

PLANNING BOARD MEETING MINUTES
November 12, 2015

PRESENT: Daniel Doucette, Steven Strojny, Joseph Agrillo Jr., Elmer Clegg, Louis Gallo, Vincent Michienzi

ABSENT: Christopher Farrell, John Howarth, Robert Gendron

PUBLIC: Michael Rausch, Jim Mulvey, Joe/Marie Noonan, Inez Page, Pat Ruggles, Ayres Souza, Ed/Joan Simpson, Jane Heckler, Jeanne Finley, Douglas Troyer, Andrea McKnight, Gary Seidelman and other members of the public

Ann Gratis, Recording Secretary

Vice-Chairman Doucette called the meeting to order at 7:00pm.

Mr. Strojny approved the minutes of 10/8/15 and 10/29/15 seconded by Mr. Gallo with all in favor.

Request for Release from Covenant: Cliffside Estates. Lots 29, 30, 31

Ed Simpson. I took over this development in the early 2000's and completed it. I kept three lots for long term investments. In 2007 they said there was an issue with a catch basin, we fixed it and others that needed repair. George Sala of the DPW said he wants the roads crack sealed, I'm arranging to have that done soon. I'd like to ask that the lots be released once the roads are crack sealed and approved by George Sala

Vice-Chairman Doucette read a letter from George Sala into the record.

Mr. Clegg made a MOTION to release upon final approval of the roads by G. Sala, seconded by Mr. Strojny with all in favor.

Public Hearing for Special Permit #02-2015: Cont'd from 10/22/15. 23 Main St. Bay Village Auto. For multiple food carts.

John M, owner. I need to concentrate on the sign issue. It should have been brought up when I first went around to the different departments. There are others on Main St that aren't compliant that have gone up after me. I already removed the sign at the rotary that they felt was a safety and visibility issue. Please excuse my lack of knowledge. I'm going to take down the top of the fuel sign and raise it off the ground for visibility. If I don't put a sign out front, I don't get the business. I have to prominently display prices; I want the village look.

Vice-Chairman Doucette: Thank you. Your current hurdle is the Design Review Committee. They make a recommendation to us so you need their approval first.

Coreen: The DRC made a recommendation for one truck, the signs were never addressed and this is the first time I'm seeing these plans for the signs. We have discussed this many times with the applicant and Roger Laporte. The signs were put up with no permits so we issued enforcement letters. The ZBA can do a variance. Signs were changed and added, we are not issuing anything until the signs are approved. He doesn't need Planning Board for the signs.

John: I never got a letter from the Town for the signs, it went to the previous owner and I only covered the existing signs because I wasn't allowed to have a different brand name displayed. I'm proposing new signs but they still aren't conforming the second meeting I had with the DRC they said I can't do that. The trucks are licensed and insured or I'm not leasing to them. I just want to get this done, I'm frustrated. These signs have been there since 1972.

Coreen: The DRC sent letters to all non-compliance owners on Main t. As soon as you touch the sign it's no longer grandfathered. We are still doing enforcement/permitting.

Mr. Clegg: The issue with us is the trucks.

Vice-Chairman Doucette: I recommend we continue this to a date certain that you think you can do to get through the DRC first.

Mr. Clegg made a MOTION to continue to 2/11/16 seconded by Mr. Michienzi with all in favor.

Public Hearing for a Modification to a Definitive Subdivision: Cont'd from 10/8/15: Lamborghini Heights.

Vacant lot 6, to make buildable.

Request to withdraw without prejudice

Mr. Strojny made a MOTION to accept the withdrawal without prejudice seconded by Mr. Clegg with all in favor.

Discussion: Cont'd from 6/25/15. Brookside.

Andrea McKnight: Discussions started in April, promises not done.

- The roads have no top coat. The condominium trust wants the bond increased to no less than \$94,000. It's in your power to take the bond and do the paving.
- Signs/lights: These are real estate type signs with solar lights, they think its ok. There is an order from this Board for wood with hard wired lights. One sign incorrectly calls a road a court. It's not compliant.
- Emergency access road: The gate is not in place. The DEP permit needs to be applied for.
- Generators: We requested receipts. The DEP is no involved with the wastewater plant. The pump houses need to be wired back to the main plant.

Delay isn't working for this developer. They are not substantially compliant with the special permit and we ask that you fully deny the pending building permits. The average unit sells for \$400,-\$500k. It's a smack in the face with those signs and lights. If the site is out of compliance, I don't know why you continue to issue permits.

Doug Troyer: Any request for a bond can't be done without a special permit hearing and this is only a discussion. The Planning Board looked to help after excessive and insistent requests by the condo association. This is a private dispute. My client purchased it in 2003. There are still two units sitting and ready to sell. There is no DEP correspondence regarding the wastewater plant and the trust owns the permit. They want us to trench across the completed development to hard wire back to the main plant. We have an alternative and it's in place. Your special permit says wastewater with standby power must be provided and we did that with the generators. If the DEP has an issue, we will deal with them, we met your conditions.

Signs: I'm not aware of any order or plan for the type of sign. Every road/court sign is there.

Amberwood isn't a court and doesn't need a sign. Bluemeadow they wanted a third sign, Holly Hill they wanted a fifth sign, Periwinkle already has a sign and Turnberry is a road not a court. My client is committed to finish. The access road is where the pending permits are. Why install an emergency access road if we can't built there.

We have two units built and not sold. Income is required to do the work. We had a buyer for the units but they walked away. The Trust is interfering with our sales. The DEP permit was upheld in court saying it's ok to continue. You're mixed up in a private dispute. What am I in violation of? Generators are in place, individuals are interfering with our progress. The developer still has bank loans.

911: We were hoping to have it resolved by now. Haven't heard back from the Town engineer yet.

Holly Hill Court wants a Brookside address.

The residents have four attorneys, and lots of speculation. There is a long history of litigations. How is the developer supposed to pay for paving and signs when the income stream has been cut off? Will do the work but need to be able to build. Mr. Dawley has many years left on development rights.

Coreen: Need to sit with the Board, Bob Troy to see our purview. This is informal, the special permit is not open so no decisions can be made. The Board may open the special permit and review for compliance if that is something they wish to do.

Vice-chairman Doucette: We should bring in the Code Enforcement Officer on this as well.

Mr. Michienzi: Can we take the bond and do the paving?

Doug: Not willing to increase the bond.

Mr. Gallo: It's been 12 years already, why not pave?

Mr. Michienzi: pave/don't pave, it's recurrent. No permits until you do what needs to be done. If you paved it would resolve issues.

Mr. Clegg: This started on March 12, 2015 and there have been at least three other meetings. Mr. Troyer has agreed to do things with a date specific (Dec. 1, 2015) and it's not done. Saying no money to do it, why should we cooperate or have sympathy?

Doug: Was with the DEP and other things, we never thought people would be scaring our buyers away.

Mr. Strojny: Why not give up the bond? Show good faith. Legally I think you're right. You envisioned one way and it didn't go that way. This financial agreement doesn't sit well.

Doug: It's a 12 year phased project. Need to sell until to pave.

Andrea: 10/1/03 there was an agreement on the signs. Paving is part of the special permit, auxiliary power isn't there. It's not my client's problem, not fair to put it back on them. There are special permit violations. As to not having enough money, if you can't plan ahead, there is a problem. There are two pump houses and no auxiliary power. There are electrical connections on them and as far as we know, no generators.

Doug: The generators are on site and available when there is a power outage. They are located in the treatment facility and ready to be hauled out and plug in. We are still monitoring for the DEP. We will mitigate if needed. We are not constructing in that area at this point. Andrea, please send me the letter regarding the signs.

John Scanlon, Amberwood Ct: Sold 20 units, they should have money from that. Every year it costs \$1,500-\$2,000 to plow our non-complete roads. It's not important for the signs, but for safety issues. Gary Seidelman said the Court is fully sold out now.

Joe Noonan: May of last year I was retiring, I put a deposit on what would have been 3 Springbrook Ct, buying directly from the developer. June 3rd the DEP issued their report and I got my money back. Ended up buying on Blue Meadow Ct. What expertise does it take to see what's going on here?

Ayre Souza: I'm taken back that we are inhibiting the sale of the units he decided to build on a dump. The 2013 report said there was 0.1% levels over there. The setback was reduced to 44' away from the remaining waste. The 2015 wells exceeded the lower explosive level and have significantly increased since 2013. Take a look at the figures. It started with 3 wells, 6 permanent, 8, and 11 measuring devices. The DEP wants to know if methane is spreading. There is no definitive place where the source is. What is a "hot site"? That dump has not been disturbed for 30+ years and the holes have been

collecting water. Lightship Engineering sent a document to the DEP, one of the pumping stations isn't that far away from that area.

Gary Seidelman: I do not think the stump dump is in the purview of the Planning Board. The court decision was not an affirmation of safety. We hired our own engineer and gave reports to the developer. The subslab decompression system has not been tested. We want it completed and him to leave. We are not trying to interfere. They have a contract with the Planning Board. This is a compliance issue. We do not have 5 lawsuits with the developer.

Vice-chairman Doucette: I suggest a creating a subcommittee with 2-3 Board members, the Town Planner, Roger Laporte, Bob Troy to find out if the developer has held up or violated the special permit and take into consideration to open it or not.

Mr. Agrillo made a MOTION to form a subcommittee with 3 members, Coreen, Roger and Town Counsel. This has gone on long enough with this, it's only fair to all parties. The MOTION was seconded by Mr. Michienzi.

Andrea: The special permit calls for certain things to be done, we want the building permits denied.

Coreen: We can also look at the D1 of the subdivision and the special permit as these are all enforceable.

Jim Mulvey: If you form a subcommittee it's subject to notices, meetings, agendas, and minutes.

All in favor of the MOTION.

Mr. Clegg made a MOTION, seconded by Mr. Strojny to adjourn with all in favor.

With no further business before the Board, the meeting was adjourned at 8:40pm.

Respectfully submitted,
Ann Gratis