Kingston Planning Board
Public Hearing
Minutes

April 17, 2018

The Chairperson called the meeting to order at 6:46 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Glenn Coppelman, Chair
Peter Coffin, V. Chair
Carol Croteau
Phil Coombs, BOS rep.
Ellen Faulconer, alternate
Chris Bashaw
Peter Bakie
Lynne Merrill
Robert Pellegrino, alternate

Also in Attendance: Glenn Greenwood, Planner, Dennis Quintal, Town Engineer

Mr. Coppelman introduced the above to the public.

Hawk Ridge of S. Kingston
Bent Grass Circle
Tax Map R3 Lot 4, Land Unit 4

Charles Cleary introduced himself as representing Hawks Ridge; he explained that they were back for the amendments to the site plan adding that they had been before the Board a few times in the past; Mr. Villella had met with the Board's engineer on occasion. Mr. Cleary said that they don't have the amended site plan yet due to the weather and the snow and other issues concerning their engineer which has delayed that a bit but he has been told that they will have the plan within 30 days. Mr. Coppelman noted that the motion at the last hearing was to have new plans submitted to the Board by April 5th adding that the Board had not received new plans which was just confirmed by Mr. Cleary. Mr. Coppelman added that due to Mr. Quintal's review of the site, there may be some things to talk about other than a new plan.

Mr. Cleary said that for their purposes this evening, they planned to move forward and address the issues that the Board has raised, weather permitting and to submit the new plan; there has been some confusion as to what is allowed, permitted, permits, construction and inspections as how that has been proceeding; they would like that cleared up tonight, too as that impacts their ability to get the work done.

Bob Villella introduced himself as a builder and part-manager of Hawks Ridge. He submitted a letter dated January 31 and did not know if any of the Board members got a copy of it; he believed it was sent; he passed it out and asked that the Board read it before continuing with the conversation; he said it was from Steve Cummings, engineer and addressed to the Town of

Kingston Planning Board. The file was checked; the letter had not been received. Requests for the continuances were noted; the reasons for the continuances were read; the applicant was working on certain corrective actions requested under the site inspection report from the Town Engineer and the applicant's engineer, Steve Cummings, needed additional time to complete the amended plan.

Mr. Coppelman suggested Mr. Quintal review his comments as he had the most current updates and view of the site. Mr. Quintal explained that he had been contacted by Mr. Villella within the past week or so asking to meet him at the site; he hadn't been there since the end of December. He reviewed his brief letter to the Board in which he noted that he met with Mr. Villella on Friday, April 13, 2018. He read the letter than included his observations that vents had been installed on the leaching portion of the sanitary disposal system; two additional cellar holes had been partially dug on lots 2 and 33; work had progressed constructing dwellings on lots 1,4,7 and 29; no other improvements have been made since his last visit. Mr. Quintal stated that Mr. Villella told him that their engineer, Steve Cummings, had been in Florida and unable to do any additional re-design work; during the conversation a survey crew from SEC and associates did arrive to take existing conditions measurements of what was on site. He continued that Mr. Villella expressed his desire to clean up the site, correct the drainage and proceed to building homes that he is committed to; the partially dug cellars require blasting due to the ledge; Mr. Villella wants to continue building on the re-located lot 20 inside the circle and believes that all the dwellings within the circle will meet the building setback requirements. Mr. Quintal told Mr. Villella that the issue was not just meeting the building code setback but also the approval for the cluster approved for a specific density within the circle and adequate access to maintain or replace the waste disposal system with minimal impacts to the dwelling unit. Mr. Quintal continued that they discussed the stormwater requirements that need to be corrected; he explained to Mr. Villella that some could be done now according to the approved plans such as the things needing to be done to the detention basins, road-side swales and driveway culverts. Mr. Quintal stated that there are other conditions that cannot be meet the approved plans because of the way the homes have been built and therefore have to be re-designed; these items include such things as roof drains for groundwater recharge, swales between homes, foundations that are too close to the roadside and the walk-out cellar into a deep hole that is at the end of the cul-de-sac. Mr. Quintal offered to discuss options with the applicant's engineer for re-designing. Mr. Quintal added that he had submitted some photos with his report that included photos of the two cellar holes being excavated on lots 2 and 33; the steep slope on lot 29 as the original plan shows a 3:1 slope and does not comply with the plan and needs some grading change. He concluded by saying that he didn't see anything else changed since his last visit in December.

Mr. Villella said that his situation is that the place looks like a bomb was set off in the center where the one house had been added, unit 20. He questioned whether he should pull out the footings that he has in there or proceed with constructing a house there; he suggested that if he pulled them out, he wouldn't need to be here with the exception of maybe doing the work that has to be done for the subdivision; he said that he would put the house back in where it was supposed to go. Mr. Coppelman asked about the construction in Bent Grass Circle and asked about a Cease and Desist for that area placed by the Board of Selectmen. Mr. Villella said that he had never received a Cease and Desist although he has heard the Board and others talk about

it but he has never had one issued to him. Mr. Coppelman reviewed the Cease and Desist issued in October, 2017 that was addressed to Mr. Villella; the Cease and Desist was read. Ms. Faulconer noted that at the last hearing the Board voted to grant the requested continuance to April 17th contingent on the Board's receipt of complete plans due by April 5th and the requirement that there be no further construction within Bent Grass Circle other than items recommended by the Town Engineer to come into compliance.

Mr. Villella asked the Board to explain why Unit #1 has been constructed, Unit #3 is partially constructed, Unit #7 has been framed and being roofed tomorrow, and he is hearing that there is a cease and desist. He would also like it explained why seven months ago, on Unit 2, they were going to blast and the Building Inspector had no problem with it and when they tried to pull a permit from the Fire Department he was told they couldn't issue the permit as there is a cease and desist. He continued that within the last three weeks, Mr. Steward said that the blasting could occur and propane tanks could be set so they went to the Fire Department to get the permits to blast and was told they couldn't so they broke up the ledge without blasting, then the tanks were set and the Fire Department inspected and would allow the back-filling but not the final hook-up as there was a Cease and Desist. He said he found this out from Palmer Gas and wanted the Board to tell him why he had to find out from Palmer Gas. Mr. Coppelman said that he couldn't answer Mr. Villella but suggested that Ms. Faulconer might have some information. Ms. Faulconer suggested that part of the issue might be due to terminology as she didn't think the Inspectors could issue permits not due to a specific Cease and Desist, per se, but because part of the requirements for issuing a permit is that the site be in compliance and through the meetings with the Planning Board, they are all aware that the site is not in compliance due to stormwater management issues and other items. Mr. Villella asked why he had been allowed to build and now being stopped from finishing the units. Ms. Faulconer suggested that those questions would need to be through a discussion with the Inspectors and Board of Selectmen. Ms. Faulconer said it was her understanding that the Inspectors could not give a final approval while they are aware that the site is not in compliance. Mr. Villella said that he has a house right now that he will be calling the Building Inspector and Fire Chief to sign off that he will be closing on shortly and another one in two weeks. He expressed concern that he has received foundation permits and building permits that don't have anything to do with Units 20 and 4 or 6. Ms. Faulconer re-iterated that he should speak with the Inspectors and Board of Selectmen as it is her understanding that if the site is not in compliance, they are not supposed to be issuing permits. Mr. Villella interrupted by asking how they are supposed to come into compliance if they can't put foundations in to do drainage. Ms. Faulconer suggested that Mr. Villella have his engineer speak with the Town's Engineer and get the amended plans to the Board. Mr. Villella said that he can get the plans for the two units but the other will be as-builts after they are done; he said with common sense, the as-built plan is done after the job is completed that shows what has been done. He would like permission to work with the Town Engineer to do what they can do.

Mr. Greenwood spoke to the progress, or lack of progress, the applicant has had with the Planning Board. He said that when this last came before the Board, the understanding was that there was activity at Bent Grass Circle that was unapproved and the applicant acknowledged that it was unapproved and that they would address the issues. He said that the Board is still waiting

for the plan that will show how it will be addressed. Mr. Greenwood said that the Planning Board requested that there be no additional activity of any nature on Bent Grass Circle and that on the other parts of the plan, they could develop the site in conformance with the approved plan. The Planning Board's discussion has not been about permits or current building; the discussion with the Board and the applicant has been bringing the plan into compliance with what they have done that has been out of compliance around Bent Grass Circle. He said that common sense says to submit a plan showing how the deficiencies will be corrected; the Board has provided a lot of time to do this. Mr. Greenwood added that preparing the plan is not affected by the weather; plan preparation is not impacted by the weather conditions. Mr. Coppelman added that permission had already been granted by the Board for the applicant's engineer to work with the Town's engineer. Mr. Villella said that there is one issue at the bottom on Mulligan Way that needs a catch basin and there is no catch basin on the plan; there is water collecting at the bottom; he said this is just common sense. He said that the need for this is not going to be added to a plan; it will be shown on the as-built plan after everything else is done and complete. Mr. Villella said that once everything is completed to Mr. Quintal's satisfaction, then an as-built plan will be done and submitted to the Planning Board. Mr. Coppelman said that prior to an as-built plan, the Board needs a plan submitted that the Board is comfortable with you going forward with. Mr. Villella said that all the Board has to look at is a plan with the unit being moved from Mulligan Way to Bent Grass Circle. Mr. Greenwood said that his concern is making sure that the Board has an adequate plan that the Board can approve that meets the Town's regulations with the changes done without permission on Bent Grass Circle. Mr. Bashaw explained that the last time the Board met that didn't include a motion for a continuance, there was acknowledgement that there were issues and the Board was told by the applicant that the next step was going to be an amended plan; the Board hasn't taken any action as the past two meetings were continued upon the applicant's request as the Board was told we would be receiving a plan; he added that there were resident's concerns with issues and it had been agreed upon that there were deficiencies that needed to be mapped out first to give some type of approval to; he stated that this was what the Planning Board had been waiting to receive. Mr. Villella asked if the Board needed an amended plan showing unit #6 or unit #20 moved to Bent Grass Circle which would be the amended plan; he suggested that he would then meet with the Board's engineer and do whatever he seems to want; and then they would give an as-built plan that would show everything that has been done. He suggested that this sounded logical. Mr. Bashaw said that he didn't think it was as simple as just providing a plan that just shows what was done and there are a lot of concerns that said that with units added and shifted, there are a lot of other engineering aspects that need to be addressed. Mr. Bashaw continued that throwing in that one building has thrown off the stormwater management; issues with run-off and other items that are supposed to be built as a totality of the circumstance and have affected entire areas as discussed at the last meeting. Mr. Coppelman said that by reviewing Mr. Quintal's last couple of reports, the issues and deficiencies are outlined and identified pretty well. Ms. Croteau commented that there have been houses moved over from the original plan to make room for the additional house, #20 in Bent Grass. Mr. Villella said that there was a big opening there; he was told that the farthest amount moved was 5 feet and within the unit's area, their convertible land.

Mr. Coffin said that at the last meeting, the Board had reviewed what needed to be worked on and there could be discussions with the Town Engineer. He continued by referring to the Jan.

31st letter distributed by Mr. Villella by asking who had originally signed the letter as there is no signature appearing on the letter. Mr. Coffin added that during the previous meetings, this letter had not been mentioned or referred to; the Board had just been told multiple times that all the issues were being taken of and fixed; the way it had been left was that the applicant was going to prepare and submit the plans that would fix the issues that had been cited by the Town Engineer and included the issues of moving the houses. Mr. Coffin re-iterated that the unsigned letter submitted by Mr. Villella had never been referenced during any of the Board's discussion.

Mr. Villella noted that he had never been up to speak with the Board previously. He said that he is here and wants to get it done; he said that he really can't do a plan showing the drainage as it is going to change once the foundations are put in; at that point, they will have to change the drainage. Mr. Coppelman said when the Board gets plans in for any project, it has stormwater management plans based on what is going to go on the ground.

Mr. Quintal stated that there is a lot of work that can be done on the site to comply with the approved plan. He continued by addressing the comment from Mr. Villella about the putting in the catch basin not on the plan; he said there is a swale that goes all the way down the edge of the road with culverts underneath the driveway that have not been constructed; he continued that to put one catch basin at the beginning of the circle to take the water off the road is not the answer. He said that if trying to alleviate the puddle that is on the street, the applicant needs to put a ditch line down through the edge of the roadway, as it is shown on the plan, with culverts underneath the driveways. He stated that it is pretty clear on the plan that these items are proposed to be done and if they are not going to be done that way than an alternative plan needs to be submitted for Planning Board review of a plan that will eliminate the problem of water running across the driveways or the edge of the road and across the cul-de-sac to get into the drainage system that drains out of that location. He re-iterated that it is pretty clear on the plan what needs to be done on that section. He referred to circle and Unit 4 stating that it was significantly moved, not just 4 or 5 feet, but significantly moved and now interferes with the drainage going around the curve; he continued that this is critical to know how the water is going to go around and underneath the driveway and it may have to be a culvert or subsurface drainage system; that whole area may now need some type of subsurface drainage system with curbing as now there is no ditch line around the cul-de-sac as the homes are already built without a swale or culverts under the driveways and the water just puddles in their driveway and along the edge of the road. Mr. Quintal said that this is not good for long-term maintenance of the pavement and may need a new surface within a short period of time which becomes an expense for the association. Mr. Quintal re-capped by saying that there is a lot that can be done using the existing plan; an amended plan can be done fairly quickly and needs to be done to address the things that need to be changed on the plan due to items moved by the applicant. Mr. Coppelman said that these were things requested by the Board and was expecting to see for tonight's hearing.

Mr. Bakie said that his concerns are that when the project first came before the Town and was approved, there were items on the plan that weren't done and are missing; he noted that now the applicant wants to continue doing what they want and then tell he Board what they are going to do. Mr. Villella said it would be the finished product. Mr. Villella added that he wasn't the one who brought the initial plans to the Board. Mr. Bakie said that he is aware of that but he is the

one working on the plan; there is now a project that doesn't comply with the plan but now the applicant wants to continue with not meeting the plan and then come tell the Board what they did on the site. He stated that this is not how it works. Mr. Bakie said that the Planning Board needs to know what is being proposed so the activity can be checked for meeting the approved plan. He said that this was common sense. Mr. Villella agreed but said that if doing an as-built plan he would like to meet with the Town Engineer to do what needs to be done so they will be sure it was done right. Mr. Bakie suggested that they should probably catch-up on what should be done or should have been done in the first place prior to continuing. Mr. Villella spoke about culverts; Mr. Bakie noted that the culverts shown on the plan weren't done. Mr. Villella suggested that the Board use common sense and take a ride to look at the things. He showed picture taken this morning, after last night's rain that showed no water; there was a little mud in an area he wants to do a culvert that can't currently be done. He said the problem is no common sense; the Board needs to go and look and tell him what needs to be done. Mr. Bakie said the Board has told him.

Mr. Bashaw explained that the applicant agreed to a set of plan. Mr. Villella answered that he didn't agree to anything. Mr. Bashaw continued that when the site plan was approved, it was the understanding that certain things were approved and agreed to; Mr. Bashaw asked if this was correct. Mr. Villella answered that he didn't do it so he can't answer the question; he is here now; he wondered why he was responsible for the gutters and the drains; the Building Inspector should have picked up on that stuff. He stated that it appeared that he wasn't going to get anything done with the Board tonight. Mr. Coppelman started to explain that the Board was a volunteer citizen Board; Mr. Villella said he didn't want to hear it. Mr. Coppelman explained that when approving a plan, the Board relies on the applicant's design engineer and the review of the plan from the Town's Engineer and makes its decision based on their expertise.

Mr. Cleary said they have issues that need to be addressed on the original plan and some issues due to the relocation of unit 20. He added that there is a potential Cease and Desist by the Selectmen by a letter to Mr. Villella and maybe a different type of Cease and Desist by the Planning Board from the last meeting. He continued that there seemed to be the ability to continue to construct units and clean-up and fix some problems. Ms. Faulconer clarified that it was her understanding from the Inspectors, that at this point, until the site is in compliance, and the Inspectors are now aware that the site is not in compliance, they can't issue any more permits or Certificates of Occupancy. She continued that her suggestion is, to clarify everything for everyone, that the Planning Board ask the BOS (Board of Selectmen) to issue a Cease and Desist on the site to clarify what does and does not have a Cease and Desist; other than items necessary to come into compliance on the existing plan. Mr. Cleary disagrees with this approach as there would then be no incentive to get this thing done. Ms. Faulconer suggested that the incentive would be to come into compliance to get then be able to get their permits. Mr. Cleary suggested picking a couple of units and not allowing Occupancy Permits until the plan is in full compliance as a project under construction is always a project under construction with things needing to be done and re-done. He said he understands the problems which were the relocation of the unit that brought the applicant to the Board's attention and then a separate action that would be an enforcement action for the Building Inspector or Code Enforcement Officer (Code EO). He suggests the Planning Board recommend to the BOS or Code EO that they are allowed to continue building but you will not get "X and Y" until the site is in full compliance. Mr. Coffin

said that this is what the Board said the last time we met; we need clarifications to the plan that we can act on; permission was given for the work to continue that was in compliance with the existing plan. He said that the Board cannot expect construction to go ahead on something that hasn't been approved yet; it puts the Board and the Town in a difficult position. Mr. Cleary apologized for the lack of plan stating the he couldn't do anything about that. Mr. Coffin noted that the Board couldn't either. Mr. Cleary said there was confusion about the Cease and Desist from the BOS. Mr. Coffin said that it does say cease construction; there was a certain amount of ambiguity due to moving the location and the numbering. Ms. Faulconer asked to make a clarification of the timing involved; when the original Cease and Desist went out in October, 2017, the implication was that there was just the one issue with the foundation being poured in an incorrect location; the Cease and Desist for this issue was referred to the Planning Board; there has been a meeting and multiple continuances for this. Ms. Faulconer continued that in the meantime, the Town Engineer has gone out, based on property owner testimony, and other issues were found with reports given to the Planning Board and the non-compliance. She continued that due to the multiple continuances, the Planning Board hasn't followed up with the BOS but there is information that the rest of the site is not in compliance; the only letter addresses the first issue. Ms. Faulconer explained that this is why she felt that a clarification from the BOS will be beneficial for everyone; she suggested that everything at the site be put on hold until stormwater management is in place; building should stop until there is a plan that can be followed; she noted that the BOS needs to know that the Planning Board hasn't gone any further with the applicant getting the site into compliance due to requested continuances; Mr. Villella can then speak with the BOS who are actually in charge of permits and this would put it back to the Board in charge of enforcement. She noted that the Planning Board is talking about coming into compliance with an existing plan or getting an amended plan; the BOS and the Inspectors have issues with the rest of the site not being in compliance and have been waiting for the Planning Board review and there still has not been a new plan submitted; she noted this process has been going on since October. Ms. Faulconer stated that asking for the enforcement action gets this back to the BOS as the appropriate Board and gets everyone on the same page; it provides a better paperwork "chain". Mr. Coffin agreed; he suggested a certified delivery of any action. Mr. Coombs asked if the intent was to turn it over to the BOS; he suggested the applicant request an appointment to meet with the BOS.

Mr. Coppelman asked for public comment. Karen Layne, Mulligan Way, said that at 2:00 there was flooding on different parts of the street not photographed by Mr. Villella; 5 Mulligan has a hose with a sump pump running that is draining onto the road; twice this has been put into the septic system; she said there are water issues on the road. Mr. Villella showed the photos again that did show water. Mr. Bashaw asked if the Board was asking the BOS for a clarification of their enforcement or an entirely new recommendation of enforcement or providing updated information to have them make a determination of how they want to proceed. Ms. Faulconer said to give them updated information on where the application and the plan stands at the Planning Board so the BOS and Inspectors can determine their course of action; since the BOS is the enforcement body of the Town, the Planning Board should let them know where things stand and leave it up to them to determine any actions. Ms. Merrill referenced the minutes of November 21, 2017 and the motion was to continue to December 12, 2017 with a deadline of 11/30 to submit new plans. Mr. Pellegrino said that the applicant is putting the Planning Board

in a position of their backs against the wall; a plan was requested to be able to give the applicant answers but without it, the Board has nothing to vote on; he said the Board cannot commit to just anything the applicant wants. Mr. Pellegrino continued that you said you could come into compliance; the Board is looking for the plan to help you get through the process, but no plan has been submitted. He also noted that with the ground not frozen, the water is going to drain; when the ground is frozen, there could be problems for the HOA (Homeowner's Association). Mr. Villella said he spoke with his engineer this afternoon and they agreed that the puddling should be taken care of. Mr. Pellegrino explained the need for the Board to see the plan with the appropriate changes for the Board to review. Mr. Villella agreed that the water issue should be taken care of immediately; the difficult part is the cul-de-sac, up by the circle because it can't be graded until the foundation is all set; you can't get a swale there; he said any set of plans submitted will change. Mr. Pellegrino said the Board needed to be able to vote on the possible options to get the issue squared away. Mr. Villella said the engineer will get together in a couple of weeks. Mr. Coppelman said that the Board's function this evening was not to re-engineer the plan; the direction given was done months ago and the Board should be taking action on it by now. Ms. Merrill said that a lack of the plan has delayed this process for 5 months; she added that if the Board was continuing to allow Mr. Quintal to speak with Mr. Cummings, then the Bond Balance needs to be replenished. Mr. Coppelman agreed that this would be a requirement.

Mr. Quintal clarified that his function in speaking with Mr. Cummings is to assist with coming up with a proper re-design of the situation that has been complicated from the original design; he said that he doesn't want to be in a position to approve something that hasn't been on a plan reviewed and accepted by the Planning Board. Mr. Quintal continued that his position is for Mr. Cummings to come up with a final design plan; his function is to follow the approved plan and anything other than that, he could only make suggestions for implementing a new plan that had been approved by the Board. Mr. Coppelman confirmed that he is not been given permission to design their plan, just to review the plan on behalf of the Planning Board and the Town. Mr. Quintal the important part of a determination of the plan is how best it benefits the community; there can be options in the re-design of some of the issues but they shouldn't be options that are costly in the future; this would be the guidance to the applicant's engineer. Mr. Coppelman re-asserted that it is the applicant's responsibility to come up with the plan.

MM&S to update the BOS on the current non-compliance status of the site based off of the Town Engineer's comments state of the site and lack of any updated plans as requested; ask that they clarify or re-affirm their enforcement standpoint as enforcement is under the purview of the Board of Selectmen; also asking that the BOS define the scope of their enforcement action. (Motion by Mr. Bashaw, second by Mr. Coffin)

Further discussion on the motion: Mr. Cleary asked to be copied, as applicant's counsel on that communication to the Selectmen; ask Mr. Coombs to have the BOS send a copy to him on any clarification order that goes out as his applicant did not receive the first one. Mr. Coppelman confirmed with Mr. Cleary that he is now the primary contact.

Ms. Faulconer noted that Mr. Quintal should not be doing any further review or assistance until the escrow account is replenished.

Mr. Coppelman stated that he understands the motion but given the amount of time that it has dragged on, prefers the motion be stronger. Ms. Merrill said that she received a report from Mr. Quintal of items with photographs noting specific items not in compliance; she asked if any of those items had changed. Mr. Quintal said the only thing he observed was the vents on the septic system; he was pretty sure that nothing else had been done; he said there are a number of things that can be done fairly easily and quickly and should be done right away.

Vote on the motion: Motion carried 6-0-1 with Mr. Coppelman abstaining.

MM&S to continue to June 19, 2018 with new plans due by June 7th; the escrow account to be replenished with an additional $2500 due by April 30th. (Motion by Ms. Merrill, second by Ms. Croteau) **Motion carried 6-0-1 with Mr. Coombs abstaining.**

Ms. Merrill noted that no Town Contractor will do any work on the site or plan until the escrow is replenished. This was agreed by Board consensus.

MM&S to move the Bresnahan site out of order and be heard next. (Motion by Ms. Merrill, second by Ms. Croteau) **PUNA**

Bresnahan Moving and Storage
7 Marshall Road
Tax Map R41 Lot 7-2

Mr. Coppelman announced that the Board had received a request dated 4/17/18 to continue the hearing with the jurisdiction clock extended 60 days.
MM&S to continue to 5/15/18 with the jurisdiction clock extended 60 days. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

All-American Assisted Living
4 East Way
Tax Map R34 Lot 71B

George Chadwick reviewed the history of the site. He explained the approved septic system and nitrate loading adding that it was an expensive proposal; he explained the alternative permeable reactive barrier (PRB) system being proposed and the process that reduces the nitrates. He added that he had been working with the Town's hydrogeologist consultant, Danna Truslow, in reviewing the system being proposed. Mr. Coppelman confirmed that the last two submissions were no longer valid. Mr. Greenwood added that the Planning Board had received 2 previous versions of the plan; each time there was a new submission, the plan was better. The new plans were distributed to the Board members. Mr. Chadwick reviewed the plan; 2 large tanks were being eliminated that had previously been proposed; he pointed out the 2 PRB's that were around systems 1 and 2; he noted that this was a passive system whereas the envirotex system is a mechanical system. Mr. Coppelman confirmed with Mr. Chadwick and Ms. Truslow that this system will achieve the 10 mg. level that the Board requires.

Ms. Truslow stated that she had reviewed the multiple plans for adequate performance and that the current proposal has the system outside of the wetland boundaries. She explained what a PRB is and the required monitoring for the system. Ms. Truslow continued explaining the system that has the wood chips providing a carbon source; the anaerobic bacteria eat the carbon converting the nitrates; the nitrogen gas goes into the atmosphere. She continued reviewing her report that she had previously submitted to the Board. Ms. Truslow noted that this system has been used successfully in the mid-west; it has been used locally as basically a pilot process and it has been effective. She explained that the landscape impact is a slightly mounded area to prevent water puddling adding that this needs to be maintained; she described the maintenance process. Ms. Truslow re-iterated that this was a passive, non-mechanical system; it doesn't have a performance period beyond 20 years but shouldn't break down rapidly; she explained that as long as the material is not exposed to a lot of oxygen, it shouldn't break down. Ms. Truslow stated that dramatic changes in weather such as a drought situation followed by a very quick surge of water could be an issue and therefore required a wider trench of 4 ft. instead of 2 ft. Ms. Truslow noted that the schematic shows the ground water monitoring adding the importance of doing the monitoring; she had requested modification of the proposed monitoring. The applicant stated his agreement with Ms. Truslow's proposed monitoring plan of 3 times a year for two years; re-evaluate the monitoring data at that time to see if it would be feasible to cut back a little, possibly twice a year; look at the results at 4 years to determine if cutting back to once a year or not at all was possible. Mr. Truslow reviewed the need to proper abandon certain wells; the need to mark off the locations of the PRB's and to maintain the permanent markings to protect these areas; the importance of maintaining the surface with regular mowing to prevent unwanted vegetation growth such as trees and shrubs. Ms. Croteau asked what would be used to mark off the area. Ms. Truslow answered that permanent stakes, well-flagged so they would be obvious and not putting the markers through the PRB's. Mr. Pellegrino asked if the issue with the drought and surge situation was a minor failure or bigger problem; he inquired about a warranty for the system. Ms. Truslow said that studies have seen the system last at least 20 years but there are no guarantees. Mr. Pellegrino asked about the possibility of replacing the wood chips. Ms. Truslow answered that multiple items within the system could be replaced. Mr. Coppelman noted that if the system does not perform to the standard, then the site would not be in compliance regarding the nitrates and the groundwater. Ms. Truslow added that if the monitoring data showed it was not performing adequately then it would not be in compliance; this system is based on an 8% reduction in nitrate; the results would be between 6 ml/liter to 3 or 4 m/liter; the monitoring results will show the actual. Mr. Pellegrino asked about the environmental impact during a drought and then a large rain. Ms. Truslow answered that there had been a nitrate spike but it went back down; it was still lower than the nitrate from the septic. She described vertical groundwater and confirmed that she had designated the well with the issues she had previously mentioned; she reviewed proposed surface water monitoring locations. Ms. Faulconer confirmed with Ms. Truslow that the State is okay with this type of system.

Mr. Greenwood reviewed his comments; he suggested the Board use Ms. Truslow's letter dated 4/9/18 for the monitoring and the wells; he noted that the Board had done a similar action on the previously approved plan. He added that the Historic District Commission (HDC) had some issues with visual aspects of the proposal. Ms. Croteau asked about a note on the plan on

antibiotics being flushed into the system that can harm the product if this is a concern. Ms. Truslow didn't have an answer but added that the amount of bacteria that grows in the system should take care of the issue and not be damaged by the antibiotics; the amount of dilution should have it be not much of a problem.

Mr. Quintal addressed his comments on the plan that included correcting the note reference to "20" being "21"; questions regarding proposed wells (104,105,106) being added to the plan. Mr. Chadwick said that the plan approved by the Health Officer shows the wells that are being abandoned. There was discussion about the information on the wells being shown on sheet 9 but that usually just sheets 1 and 3 were recorded; the PRB's on shown but the constructive details with the abandoned wells aren't shown; the possibility of adding a reference note on the recorded pages was discussed. Mr. Quintal asked how the trenches would be built as there would be digging into the water table and could have a lot of collapsing; he questioned the inspection process and how the sides are kept from collapsing and keeping a uniform width for the wood chips. Ms. Truslow stated that the question regarding the collapsing was an important one and stated that a "trench box" was needed to keep the trench sufficiently open. Mr. Quintal said that this was the critical part to him; he said that pictures should be taken as part of the inspection process to confirm the as-built. Mr. Coppelman said that the report should be submitted to the Board with pictures as needed. Mr. Chadwick that it was; utilities do cross through the PRB. Ms. Truslow clarified that the material is tamped down but not highly compacted as the water has to move properly. Mr. Coombs questioned the wells and well easement. Mr. Chadwick said that they have two wells with enough water for the development; notifications have been sent to abutters regarding the 72 hour pump test. Mr. Chadwick noted that the attorney had sent an update for the BOS (Board of Selectmen) review. The wells and the pump test were reviewed.

Mr. Coppelman asked if any Board member might have a conflict and need to recuse themselves. Mr. Coombs noted that he was an abutter, had received an abutter notification; he said he would abstain from a vote.

MM&S to accept the plan for jurisdiction. (Motion by Mr. Coffin, second by Mr. Bakie) **Motion passed 6-0-1** with Mr. Coombs abstaining.

Mr. Coppelman reviewed Department comments. Virginia Morse, HDC Chairperson, had provided written comment but was present; Mr. Coppelman invited her to address the Board. Ms. Morse stated that she wasn't commenting on the system but on the visual concerns; she referred to page 4 of the report and the area being bound by "brightly painted stakes" or hubs. Ms. Morse noted that this was a visual impact that is the purview of the HDC and had not been previously reviewed and this was a new visual, very close to Main Street that wouldn't be visually pleasing. She continued that the HDC proposes "camouflaging" or somehow integrating into the visual; she also proposed ideas to cover the "candy cane" pipes; ideas for integration including bird feeders on top of posts, granite markers, rail fencing. Ms. Morse said that alternatives to the brightly painted stakes would need to go to the HDC to show what they would look like. Mr. Chadwick said that the monumentation would only be about 4 inches once nailed into the ground and he was not sure it would be seen from the road; it is just something to identify the system. Mr. Truslow said it was important to make sure that grass didn't grow

around it. There was discussion regarding the markers and the HDC review process; high vents and low vents were pointed out on the plan; faux granite covers, historic-looking hitching post cover, minimization of visual impact, review of landscape design; the need for a Certificate of Approval was reviewed. Ms. Merrill questioned whether the vents were part of the rules and regulations. Mr. Coppelman said that as it was a new development that fell within the purview of the HDC. Ms. Morse said that it had been a cooperative effort with the HDC and the applicant and she believes that they will see an acceptable "hub" to mark the trenches and coverings to the "candy canes". Ms. Morse explained that the HDC does have the authority of visual changes; she added that the septic system venting is a request, not a requirement. She agreed to the applicant presenting the visual to the HDC as a courtesy, not a request for a Certificate of Approval.

Mr. Coppelman continued reading Department comments. Health Officer: wells were drilled but no permits given; Mr. Chadwick noted that there were permits now. There were no other Department comments.

Stan Shalett, abutter at 3 East Way, expressed concerns about his well as it is a shallow dug well about 450 feet from the commercial well; he is concerned about recharge and the draw-down of his well that might not be deep enough to deal with a lower water table. He also expressed concern with salt contamination spreading due to cutting into the bedrock. He would like a written assurance that they will replace his well it if runs dry and would like this to be a Condition of Approval. He added that he has not had a water problem for over 40 years; he wants assurances of not contaminating his water supply. Mr. Chadwick explained the monitoring procedure and pump test. The Board encouraged Mr. Shalett to participate in the pump test.

Ms. Faulconer questioned the review of the monitoring of the proposed system. Mr. Chadwick stated that copies of the monitoring would be sent to the Town. It was suggested that Ms. Truslow would review the reports. Ms. Faulconer asked if the fees for the review would be determined at the pre-construction meeting to be bonded to pay for the review; Mr. Quintal stated that it would be part of the pre-construction. Ms. Truslow will provide the Board with a cost estimate.

Mr. Coffin asked about eliminating the first approval of the original plan. Mr. Greenwood said that this is an amendment to that site plan. Ms. Truslow suggested including an excerpt of her letter to include the operation and maintenance in a Notice of Decision. Mr. Coffin said that the letter includes a note regarding the plan set that may not be the plan set received by the Board this evening.

MM&S for the Planning Board to accept the amendment to the site plan for All-American Assisted Living with the conditions that the installation, maintenance, monitoring and operation is in accordance with the April 9, 2018 letter from Truslow Resource Consulting, LLC; include a report to the Board documenting the installation of the system with photography and measurements; augment the plan set, page 9 by replacing with current

page 9 showing old well locations. (Motion by Ms. Merrill, second by Mr. Bakie) **Motion passed 6-0-1** with Mr. Coombs abstaining.

The Board confirmed that a pre-construction meeting can be scheduled for a date after the property is owned by the applicant; Mr. Chadwick estimates the ownership will be transferred around April 30, 2018. The meeting, while able to be scheduled, will only take place if the ownership transfer occurs.

Donald Martin
Mark Viens
5 North Road
Tax Map R33 Lot 43

Mr. Coppelman read the notice. Kevin Hatch, Licensed Land Surveyor, described the property; an open field across from the cemetery on North Road; there will be one lot of 3.17 acres with an existing house with two new lots proposed, both at a minimum of 3 acres; the site is in the Aquifer Protection District; each lot has its own on-site well and septic; State subdivision had been granted.

Mr. Quintal reviewed his list of 16 comments; Mr. Hatch stated that all of the engineering items appear to be simple and easily addressed; he needs to show the correct well radius and the abutters' well placement. Mr. Greenwood reviewed his comments that included one abutter is listed twice and should be corrected; he noted that the abutters list was correct; the well radius issue of showing the required 100 foot radius as noted by Mr. Quintal; monumentation needs to be amended to meet the Town regs.; square footage numbers don't match and they need to; add the note that the subdivision approval is received. Mr. Greenwood commented that it was rare to have a subdivision with no wetlands. Ms. Merrill noted that there were spelling errors for lots R33-1 and R33-44.

Mr. Coppelman asked if there were any conflicts of interest; there were none.

MM&S to accept the jurisdiction of the plan. (Motion by Ms. Croteau, second by Mr. Coffin) **PUNA**

Public Comment: Ben Romano asked about the intent of the subdivision; Mr. Viens said he was subdividing the land for the use of his sons. Mr. Bashaw said that it appeared to just be administration and housekeeping items needed on the plan and suggested a condition of approval with the applicant meeting all the comments from both Mr. Greenwood and Mr. Quintal.

Mr. Coppelman read the Department comments: Building, Fire and Health had none; the Highway Department noted that a 20 foot road easement is required; this was also captured by Mr. Quintal; the Conservation Comments were previously addressed in confirming no wetlands on the site. Mr. Hatch explained that the ROW (right-of-way) is already 25 feet off the pavement and questioned whether an additional 20 feet was needed for the Highway. The Board discussed the condition of approval with including the Road Agent's requirements. Mr. Hatch

and Mr. Viens agreed to review with the Road Agent and do whatever he required and add it to the plan.

MM&S to accept the plan for the North Road Trust, R33-43, for a three lot subdivision with the following conditions: comments and letters from Dennis Quintal and Glenn Greenwood must be met; should the Road Agent require a 20-foot easement, it will be obtained and added to the plan; the plan and mylar needs to be submitted within 60 days. (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

Robert Pellegrino
Solar Hills
Lefevre Drive
Tax Map R6-13, R6-14-2, R6-14-6

<Board note: Mr. Pellegrino stepped down from the Board for this application.>

Mr. Pellegrino handed out a sheet titled "Stormwater Management Plan, Test Pit Data". Mr. Coppelman read the notice. Mr. Quintal's comments were that he had not comments as there was no new plan submitted to review. Mr. Pellegrino apologized for not submitting new plans as he had just received them tonight; he pointed out driveways on lot 12 and lot 2. He said that he worked out the issues with DES; he added buffers, moved the driveway; he hadn't repaired the wetland area yet due to the rain; he is expecting final approval from the State shortly. He noted that he believed that Attorney Kalman had the easement language yesterday or today; Mr. Greenwood stated that he spoke with Attorney Kalman after 4:00 PM yesterday and he hadn't received anything at that time. Mr. Pellegrino asked the Board for a Conditional Approval; he said everything that Mr. Quintal has requested is on the plan; he expects to have the approval from DES shortly. Mr. Coppelman noted that Mr. Quintal just received the plan and hadn't reviewed it yet. Mr. Pellegrino said that DES is pretty much set. Mr. Bashaw explained that the Board guided him to a continuation so as not to come back. Mr. Coffin said that what was in effect two weeks ago that required the continuation is the same issue as now; he added that Mr. Pellegrino was certain last time that all the changes would be all set but the same reasons for continuing last time are still valid. He added that it would be possible to get an approval without conditions by waiting and might then have the Town Attorney review, DES approval and Mr. Quintal's review of the plan. Mr. Pellegrino asked Mr. Quintal about his opinion of the plan; Mr. Quintal said he hasn't reviewed the plan yet; he is not comfortable with an approval without a final review of the plan. Mr. Pellegrino said that he wouldn't argue with the Board about this. Mr. Bakie said that he was going to recommend a continuation. Ms. Merrill said that she thinks there is still a big question about Attorney Kalman reviewing the wording of the easement; she thought it would be good to continue another two weeks. Mr. Bashaw stated that the applicant was "almost there" and he wouldn't want to have one issue that would require starting the process again.

MM&S to continue this hearing to May 1, 2018. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

Board Business:

Correspondence – The Board agreed to postpone review of the majority of Correspondence except for the following:

- Evergreen Auto request of transfer of license – The Board determined this was not an available option from the Board; Ms. Faulconer will convey this to the applicant.
- Renewable Oil Exchange – would like to speak with the Board; the Board recommends speaking with Mr. Greenwood first rather than having to meet the notice requirements.

The Board reviewed site plan submission for automotive sales on the "Early" property; Mr. Greenwood will contact the applicant for additional information required to accept the plan for the hearing; Ms. Faulconer will post the hearing in anticipation of getting the updated plan; a $1500 Engineering escrow fee is required.

The Chair declared the meeting adjourned at 11:10 PM.