner of Lot 1 can maintain it. It was decided that this is Town-owned land, and it will be listed as left in its natural state.

Cook asked if there will be monuments so people know where their lot lines are. Neve said no—he is looking at this as a site plan. Monumentation of the street for acceptance was discussed. Nelson said she had noted in the Waiver Request that the stone bounds are required in Subdivision Regulations. Neve said they do not normally stick out of the ground, but are covered and hard to find. In his restrictive covenants, they look at fences carefully. Cook said there are other spots in Town where observing lot lines and Town-owned property is a concern. Cook said his concern is on Lot 1. He suggested a couple of posts. Nelson said that regarding the bounds that the Board should consider what is required in Subdivision Regulations for Street Acceptance, not what feels good. Neve counted the number of bounds, and there were many.

It was decided that it will be decided later, and will be conditioned.

Sarkis asked about the culverts on Sheet C-6. Some culverts do not have easements. Neve said the headwall and system are in the right of way. All pipes are HDPE, and in the details, according to Neve. Sarkis questioned POS and asked if there is a detail, or what POS means. Neve searched and said he would need clarification from the drainage designer. It was determined that it means Proposed Outlet Structure.

Sarkis continued that on Sheet D-2 there is a headwall. He did not see where any basins had that. Neve said they will make sure it applies to something, or will take it off of the sheet. Neve said the cross culvert may be part of the Con Comm decision where the size of the pipe was increased.

Murphy brought up buffering requested by Brian Richard. He asked if Neve would be amendable to six evergreens on Richard's and six on Carifio's property, because Neve's setback is tight on Lot 6. Neve said that the appeal by the neighbors is disheartening. He would be amenable to settling the appeal with buffers, and the buffer is not part of the Subdivision Regs.

Neve said he feels the buffering request is over-reaching. The abutters should plant some trees. Cook said he agreed. Neve explained that the house was moved back due to opposition from abutters.

Murphey asked for a sense of the Board. Lucey said it appears there is a row of trees along the line, as appeared on Google Earth. Murphey took a poll, and Board members were not comfortable with this as a condition.

The Board reviewed the second draft of Conditions on the screen. Murphey asked Neve if the lowering of Sullivans Court would be compatible with the new house to be built on 18 Sullivans Court. A message had been sent by the new owner, stating that his engineer was aware of this.

Murphey continued to Inclusionary Housing. He summarized the formula from the Bylaw. Neve said he probably won't build the houses. He suggested an agreement whereby he would pay for the selling price of the lot, and the homeowner would add value where money would be due to the Town. He suggested a betterment and payment depending on sales price. Sarkis noted that there is a flaw in the formula if someone buys a lot and builds their own house. Neve suggested keeping it simple. Various options were discussed. An appraisal was discussed as an option. Bardeen said that the assessed value will be lower than the market value.

Neve said he will write a proposal for the Board and Town Counsel to review.

Tom Horgan asked why not follow what has been done with other developers? The response was that other developers have built the units.

Sarkis asked to discuss what happens at the intersection of Sullivans Court and Whetstone Street. He had asked for a detail of the intersection, so they could come up with a plan for what will be done. Sarkis asked if it is sufficient to generally describe what is to be done. He said that there is a pole shown, and Nelson said that there are two poles opposite each other. Neve said that Gary Bill had suggested more work to be done. Neve said that the project had been made less in scope, so he was not able to do what Bill wanted.

Nelson pointed out the scope to Sarkis in the draft Conditions. Tom Horgan asked where the sketch plan was. Neve said there is not enough detail to draft a sketch plan. The poles were discussed. Many conversations about the pole took place at once. Sarkis feared abutter opposition to any work being done. Neve said he has to get approval from the Board of Selectmen, who will make a decision as to what will be done. Cook said the language is great for the Board, but does not give much to protect Neve. Neve said if it could be better, then the Board can ask him to make the improvement better.

Deb Green asked what right of way means. It was explained. Murphey said that the Board is not looking for radical improvement there—we like the way that it is. Neve said the intersection can be improved without any unnecessary widening. Neve said that he felt that the marking and proposed improvements would need to be made on a site visit with the Board of Selectmen.

Cindy Sherburne asked if all of this could be overridden by the Board of Selectmen. Neve said no, because the funding for this would be coming from him as developer. Bardeen pointed out

that the Selectmen could require the widening of any street in town. John McGrath said that it is fundamentally a blackmail situation. He said eventually the developer has to come to the Board of Selectmen via the DPW, for a Road Opening Permit. That permit then gives the handle to say what other improvements might be made.

The Conditions were reviewed again from the beginning. The Waivers were reviewed. Bounds will need to be researched, and language was suggested. Trails are not a Waiver request, and that will be deleted. The trail easement on the new section of Sullivans Court was discussed, and an easement will be granted to the Town for all purposes for which streets are used. Walk outs will be prohibited on Lots 1 and 2.

Tom Horgan asked how the easement protecting his and Dr. Hill's property will be enforced. Neve said it is conveyed to a higher power. This will be an obligation of the Homeowners Association. The Association has the right to cross property without risk of trespassing. Neve said the Town is part of the document. Nelson reminded the Board that easements granted to the Town have to be accepted at Town Meeting.

Neve questioned the requirement of Section 6.A.1. where lots may not be altered in size or shape. Nelson had added a provision to address the appeal to the ANRAD. For general lot line changes, it was determined that they are not allowed by the Bylaw. It was determined that an owner would need to refile for a new Special Permit.

The 12 Steed Avenue minor modification was discussed. The Board had approved a minor modification to revise the lot lines due to a lawsuit. An ANR Plan will be filed, according to Nelson.

Motion made by Murphey to close the Public Hearing for Special Permit Applications for three Reduced Frontage Lots, Section 6.A.1., and a Common Driveway to serve three lots, Section 7.D. for Sullivans Court Extension/The Estate Homes at Rivers Edge. Sarkis questioned whether or not Neve can submit additional or plan information after the Hearing is closed. The reply was yes. The motion was seconded by Bridges. The vote in favor was 5-0.

Motion made by Murphey to close the Public Hearing for an Application for a Definitive Subdivision Plan, M.G.L. Chapter 41, Section 81T-81GG for a six Lot Subdivision at Sullivans Court Extension/The Estate Homes at Rivers Edge, submitted by Walker Development Corporation. The motion was seconded by Bardeen. The vote in favor was 5-0.

Neve said that it would be helpful for the Board to approve the applications tonight. He said then he could get going on other parts of the project. Cook asked the Board what more would be needed. He said he does not see any unresolved issues. Bridges said it would be prudent to see if any issues do shake out.

Bardeen said the most of the revisions to the drawings are covered in the conditions. Cook said he does not see any advantage to waiting a few weeks. Tom Horgan said there is still an appeal of wetlands to the state. Murphey said that has no bearing on this. Horgan asked procedural information. Nelson said if there is one condition that Neve does not like, he can appeal the decision if he wishes. A discussion of what would be required after a vote is taken followed. All documents would need to be approved ready to record prior to endorsing the plans.

Murphey asked for a sense of the Board. Sarkis asked what anyone would like to see resolved prior to voting. Bardeen felt the groundwork has been covered. Cook did not see any other issues. Sarkis said he felt the affordable housing element has not been resolved. A discussion of the Bylaw and the requirements followed.

Motion made by Murphey to approve the Applications for Special Permit Applications for three Reduced Frontage Lots Section 6.A.1., and a Common Driveway to serve three lots Section 7.D., for Sullivans Court Extension/The Estate Homes at Rivers Edge submitted by Walker Development Corporation subject to the following:

Approval of the final Certificate of Vote,

Approval of the plans submitted,

Approval of all easement, covenants, agreements and all other documents as required.

The motion was seconded by Bridges. The vote in favor was 5-0.

Motion made by Murphey to approve the Application for a Definitive Subdivision Plan, M.G.L. Chapter 41, Section 81T-81GG for a six Lot Subdivision for Sullivans Court Extension/The Estate Homes at Rivers Edge, submitted by Walker Development Corporation subject to the following:

Approval of the final Certificate of Vote,

Approval of the plans submitted,

Approval of all easements, covenants, agreements and all other documents as required.

The motion was seconded by Bardeen. The vote in favor was 5-0.

Murphey thanked the abutters for their attendance, interest, diligence, and good questions.

General Business:

Bridges asked if Mr. McGrath could give a condensed outline. Murphey said he wanted to do the Minutes instead. Bridges said McGrath brought up a couple of items he had not heard before, and Sarkis agreed. Bridges said that he would like to have seen the comments before the meeting, so the Board could be prepared for it, so he asked McGrath to keep it succinct.

McGrath said he attended a lot of meetings, has many feet of lot line abutting the project, and he has a vested interest as an abutter and constituent. He said he has been to Con Comm. You (Murphey) forwarded an email where Mr. Hall dismissed his complaints because they had been cleared with the Planning Board. McGrath continued tonight he heard that the trench had been completed. That was true, but there was no receptor for the outfall. It is from surface and groundwater. Today it was pumped and sent to the silt fence at the wetland boundary. There is no temporary sedimentation basin, which is called for on the plans. There are stockpiles not within sites 1 or 2, and within 100 feet of the wetland. Bridges asked if he had brought the concern to Con Comm. McGrath replied yes, but just for the first time. All of this developed this Spring. He passed around photos. The site was left for the Winter with no stabilization. McGrath said he has photos. He said Lorrain told the Board it was stabilized, and told the Con Comm the same two weeks ago.

McGrath said they had rough graded out Phase I and into Phase II and it was a month before Whetstone Street got paved. There were 3 large stockpiles of material, a large pile of sand where a temporary basin to this day not built was to be, and a large pile of rock and muck. McGrath described that the silt fence is built at the wetland line where a future outfall is to be located. He asked that the Board be thoughtful when they hear these comments. He did not want to put something in writing—he wanted to talk about it. Murphey said we like to have something in writing so that the Board or the engineer could respond. McGrath said you can resolve it with whomever. Murphey said writing would be more informative.

McGrath said to date, there has been poor compliance with stabilization of soils. Murphey said that he would not disagree with that. McGrath said he is talking about the Board's oversight. He tried to work with Chip. McGrath related they have hundreds yards of muck stacked at the silt fence, 45 feet from the fence to the edge of wetlands. Now the trench is done and it will be generating liquids draining down to the fence.

Murphey asked what the Con Comm did at their meeting. McGrath said he will not get between the two boards. He quoted a page from the plan that stated that piles should be covered with geotech fabric. He asked the Board to find out whose jurisdiction it is. Sarkis said maybe both boards have jurisdiction. He said the details are on the plans. He suggested that the Board consult with Meridian and ask what their experience has been, and have them describe this to the Board.

Murphey said he could have had an answer tonight. McGrath said he needs corrections in the behavior of the boards with the authority to do something about it. He said the site in his personal experience is in serious disarray. The cut off trench was not built until a couple houses were built. The back slope behind the houses on the left was a huge expense (to dig up and then restore.) Murphey agreed. Murphey said that the Board can't manage their site for them. Sarkis said it makes sense to get an idea of whether or not we have police authority and if our consulting engineer has let us know if obligations of the permits have been met. Bardeen said

she is concerned if Meridian has asked if this belongs in the right place, etc. McGrath asked what he could have written to let the Board know he had a concern. He said the whole site was spinning out of control. Bridges said if he had written and some of these things could have been decided, such as what is Con Comm purview, etc.

Glenn Kemper, Chair of the Board of Selectmen, said this has gotten to a level to now where the Selectmen have this on the Agenda at their next meeting. He said there have been multiple complaints on this project. The authority the Board of Selectmen has is in the Street Opening Permit, where it says the Applicant has to comply with other requirements. It has gotten to a level where all groups need to get together. He said this is a mismanaged site where it has gone too long. He said you can see the actions of people who work with him by what happened last week. He said the teeth that this Board has is to release units. He said he can't believe that this man stood up and said he talked to somebody's wife, who assured him that her husband in Mexico has no problems. Kemper said that is inconceivable that you believed him and released units. Some Board members said they did not believe him. Kemper said it scares him. At Ocean Meadow, he had one complaint. He is nervous. You can't take earth and have it drop with children in the yard, as now exists. There was no fence, no warning. You can't be blasting with no notice. Kemper said Hall is paying for Meridian, who is doing oversight for the Town, and he does not think we are getting that.

Murphey said this is the heart of the issue. If you want the Town to manage the job, it will cost money for supervision. McGrath said it depends on what Meridian's mandate is. He said Driscoll's email was dismissed. He said Driscoll had asked a direct question about tarping of the piles, and a material change in gradient lines, and asked when these changes were approved. McGrath said he should have received an answer instead of the question being forwarded to the developer.

Kemper said they want to get everyone together. There are a lot of unanswered questions. He said everything piles up when you see problems with the septic system, slope, drainage. It is a mistake. McGrath said there has not been enough walking around on the site. Murphey agreed you can tell when a site is not run well by walking around. Kemper said that when he had talked with Hall on Friday, he complained that there were Planning Board people going to his site. Nelson said that was she. Kemper said we need to wake up and see who we are dealing with. The teeth is releasing units. Kemper thanked the Board for their time.

McGrath asked if Brian got a phone call from Chip Hall, would he call him? Murphey said he has not always in the past—he might send him a note. McGrath said Murphey didn't call him, and that is what wound him up. Murphey said he felt it was more important to get an answer to McGrath's photos from the applicant. McGrath said so in other words it is not possible with this Board to make a phone call and discuss something, without it going straight through to the other side. Murphey said that he and McGrath had a misunderstanding of intent. His thinking was that McGrath was making a complaint. He said McGrath's point is well taken for the site.

Bridges said it was unfortunate to be getting into this micro-management of the site. McGrath took exception with that. He said that after two years of working on a plan, you don't put things in you don't mean, and you put things in that you want. Then you are morally obligated and legally bound to live up to them, and can't delegate to someone who does not have a strong mandate. He got ready to leave.

Cook said Meridian does have a strong mandate. Sarkis said typically Meridian has done a great job. McGrath said thank you, that he would take questions for five minutes. Cook asked what is bad about the word complaint?. McGrath said let's take the drifted sand. McGrath said he does not know if he has a complaint or not. He needs to assess the damage. He said he sees violation of various safety measures. He said he does not feel the principal has a feel for that. There was a discussion of how do you enforce the authority of the Planning Board.

Cook said we can require the contractor to put more money in the escrow for more oversight. McGrath said he has managed hundreds of inspectors. He said he would not continually send the same person to inspect. Nelson said the new inspector is 24 years old, and Charlie could not tell her much about him. The inspector wrote on his report for April 1 "discussion with Jean." She said that what happened on April 1st was not a discussion with her. The report was incomplete as to details. Bardeen asked why they don't know that the piles are in the wrong place. Nelson had noted covering of the piles to Meridian back in December.

Murphey said that the language in the decision is unclear. It should be discussed for Neve's decision. Nelson said the Form L lists what is to be monitored, and she had already made revisions to the Estate Homes decision based on this experience. She asked the Board to please suggest revisions if the language is not sufficient.

The Board discussed the role of the inspector further. Nelson said she had asked Gagnon to send the Inspection Reports daily. She suggested that a blasting policy should be initiated, and that the Board discuss a policy for handling complaints.

Motion to adjourn, 11:15 PM.

Submitted by,

Jean Nelson

Planning Board Administrator