

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
September 7, 2016

Present: Ron Poltak, Chairman; Paula Marzloff, Michael Rolfe & Steve Grillo, Members. Jeff Porter, Alternate. Dale Phillips, Selectmen's Representative.
Minutes recorded by Denise Royce.

Absent: None.

Mr. Poltak called the meeting to order at 7:00 p.m. and asked the Board members to introduce themselves to everyone present tonight.

MINUTES

Mrs. Marzloff moved to approve the minutes of August 3, 2016 as written, Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

Informal – Dana & Jocelyn Carlucci
Silver Hill Road, Tax Map 2, Lot 25
Request Waiver from Reclamation 1(b)

Mr. Blaisdell presented on behalf of the applicants and began by saying that he prepared the pit plan from last year and they received a variance for closeness to wet from the ZBA and then came before the Planning Board and they were approved. There was a good discussion about whether or not they have to plant trees and the discussion pretty much came to say that grassing it was okay. Mr. Blaisdell went on to say that apparently they need a waiver from planting trees. Mr. Blaisdell believed that if it was reseeded and grassed and left alone that in 5 or 6 years it will be full of trees. Mr. Blaisdell pointed out that in Stantec's reclamation estimate there was a requirement to plant 3 year old pine trees every 2 to 5 feet so that was the reason they were before the Board tonight was to not have to plant trees.

Mr. Poltak understood what he had in front of him and recalls what they have on the books in our regulations regarding closure of these operations and the planting of seedlings is something that has been applied in the past. Mr. Poltak explained that members of the Board had conducted a site walk about a year ago but would like the Board to weigh in on this and they can see if they can come up with an agreement on it.

Mrs. Phillips asked if anything had started to grow in that area. Mr. Carlucci began by saying that there were a lot of oak trees and pine seedlings where the top of the pit had been cut. Mr. Carlucci stated that nothing has been planted so that was just natural growth. Mr. Carlucci further stated that there were a lot of trees on all four sides.

Mrs. Marzloff asked Mr. Blaisdell to explain Note #2 on the plan because it seemed convoluted. Mr. Blaisdell read Note #2 which read "Purpose of Plan: to show a proposed expansion of a gravel pit, the reclamation of this expansion, and the reclamation of the original pit." Mr. Blaisdell explained it as, right now there is a pit there and then they want to make it bigger and then eventually reclaim it. Mrs. Marzloff stated that she was under the impression that this was only a reclamation and asked the Board if they knew there was an expansion. Mr. Blaisdell explained the plan where it showed what was in existence now, what they were proposing to do and what they would be reclaiming. Mr. Poltak asked if they would be removing more from the area. Mr. Blaisdell said yes, that is why they received the variance for which was to do excavation closer to the wet. Mr. Poltak asked when it would be completed. Mr. Blaisdell stated that they have a two year clock on the variance which they received a year ago so it would have to happen in a year. Mr. Blaisdell indicated that they were trying to market this piece of property so whoever obtains it will be stuck with planting a bunch of pine trees. Mr. Carlucci added that they have a deadline of September 2017 as far as removal so what they have been doing is having the trees cleared on the area that was approved and there is one corner left which is currently delayed because the gentleman had a stroke. They are hoping that within the next few weeks that it will be completed and then they have the silt fence and the settling pit that was part of the original plan to do and then they believe they would be ready to remove the material. Mr. Poltak indicated that they were here tonight for the reason associated to not do the 2 year old seedling pines that our regulations require. Mr. Carlucci explained that because of the minutes of April 2015 and Mr. Poltak asked if he was referring to where Mr. Côté shared with you about it going back to a natural area. Mr. Carlucci said yes, when he and yourself talked about that. A brief discussion ensued with regard to 2 year seedlings. Mrs. Carlucci was under the understanding that they could just grass it over and it would grow back naturally and when they received Stantec's estimate it included 2 year seedlings. Mrs. Carlucci wanted to get clarification tonight from the Board and Mr. Carlucci added that they were asking for a waiver. Mr. Poltak read the section of the July 2015 minutes where it says *"Mr. Poltak read the state statute where it states 'Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or stripping's, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion.'"* Mr. Poltak asked the Board what they would like to do. Ms. Woods asked if the restoration was complete enough to move this

forward. Mr. Poltak believed the Board members were okay with it being a Class VI road. Ms. Woods said yes. Mr. Côté reiterated that he did not have a problem with grassing it over as opposed to plantings as he believed that it would be overgrown if left alone. Mr. Grillo asked if they would need a waiver if the ordinance did not allow grass for reclaiming an excavation pit. Mr. Blaisdell stated that they could ask for a waiver if the Board recommended a waiver. Mr. Poltak believed that a motion could be made to approve as discussed tonight that the operation of this gravel pit for a period not to exceed two (2) years. Mr. Côté believed it should read "restoration to be completed within two (2) years. Mr. Poltak agreed and believed they could add the slope ratios. Mr. Côté wanted to add a friendly amendment. Mr. Poltak stated that he could not make the motion and therefore Mr. Côté made the motion as follows. **Mr. Côté made a motion to accept the application as complete for reclamation of excavation pit, Tax Map 2, Lot 25, Silver Hill Road; Mrs. Phillips seconded the motion. All were in favor, the motion passed unanimously.**" Mrs. Marzloff stated that, what Mr. Poltak read was consistent with what she thought she had read except for the fact that this plan shows an expansion and not reclamation, an expansion to be followed by reclamation. Mrs. Marzloff went on to say that this was not duly noticed for expansion. Mr. Poltak explained what took place was as stated that they would have two more years access to the pit and then the reclamation would follow as a matter of course and that the utilization of the pit would end. Mr. Poltak explained that his interpretation of what took place was that, this Board extended the permit as required for a period of two years and they have not done anything in essence to any great extent in terms of what they intended to do so what they are sharing with us tonight is that this pit is going to be expanded a little bit more as iterated to us and then in terms of the timing that we set they intend to reclaim it and they're reclaiming it in direct respect to what the Board's motion was regarding grassing versus the necessity for additional trees. With all of that said, we noticed a meeting tonight associated with this meeting which is spot on regarding with what we are here to do. Stantec took our regulations and conversed with them and said that we have to have the 2 year old pine seedlings in place in the spacing arrangement that our regulations require and that was not what this Board said two years ago when they passed that motion.

Mr. Porter talked about one of the other conditions when it came before the ZBA for the waiver from the Level One wetland setback that it was also noted that the plantings would be done as part of the reclamation so when they got into the discussion about the pit expansion having it seeded without the plantings did flow against the grain with what was requested by the Conservation Commission and by the Zoning Board. Mr. Porter believed that was part of the agreement to allow the encroachment by the Conservation Commission.

Mr. Poltak believed that after hearing the Conservation Commission and the importance of wetlands that they would like to see some seedlings and plantings in that area. Mr. Blaisdell stated that he would like to see those minutes because he never discussed planting pine trees. Mr. Porter said that they said more native species such as blueberries, pine or oak which would be part of the reclamation which was stated numerous times in the minutes. Mr. Blaisdell believed that after several years it would

be pines and blueberries. Mr. Porter stated that they were before the Conservation Commission several times and that he represented the Cons Com before the ZBA and these are the same things that they've said as they were looking for a 25 foot wetland reduction to a Level One wetlands and those plantings were part of the deal for allowing that to move forward. A brief discussion ensued with restoration of that area. Mr. Blaisdell believed that it would be a grassy field and if they mow it that it would remain a grassy field and if they leave it alone it would be a grassy and wooded area in a few years. Mr. Porter added that, should they expect that a plan that comes before them should be altered because the agreement was that, they would do x, y & z to help this restoration to move forward and now they want to change that.

Mr. Poltak commented that, when you go into this type of operation that your totally aware because it onerous upon you to know the regulations so that you can escape when you're done. So you've taken the resource out and you're going to leave the community with something that they can live with after you're complete. There are certain perimeters associated with what is called reclamation and did not want to argue about if a blueberry bush is more important than a pine tree, the fact is, is that some plantings have to be made. Mr. Poltak explained that he extended an olive branch and said that this Board said that you can grass in the reclaimed area and there is no doubt about it, the minutes say it but, as it relates to the Conservation Commission and Jeff was the former Chairman of it and in close proximity to the wetlands that they need to make sure that the plantings are appropriate to the protection of the wetland. Mr. Blaisdell asked if they put the topsoil down, fertilize it, Lyme it and seed it, it would totally be taken care of because there was a berm along most of the wetlands. Mr. Poltak informed Mr. Blaisdell that he was not getting his message because he was talking about putting some plantings within the 25 foot wetland setback from a Level One wetland. A brief discussion ensued with regard to plantings.

In conclusion, Mr. Poltak suggested that they have the Conservation Commission go out and take a look at it and if it is appropriate to what our regulations say relative to the recaptured growth already then everyone's happy and if it's not then in accordance with our regulation they will have to put some plantings within the 25 foot setback. Mr. Carlucci asked if they could plant within the setback. Mr. Porter said no but that was part of the reason why this was so sensitive is because you already breached the boundary for a Level One wetland and that's why the restoration has to occur outside the 25 foot buffer to try to reclaim some of that area that they are excavating. Mr. Carlucci asked how far outside of the 25 foot buffer. Mr. Porter added that they are allowed for the excavation up to the 25 foot buffer and the reclamation is the entire area. Further discussion ensued with regard to the restoration.

Mr. Carlucci asked how far back the Board is requiring the pine seedlings. Mr. Porter explained that the allowance for the 25 foot reduction is a part of the excavation. The 125 foot is still in existence because they don't have a variance to have any type of other work outside of the 125 foot buffer so you are looking at 100 feet inside that buffer that they will need to reclaim which is his interpretation. Mr. Poltak did not have any problem with Mr. Porter's interpretation. Mr. Poltak explained that we're dealing with

multiple boards in the town but there are other perimeters that have to be dealt with associated with wetlands and the like which comes under the purview of the Conservation Commission. Mr. Poltak stated that from their perspective that he believed their job was done with respect to the motion that the Planning Board passed but with respect to where they are now and they are willing to have grassy but with the Conservation Commissions input we have to look at what they want and that will be what will have to happen

In conclusion, Mr. Poltak asked if the Conservation Commission could take a visit and decide what needs to be done and with that said everyone was in agreement and the discussion ended.

PUBLIC HEARING

**Maverick Homes, Inc./Steve Febonio
Haven Drive and Pingree Hill Road, Tax Map 5, Lots 29 & 36
Cohas Preserve – Major Subdivision
Subdivision Approved July 22, 2015 &
Recorded on July 20, 2016 (D-39592)
25 Lot Cluster Subdivision – Phasing Plan**

Mr. Poltak explained that tonight's discussion was with regard to the Phasing Plan and wanted to set the table straight by saying that he has been actively engaged in this subject for about two in a half months and wanted everyone on the Board who has seen communications to understand what took place. At this time, Mr. Poltak gave a brief explanation what has occurred and began by saying that there was discussion between Mr. Febonio and Stantec about phasing the plan and Mr. Febonio's desire to phase the road within the subdivision and then they came to him within the form of a phone call from Mr. Tatem to himself asking what his reaction to phasing would be and said that they have done quite a bit of phasing within the town. Mr. Poltak believed that it made sense to him that if he lived on Haven Drive that by phasing the road and avoiding traffic that I would be avoiding traffic for a couple of years. Mr. Poltak stated that there is no variation to the plan and the cul de sac is in compliance with our regulations and if all bonding was in place for the whole road then there would not be a concern and the town was protected of which was his main concern. Mr. Poltak stated that he then informed Mr. Tatem to continue to talk to Mr. Febonio and they did and asked Mr. Tatem to take up surety so they can take it up when the time came and was left at that. Mr. Poltak went on to say that he then received a courtesy e-mail from Mr. Dandrade in July that explained issues associated with that happening absent having a formal meeting with the Board. Shortly after receiving that courtesy e-mail, Mr. Poltak was talking to legal counsel on numerous occasions wondering if in fact that it was appropriate and within his jurisdiction as Planning Board Chair working with our engineer to be able to approve a phasing and it was certainly within our area of responsibility and jurisdiction, however, when you read the statute for Certificates of Occupancy eventually have to be granted. So, in order to grant Certificates of

Occupancy you would need Board approval. When the Planning Board had its August 3rd Planning Board meeting the Board was not prepared to talk about that because the request was not formally in with regard to the phased road and Mr. Dandrade's formal letter had not had time to be digested by the attorneys. Mr. Poltak explained that the town's attorney has advised him that within the context of phasing and within the context of this subdivision that it would be best if Mr. Febonio came forward with a request for a public hearing associated with the phasing of the road and that the Board take up the approval of the same based on the content of that hearing. With that said, Mr. Poltak informed everyone present tonight that they were there tonight with a Public Hearing to only deal with one issue and that issue was the phasing of the road in this subdivision and that was the subject matter for tonight's hearing. Mr. Poltak said that he would take testimony in the normal fashion for a public hearing which was from the applicant first, then from the abutters secondly and then the Board would make a decision according to the merits of the proposal which is phasing in this subdivision. Mr. Poltak pointed out that others may have discussions on other things associated with this subdivision that they might want to talk about and if that was the case they would do it after the Public Hearing on the phasing because this hearing is on the phasing of the road. Mr. Poltak reiterated that they were talking about phasing plan for a road tonight and that they were doing it under the advice of legal counsel.

Mr. Grillo asked Mr. Poltak that within the conversations was it determined that this would require a minor site plan. Mr. Poltak stated that it just requires the approval of the Board.

Mr. Poltak moved on to ask Mr. Mitchell to begin his presentation. Mr. Mitchell passed out copies of the proposed phasing plan for each of the Board members to review. Mr. Mitchell began by saying that they would be coming in off of Pingree Hill Road to begin Phase I and go in 1,200 feet of road. Mr. Mitchell stated that there would be 9 lots in Phase I and then Phase II would go all the way through to Haven Drive. The purpose of doing this was to break up a little of the traffic for construction and secondly, building permits are only limited to 7 permits per year. Mr. Mitchell pointed out that there has been correspondence from town departments relative to this and according to Mr. Febonio that they were fine with the Phasing Plan. Mr. Poltak said that he did receive communication today from the Police Department as well as the Road Agent both approving and agreeing to the proposal as being conducive to meeting their needs. Mr. Poltak added that he was waiting to hear back from the Fire Department and believed Mr. Febonio had already spoken with the Fire Department and didn't believe they would have an issue with what Mr. Febonio was proposing. Mr. Febonio stated that he had spoken with the Fire Chief and he did not have a problem with it and was supposed to write a letter to the Board. Mr. Febonio commented that he did speak with the Police Chief, the Fire Chief and the Road Agent and none of them had a problem with the Phasing Plan.

Mr. Poltak turned to the Board and asked if there were any questions. Mr. Grillo said that he had two questions and the first one was regarding the vernal pool and asked if it would be done in the first phase of the development. Mr. Febonio said yes that it would

be taken care of before Phase II started. Mr. Grillo's second question was regarding the closed drainage system and by breaking it into two phases would there be water runoff. Mr. Mitchell explained that on page 2 of the plan that he passed out that all the water would be treated in the detention pond in one location. Mrs. Phillips asked about the cul de sac location. Mr. Febonio said that the hammerhead would be built at station 1,200 and would be removed once Phase II is started. Mr. Mitchell added that the lot that the hammerhead would be on was not part of Phase I but was part of Phase II. Mr. Rolfe asked about the binder coarse. Mr. Febonio said yes and would be built to town standards. Mrs. Marzloff asked Mr. Febonio if he would be looking at road acceptance prior to doing Phase II because the town has not been too happy plowing a road with a temporary turnaround. Mr. Febonio commented that he did not plan to ask the town to maintain that part of the road. Mr. Poltak added that Mr. Dross did not have a problem with it anyways.

Mr. Poltak asked how long the Phases would take and since he had a 5 year window would he be building 2 or 3 years in Phase I and specifically asked what Mr. Febonio's goal was regarding phasing. Mr. Febonio expected to begin Phase II within 2 years. Mr. Febonio did not know what the sales would be like but expected to begin Phase II within 2 years.

Mr. Poltak turned to abutters at this time. Mr. Dandrade began by talking about his July 26th letter to the Board documenting the fact that the Phasing Plan constituted a new plan as it's a new approval from the Board and that you're looking at new easement areas and looking at disproportioned impacts to Pingree Hill Road with the construction for something that was conditioned to be a through road from day one. Mr. Dandrade passed out copies of a letter that he had written today documenting some items as this project was envisioned as being a through road and went through the concerns written in the letter. Mr. Dandrade stated that he was not in support of allowing Mr. Febonio to phase his project. Mr. Dandrade believed that this was a new plan and discussed the Planning Board minutes of April 22, 2015 which talks about the road way and how connectivity was vitally important.

Mr. Poltak asked if anyone else had any questions. Mrs. Willett of Pingree Hill Road commented from the minutes of September 3rd, 2014 where "Mr. Poltak said that this makes no sense to have a cul de sac." Mr. Poltak commented that those were his words because that is our policy to have through roads and at that time we did not know if it would go through to Haven Drive or Cohas Drive and he was a tremendous advocate in making sure it would connect to be consistent.

Mr. Pisapia of Cohas Drive commented that the longer there isn't a road behind there or traffic behind there he's happy. Mr. Poltak agreed. Mrs. Navarro of Highwood Drive commented that if it was going to be in phases would there be some sort of blockage on the Haven Drive side to stop people from racing up and down there because it has already started with dirt bikes and ATV's. Mr. Rolfe believed that Mr. Febonio could take care of that. Mr. Davis of Pingree Hill Road stated that he would like to see the Town stick to the plan that was approved because it was going to put another 50 or 60

cars a day on his road because it's like a highway now and what if they don't finish the road through. Mr. Poltak answered by saying that he wanted the Board to stick to the plan and said that this plan in no way varies from what this Board has approved it's just going to be Phase I and Phase II as it is the same exact roadway and nothing is changing. Secondly, as it relates to impacts and the like, he was not so sure they would be avoidable in any regard but with an approved plan there will be impacts relative to increase traffic period. Mr. Davis stated that if the road does not go all the way through that all the traffic will be coming out onto Pingree Hill Road. Mr. Pisapia added that he was only building 9 lots in the first phase and there would only be 9 homes that would be coming out on Pingree Hill Road anyways.

Mrs. Phillips talked about when Hills Road went through and that the residents thought there would be a lot more traffic then there is with it being a through road now. Mrs. Phillips added that there would be 9 houses that there would be 2 cars per house.

Mrs. Marzloff commented that similar to the Hills Road situation she could envision a scenario 10 years from now where most of the traffic from Hillhaven will find out it's shorter to go to Pingree Hill Road and you will get through traffic using that as a shortcut. Mr. Schanck of Pingree Hill Road talked about the 1,200 feet of road from Pingree Hill Road going towards Haven Drive and that it did not look like there was much more road to connect Pingree Hill Road to Haven Drive so why stop. Mr. Mitchell said that the total length to Haven Drive to be constructed is 2,800 feet with 1,200 being a little less than halfway. Discussed the fact that there will be 25 new homes built in this subdivision. Mrs. Willett stated that now that they are looking at doing all the building from Pingree Hill Road rather than going through that Pingree Hill Road will be taking on a lot more destruction and abuse because the road is horrible and there will be a lot more trucks going through there. Mrs. Willett asked who would be taking care of that and would it be the town or Maverick Development. Mr. Poltak said it would be the community that would be responsible for repairs. Mr. Lessard did not believe the plan should be changed and that the Board should keep it the way it was approved. Mr. Poltak reiterated that the plan has not changed.

Mr. Poltak asked how many people live on Haven Drive. 5 people were present. Mr. Poltak asked if they felt the same way as what has been said tonight. The 5 people who live on Haven Drive were happy that the road would not be going through for another 2 years or so.

Mr. Grillo talked about the phasing and that building 9 houses would put more traffic on Pingree Hill Road then building 26 houses at once because the road will be done. Mr. Davis reiterated that he did not want the phasing to occur and wanted the road put in. Mrs. Remillard of Haven Drive said that he can only get 7 permits per year so you won't have 26 houses built at once. Mr. Grillo stated that he can request a waiver for more permits and as long as the town has a bucket of permits available he could potentially get 27 houses built. Mr. Poltak stated that there is nothing here that relates to opinions and we're talking about what makes sense so let's stick to the issue. Mr. Poltak pointed out that phasing has come and been employed in this community time after time and it

makes sense. Mr. Poltak pointed out that they will be exiting onto Pingree Hill Road. Mr. Willett of Pingree Hill Road said that the project was for Haven Drive to go all the way through and now the Board is changing its mind. Mr. Willett reiterated what Mr. Dandrade stated that the phasing should have been done when the project was conceived and now we're doing phasing and now it seems that it has been done between the Board and the attorney. The Board pointed out that it was all of us together. Mr. Febonio stated that there would be 1,200 feet of road which is the requirement, the cistern is in and they have 9 lots to build on, they have 7 permits and it's true they can ask for more and they could build the whole thing through but they don't want to do that because they are asking to phase it and they have the right to phase it and they meet the requirements. They're looking at building 9 houses in the first phase and there is 16 more houses in Phase II. Secondly, they are not changing the plan at all as it is a temporary hammerhead because the road is going to go through and it's an approved plan which is recorded and all he wants to do is phase it. Mr. Febonio added that Pingree Hill Road has been taking a beating for many years and has been like that well before Maverick Development arrived and said that they have a lot of materials onsite that they won't have to truck offsite and that there would be a limited amount of trucking.

Mrs. Dompierre of Pingree Hill Road asked what the reason was for phasing the plan. Mr. Febonio said that it was his right but the reason was because they can only get 7 permits per year and can apply for more but that they are not a big developer and they only build typically 5 or 6 houses per year so it makes perfect sense and the timing. Mrs. Dompierre asked how long the construction would take. Mr. Febonio said they typically work from 7:00am to 4:00pm on average and with regard to how long would be based on supply and demand and expect within 2 years that they would be building the second phase. Mr. Febonio answered by saying that this complete project is about a 3 to 4 year complete build out of all the homes which would be based on the economy.

Ms. Cobuzzi of Haven Drive commented that regardless if it goes from one phase to two phases if there was a way to block off where the four wheelers and dirt bikes go zooming up there. Mr. Febonio stated that there is a big dump truck blocking off the entrance from Haven Drive and added that clearly people are not adhering to the "No Trespassing" signs if their on the property with dirt bikes and was guessing that they were coming out of the woods from Vici Drive and he caught a couple of boys playing on the equipment and asked them to not do that. Mr. Febonio stated that there should not be anyone out there. Mr. Snowdale asked Mr. Febonio why he didn't ask for the phasing when he came in for the original permit. Mr. Febonio said that he had no idea that he would have to come before the Board for a Public Hearing to ask for phasing his plan. Mr. Febonio further added that timing wise and they just received all their permits and stuff that he can't build the whole road right now and has no intention of building out the development that fast. Mr. Febonio stated that there was discussions at meetings how everyone didn't want the road to go through and now everyone wants the road to go through and is completely confused. An abutter commented that he has heard four wheelers out there at 11:00pm. Mr. Poltak indicated that it was an enforcement issue.

Mrs. Marzloff made a motion to approve this request for Phasing for Cohas Preserve Subdivision, Pingree Hill Road and Haven Drive, Tax Map 5, Lots 29 & 36, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

At this time, Mr. Poltak stated that the Hearing was closed and moved on to discuss issues that abutters may have. Mr. Poltak further stated that as long as everyone remains in line that they could have a discussion with regard to what anyone may have on their minds. Mr. Poltak added that if this is something that gets contentious or something that gets accusatory or something that can't be verified with specifics then he would ask that they go back and put it in writing so that he can have a hearing on it. If they have an open discussion that remains just that and he can follow up on it absent the necessity of employing any jurisdictional issues then they're not going to do that because he does not want to have any jurisdictional issues if they're avoidable. At this time,

At this time, Mr. Poltak asked Mr. Dandrade to begin. Mr. Dandrade began by talking about the second paragraph in his letter dated September 7, 2016 where it states that he contacted the Planning Board and Building Inspector's office regarding clear cutting that occurred within the 250 foot buffer along the Pingree Hill Road properties. He did not believe there would be any clear cutting within the buffer and believed it was disrespectful of the extensive conversations that they had about it and his opinion was dismissed in mid-May and was unsure it reflected the whole Board. Mr. Dandrade further discussed the cutting that occurred within the subdivision as shown in his letter which was made part of the file. Mr. Dandrade asked the Board members to conduct a site walk of the property being discussed tonight. Mr. Dandrade stated that he has included a few quotes from the minutes which is included in his letter and requested that the Board require Mr. Febonio to do some replanting. Mr. Poltak understood Mr. Dandrade's request and asked if there were any other comments.

Ms. Cobuzzi asked about the five (5) year permit and when does the clock start ticking on this project. Mr. Poltak answered by saying that it was State Statute and that substantial improvement to the property has to happen initially which has taken place here, but the clock starts ticking when they issue the permit and the plan gets recorded so it will be roughly five (5) years from July. Mr. Poltak further stated that they would be working with Stantec throughout the whole project. Mrs. Marzloff commented that she did go on the abutting property and went and pulled the recorded plan and the only "No Cut Buffer" that was reduced to 50 feet and the rest of the buffer does not require that it's a no cut zone. Mr. Dandrade believed it was the understanding of the Board at acknowledging that it was a sensitive issue. Mr. Dandrade asked, if not for a vegetated buffer what the heck is the use of the buffer. Mrs. Marzloff answered by saying it's for separation of use. A brief discussion ensued with regard to cluster buffers. Mr. Poltak wanted to point out that cluster subdivisions do not exist anymore and he did not want to spend any more time discussing clusters.

Mrs. Dompierre wanted to know what the definition of green space/open space was. Mr. Poltak answered by saying that it was basically open space within the concept of open space preservation which in a much more sophisticated community you would have an open space recreational plan where if you had development that these parcels would all connect and you may have a trail system. Mrs. Dompierre asked if that was Mr. Febonio's reason for clearing up to the buffer lines. Mrs. Dompierre asked what his reason was for clearing all the way to her property line. Mrs. Marzloff commented that it was marketable timber. A brief discussion further ensued with regard to clearing. Mr. Poltak wanted to share with everyone that at the last meeting he was asked about what they viewed as excessive cutting out there and so he made that request to Stantec and Stantec had a subordinate, Dan Tatem go out there and there was discussion. Mr. Poltak stated that what he was going to do was talk to Mr. Tatem tomorrow and then he'll get it to Ms. Royce who will get it to the Board members and then we'll share it with everyone on what happened. Mr. Poltak did not believe that what occurred out there was anything that was in serious violation of any ordinance. Mr. Poltak asked Mr. Febonio if he wanted to add anything to that. Mr. Febonio began by saying that he recalled the meeting where Mr. Dandrade asked the Board to now allow him to cut into the buffer area and he said absolutely not, that he would not agree to that. Mr. Febonio pointed out that he cannot cut into the wet or in the wetland buffer as it is so he said that he would cut within his upland buffer. They did cut within the 250 foot buffer and that they did have it flagged and they spent a lot of money to have Mr. Mitchell's office flag the whole property. Mr. Febonio talked about the location of the two (2) level spreaders and what had occurred there and explained that they were very diligent in marking the areas and expected that a few errors would occur but that the property was clearly flagged.

Mr. Poltak asked if there was anything else and nothing else was noted. Mr. Poltak explained that as this project goes along or any other project in town that they would be in due communication with Stantec and within that context that the Board would stay in touch with everyone. Mr. Poltak also asked everyone that if they have an issue that they can pick up the phone and get in touch with him because the Board is here at their regularly scheduled meetings or call Ms. Royce at town hall. Mr. Poltak also wanted to point out to everyone that Mr. Febonio has a record of doing good work within the community so let's communicate with one another.

In conclusion, Mr. Febonio wanted to add to the record that if someone as a problem with someone speeding down Haven Drive to go see him on the site and that he would address it because he wants to be very respectful throughout this project with the neighbors and hope that everyone would respect him as well.

Mr. Poltak thanked everyone with regard to tonight's hearing. Mr. Febonio and Mr. Mitchell thanked the Board and exited the meeting.

OTHER

Mr. Poltak asked if there was any new business that anyone wanted to discuss. None was noted.

ADJOURN

<p>Mr. Rolfe moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:30 p.m.</p>

The next Planning Board meeting will be held on Wednesday, September 21, 2016 at 7:00pm at the Town Hall, 47 Chester Road unless otherwise noted.