

OXFORD PLANNING BOARD MEETING MINUTES NOVEMBER 23, 2009

Meeting brought to order at 7:00 p.m. by Chairman Richard Escolas. Members present at this time: Richard Escolas, Ralph LePore, Kevin Dyer, Jeff Stafford, Norman LeBlanc, Thomas Sullivan, and Donald Mosher. Also Present: David Manugian, Town Engineer.

Plans Not Requiring Subdivision Approval: None.

Discussion: 24/26 Water Street Common Driveway Special Permit. Mr. Art Brunner was present for the applicant. Mr. Manugian stated that he received a letter from the applicant's engineer making sure that the special permit for 24/26 Water Street was not going to expire and to provide an as-built plan. He stated that he visited the site – a t-turn around was done and it has been roughly graded – feels that the project has been started and not in risk of losing the special permit. He stated that the proposed plan identifies the 12 foot minimum pavement width which is a waiver from the typical pavement width of 18 feet. He stated that the survey shows a pavement width ranging from 10 ½' to 12 ½' in different areas. He stated that a fire truck was taken to the site to be sure it could get through and while there, a few spots on the edges of the pavement caved in. Mr. Brunner stated that the special permit was granted and a certified plan from an engineer was endorsed by the Planning Board which has been completed and the as-built depicts that. Mr. Manugian stated that the Board granted a waiver from 18' paved to 12' paved and the roadway is currently less than 12', regardless of whether the Board required the road to be paved. Mr. Brunner stated that leaves may have been encroaching the sides of the road. He stated that the road was not supposed to be paved due to Conservation issues. Mr. Escolas stated that the Board was not in receipt of the as-built. Mr. Brunner stated that he met with Tech Review last Wednesday. Mr. Manugian stated that he did not realize the applicant was seeking sign-off of the special permit and did not distribute the documents to the Board. He apologized to the applicant and stated that he will provide the copies to the Board. Mr. Stafford stated that the road needs to be 12 feet. Mr. Manugian stated that the 12 foot width needs to be maintained. Mr. Brunner stated that the decision references the plan that was submitted and references the improvements which have been done, and references that no occupancy permit shall be given until the requirements of the special permit are completed, which requirements have been completed.

Mr. Manugian stated that the as-built shows a paved width varying from 10 ½' to 12 ½'. Mr. Brunner stated that it is a pre-existing driveway which has been paved which services 1 existing home. He stated that when the special permit was granted, there was not to be any additional paving but a gravel turn around area which would satisfy a 50,000 ton fire truck and a grass swale. He stated that he believed any maintenance of the driveway would come under the maintenance agreement for the 3 property owners. Mr. Manugian stated that the plan referenced in the special permit states that the applicant will provide a minimum 12' paved width. Mr. Escolas stated that the plan states that the proposed drive remain gravel per the order of conditions of the Conservation Commission. He stated that the submitted as-built shows that the paved width was not 12' wide. Mr. Brunner repeated that the applicant added the gravel area which the as-built depicts and the grass swale. Mr. Escolas said it doesn't have to be pavement, but the gravel has to support the fire truck; asked what the comments were from the fire department. Mr. Manugian stated

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that the fire department had concerns about the width. Mr. Brunner stated that the fire truck did not cross over the bridge because the river was flooded. He stated that he was before the Board tonight to get the blessing of the Board that the applicant has satisfied the special permit. Mr. Manugian stated that last week he went to the site with the fire department, crossed over the bridge, and turned around in the gravel turn around area. He stated that the pavement was not 12' in width and as the fire chief was walking along, she crushed a piece of pavement and described gaps and holes in the pavement. He stated that although Mr. Brunner does not agree, when the Board granted a waiver of the 18' width requirement, a minimum performance of 12' paved area is expected, which is an on-going obligation. Mr. Brunner stated that it is a maintenance issue. Mr. Escolas stated that if the road is not 12', it needs to be replaced with gravel to be 12' which is what the engineer provided on the plan. He stated that he understands that the Conservation Commission did not want any more pavement and would be satisfied with gravel shoulders to make the road 12' wide. Mr. Brunner requested a continuance to the next meeting and requested, with the Board's permission, to add additional gravel to both sides of the existing pavement to make it a 12' width. Mr. Escolas stated that if the pavement is deteriorating near the bridge, it needs to be repaired. Mr. Brunner stated that he could repair that as well. Mr. Escolas stated that the engineer who prepared the as-built should have included that the width was not 12'. He stated that he wants the as-built to reflect the changes.

7:15 pm – Public Hearing: 484 Main Street – Application for Site Plan Review – Applicant: Naveed Asif (Zam Zam Mart). Planning Board members present for this hearing were Mr. Escolas, Mr. LePore, Mr. Dyer, Mr. Stafford, Mr. LeBlanc, Mr. Sullivan, and Mr. Mosher. Present for the applicant were Mr. Naveed Asif and Mr. Neil Mitchell. Mr. Escolas read the public hearing notice into record. He referenced correspondence received from Ms. Pauline Pinkham into record who was in attendance. Mr. Manugian stated that the applicant is proposing to put a convenience store at the site; currently a gas station and a few vending machines. He stated that the current use is consistent with the previous use by the previous tenant; is allowed by zoning but requires site plan review. He stated that the applicant came before Tech Review and feels that the plan is adequate. He stated that the applicant provided parking adequate for the use and requested that the parking schedule be updated to reflect the By-Law; eliminate the tandem parking. He stated that there is an existing fence which was partial stockade and extended by the previous tenant due to the portable toilets. He stated that on the current plan, the applicant has proposed a future fence and would ask, on the Board's recommendation, that the Board's recommendations be included on the plan. Mr. Escolas stated that the plan should reflect the 6' opaque fence now, not in the future. Mr. Manugian stated that the applicant can submit a revised plan based on the Board's comments tonight. Mr. Sullivan stated that he believes the issue with the neighbors and the Board is the fence and he would like to see an 8' opaque vinyl fence as a condition of approval. Mr. LeBlanc stated that the reason for the 8' requirement for the previous site plan was because of the portable toilets; stated that he is okay with a 6' fence but specifications of the fence need to be included on the plan. He stated that the location of the fence needs to be specified as well and landscaping needs to be addressed. Mr. Sullivan stated that he would like to see the higher fence to separate the residential area

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from the commercial business. Mr. Stafford asked when the applicant planned to erect the fence. The applicant responded that it would be erected in the spring (2010). Mr. Stafford asked what the time frame was for the convenience store. Mr. Mitchell responded that the time frame for the convenience store was now. Mr. Stafford stated that it is currently a 2 bay garage. Mr. Mitchell stated that it was a 2 bay garage but was converted to an office and the applicant plans to convert it to a convenience store. He stated that there will be no changes to the outside of the building. Mr. Sullivan asked if it was reasonable to ask for a bond for the fence to be sure it is erected within a reasonable amount of time. Mr. Manugian stated that bonds for private property do not work well. The applicant stated that the applicant intends to meet the requirements of the site plan. Mr. Escolas stated that the Board has the leverage to issue a temporary occupancy permit until the site plan requirements are met. Mr. LeBlanc stated that he wants to see the business up and running and the Board's biggest requirement is removing the existing fence and erecting a new fence and ensuring that the requirements of the site plan are met. Mr. Manugian stated that he will look into ways of ensuring that the site plan requirements are met. Mr. Mitchell stated that the applicant intended to use a chain link fence with vinyl slats at a 5 foot setback from the abutter's property.

Resident: Ms. Pauline Pinkham, 6 Newton Avenue. Ms. Pinkham stated that she would like to have the fence come back toward her house a little more as the previous owner did not maintain the property on her side of the fence. She stated that she has issues regarding the septic concerning Drake. She stated that she would like the stakes removed from the ground and that she had concerns regarding contamination of the soil. The applicant stated that he can provide copies of the test documents to the Board. Mr. Sullivan stated that the Board does not have power regarding the septic and asked Ms. Pinkham her feelings regarding the fence. Ms. Pinkham responded that it depends on the type of fence; stated that she felt a 6' fence would be adequate. Mr. Mitchell stated that there was a 2 foot slope. Mr. Escolas stated that he would be satisfied with a 6' solid fence – would protect Ms. Pinkham from headlights and would prefer a vinyl fence rather than a stockade fence. Mr. Stafford concurred that he would like to see a vinyl fence. Mr. Sullivan also concurred that he would prefer to have a vinyl fence.

Mr. Escolas stated that the parking needs to be addressed on the site plan and the specifications and location of the fence need to be added to the site plan. Mr. Manugian asked for a recommendation for a time frame for parking lot striping and erecting the fence. There was discussion regarding speaking with the Board of Health regarding licensing. Mr. Manugian stated that the applicant needed to revise the plan to eliminate the tandem parking, update the parking schedule, and add the white vinyl fence.

MOTION was made by Mr. LeBlanc to continue this public hearing to December 14, 2009 at 7:15 pm. **Discussion:** Mr. Sullivan suggested the applicant get a time extension for action. Mr. LeBlanc amended his motion to include the applicant's request for an extension of time for action to January 24, 2010. Mr. Stafford seconded the Motion. There being no further discussion, the Board voted and the Motion carried unanimously.

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7:30 pm (7:55 pm): Continued Public Hearing: 68 Huguenot Road – Applications for Special Permit and Site Plan Review and Approval – Applicant: MCF Communications, et al. Planning Board members present for this public hearing were Mr. Escolas, Mr. LePore, Mr. Dyer, Mr. Stafford, Mr. LeBlanc, Mr. Sullivan, and Mr. Mosher. Present for the applicant were Mr. Brad Gannon and Attorney Michael Patnaude. Mr. Gannon stated that page A-1 of the plans shows most of the changes that were discussed and incorporated. He stated that the gate was slid to the south corner of the compound as much as possible and the gate will have privacy slats which is noted on the plan. He stated that the trees have been extended on the west side as requested by the neighbor to the west; north and west side will be covered by shrubbery and landscaping. He stated that the maximum height of 8 feet was added to the elevation view and elsewhere on the plan. He stated that the plan shows evergreen trees but will add flowering shrubs as the Board directs. He stated that he researched tall trees from a nursery and is only able to get trees that are 8' to 10' which will grow. Mr. Stafford suggested a variety of trees rather than one kind so they are not as susceptible to disease. Mr. Gannon stated that the applicant can propose a landscape plan to the Town Engineer for his approval. Mr. LeBlanc suggested that there also be a maintenance plan to the landscape plan to replace dead trees. Mr. Manugian stated that the applicant submitted a draft of a landscaping plan to him today; an abutter had provided some information outlining a variety of plantings.

Resident: Mr. Timothy Fleming, 72 Huguenot Road. Mr. Fleming stated that the intent of the landscaping camouflage is to have different heights of trees and shrubbery. Mr. Manugian showed Mr. Fleming the draft of the landscaping plan submitted by the applicant. Mr. LeBlanc suggested that Mr. Manugian work with Mr. Fleming to keep him apprised of the landscaping as a courtesy.

MOTION was made by Mr. Dyer and seconded by Mr. LePore to close the public hearing. There being no further discussion, the Board voted and the Motion carried unanimously.

MOTION was made by Mr. LeBlanc and seconded by Mr. Stafford to approve the Special Permit for the communications tower at 68 Huguenot Road with specifications requested by the Board and as outlined on the plans revised November 11, 2009. **Discussion:** Mr. Escolas stated that there should be a condition that an additional landscaping plan will be submitted by the applicant to the Town Engineer for approval and that a copy of the same is provided to Mr. Timothy Fleming of 72 Huguenot Road. Mr. Gannon stated that the compound would be built first before the landscaping is installed. Mr. Sullivan requested that the standard language be included in the decision requiring that substantial use of the special permit shall be made within one year or the special permit shall lapse. Ms. Vivienne DuBois stated that she would like to receive a copy of the plan of the landscaping. Mr. LeBlanc stated that there should be a condition that there needs to be a maintenance program regarding the landscaping. There being no further discussion, the Board voted and the Motion carried unanimously.

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8:00 pm (8:10 pm) – Continued Public Hearing: Ashworth Drive – Applications for Site Plan Review and Approval, Stormwater Management Permit and Land Disturbance Permit – Applicant: Old Oxford Realty Partners, LLC. Mr. Escolas turned this continued public hearing over to Vice Chair Mr. LePore and stepped down. Mr. LeBlanc also stepped down. Board members present for this hearing were Mr. LePore, Mr. Dyer, Mr. Stafford, Mr. Sullivan, and Mr. Mosher. Present for the applicant were Mr. Ed Pesce and Mr. Bob McKie.

A memorandum from the fire department dated November 17, 2009 regarding wells and cisterns was referenced into record. A memorandum from Sean Divoll, DPW Director, dated November 20, 2009 was referenced into record. Mr. Manugian stated that the gist of the DPW memo asks the applicant to provide a flow meter for sewer at the gravity sewer interconnection at the Auburn town line. He proceeded to read the remainder of the memorandum into the record. Correspondence from Graves Engineering regarding reviews of stormwater management and the site plan dated November 23, 2009 were referenced into record. Mr. Manugian stated that the Board received a copy of the draft decision with conditions last Friday (November 20, 2009) and wanted to summarize significant changes to that document. He stated that the technical review of the project is virtually complete; correspondence from Graves will reflect that there are a few minor issues remaining; all technical issues have been resolved. He stated that there have been comments from the Board to incorporate language into the decision regarding the flow meters and the statement regarding private versus public. He stated that the changes to the decision/conditions are because while going through the project, a balance had to be struck between a traditional site plan review which allows that no occupancy permit shall be granted until all site work is done. He stated that most of the time, the Town would require that the site infrastructure be complete to binder prior to any building permits. He stated that in exchange for lessening that standard, the developer had offered some additional constraints on development, such as no construction traffic on Ashworth Drive, but because of concerns with water and emergency access and because of performance of the bank underlying the development, he is recommending at this point that the Board require for Phase 1, roadways, water lines, and sewer lines be completed prior to any building permits being issued. He stated that one of the things that the Town loses is that the developer will have the right to use Ashworth Drive for all construction equipment any time during construction. He stated that the applicant will need to improve the road based on the schedule provided in the draft conditions.

Mr. Manugian reviewed the conditions of the decision with the applicant and the Board. Mr. Mosher referenced Condition 3 that makes reference to 3 phases – Phase 1 of 118 units, Phase 2 of 78 units, and Phase 3 of 124 units and 50 units per year on a rolling basis which calculates Phase 1 as taking 2.36 years, Phase 2 taking 1.56 years, and Phase 3 taking 2.48 years which will take the project 6.5 years for completion. He stated that Phase 1 - infrastructure, water and sewer and Phases 2, 3, and 4 as referenced would be the schedule for the project. Mr. Manugian stated that the Town would require that the road and water and sewer be in place prior to any building permits, but there is nothing stopping the applicant from site grading or stormwater while the roadways are being built. He stated that the applicant can start site work once they receive approval; initial

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site work can be going on concurrently with the infrastructure development but applicant can't get building permits prior to that. He stated that according to the approval, the applicant can start infrastructure development for Phase 2 at any time while Phase 1 is being constructed. Mr. Mosher asked for clarification that the infrastructure outlined in Phase 1 is only for Phase 1, not all phases. Mr. McKie stated that the two most important part of the first phase are water and sewer connections and the access roads which apply to everything. He stated that with regard to the water restriction, the applicant provided information to the DPW to demonstrate that there is suitable water and the water restriction is no longer in place; capacity has been established to phase in the water for the entire built out. Mr. Pesce asked if there was a limit on building permits that can be issued per year per developer. Mr. Dyer responded that building permits are limited to 5 per month.

Mr. McKie stated that there are only 2 issues for the applicant to discuss tonight, one of them being relative to Ashworth Drive. He stated that he discussed with Mr. Manugian this afternoon that construction would not be started until Ashworth Drive is complete, but a cash security can't be asked for that limits the applicant's rights under the subdivision control laws to issue tri-party agreements. He stated that if the Board wants that included in the conditions, that is fine with him as he has to go across the bridge with the sewer pipe. He stated that it be restricted that before the applicant begins construction, a security be put up, which he would prefer be a tri-party, a bond, or cash, would be removed when construction is complete and no building permits would be issued until that improvement is complete. He stated that would resolve that problem. He stated that at recent meetings, the number of permits was 60, giving the Town a temporary road. He stated that that option is gone and the access road is "pretty much" traversable by a sedan at this point. He stated that the Subdivision rules and regulations state that a secondary means of access for emergency vehicles only and the applicant attempted to satisfy that requirement. He stated that the previous agreement was to have that in place from "day 1" and it is the applicant's obligation to maintain that private road. He stated that the allowance in the rule would suggest that 20 units or less can be accessed from the primary means of access; would not need the secondary road until the 21st unit. He stated that if developers can get build 20 units with a single entrance, he would more than happy to take the 20 and by the 21st, have the entire road all the way through. He stated that if the Board is more inclined to have what is in the Fire Chief's memo, which memo includes a stipulation that the Fire Chief must be able to traverse that road, he would prefer to go back to 60 units and have the road in by the 61st which would be signed off by the Fire Chief before any building permits were issued. He stated that the other issue is cleaning up the language regarding the security. Regarding the repairs to Ashworth Drive, Mr. Pesce stated that that will be conditioned that the applicant has to do that prior to the issuance of building permits. Mr. McKie stated that the applicant will put up the security when the work is started in the form of a tri-party, bond, or cash.

Mr. Sullivan asked if the water service from Route 20 would be brought up the access road. Mr. McKie stated that it would not be brought up the access road. Mr. Sullivan asked if there is no Phase 1a, will the applicant still bring the water up. Mr. McKie responded in the affirmative. Mr. Pesce stated that the temporary wells and cisterns are

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off the table. He stated that although Condition 7b identifies that the proposed sewer system shall be in place, the applicant is starting from Ashworth Drive for the first phase and he does not want to build 3000 feet of sewer that he won't use for a number of years; only wants to build as much sewer as he needs. Mr. McKie stated that if the Board goes back to 60 units, sewer will be in for 60 units and if the number is 20 units, sewer will be in for 20. Mr. Pesce stated that the sewer is in the road now to the bridge and needs to go across to the other side; pump station will be built and start to connect to the other houses. Mr. Sullivan stated Phase 1a would provide for 20 units to get the applicant started with sewer and infrastructure. Mr. Pesce stated that he wanted it on record that he feels that it was unfair to go from 60 units to 20 units with no notice and no discussion. Mr. Manugian stated that the change is based on the fact that he has been trying to address the current situation at Ashworth Drive; has sent 2 letters to the applicant's bank with no response; has no assurance from the applicant's bank that there is any money in place; if the project fell apart, the Town may be on the hook. Mr. McKie stated that whether the bank has responded to Mr. Manugian's letters, the issue is what security does the Town want which is an obligation that would have to be made at the beginning. He stated that what was done a year ago was to withhold funds related to an improvement, not a formal tri-party agreement. He stated that those funds were withheld from the contractor for the work that was done. He stated that a tri-party security agreement goes on the deed and if the Town decides that a security must be in place, the applicant can't do anything until that security that meets the State's standard is in place. Mr. Stafford stated that under Condition 3, the applicant can build up to 50 units per year. Mr. Pesce stated that he has to pay for the investment of 118 units. Mr. McKie reviewed past discussions on roadway construction phasing.

Resident: Mr. Jim Escolas, 20 Ashworth Drive. Mr. Escolas expressed his gratitude that nothing will be built until the road is through. He stated that he and his neighbors are frustrated with the project. He stated that he is fine with the project being private, but is concerned with the school bus safety issues of Ashworth Drive and Route 20. He also expressed concern regarding the anticipated increase in traffic on Ashworth Drive.

There was further discussion regarding the security. Mr. Manugian proposed \$50,000.00 cash posted 90 days prior and no building permits until the road is completed. Mr. McKie stated that he did not agree with that amount. Mr. Manugian stated that the Town needs cash security to finish the road south of the bridge; the roadwork has to be done before any building permits are issued and within a certain time frame. Mr. McKie requested the security be tri-party, bond, or cash. Mr. Manugian stated that the security should be cash to pave top course south of the bridge. Mr. McKie suggested that the Town hold the money for the contractor and the Town can pay the contractor; payment would constitute approval of the work. Mr. Manugian stated that the ways and means will be constructed in accordance with the Subdivision Control Laws, but not financed through the Subdivision Control Laws; recommending cash security to cover all of the off site improvements which carries no risk. Mr. McKie stated that it is the applicant's position that the State allows for all 3 types of security; will provide the security prior to construction.

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There was discussion regarding the number of units that would be built for Phase 1A (20). Mr. Manugian stated that finishing a phase and moving on to the next phase would require another site plan submission and another public hearing. He stated that the Town's regulations say that site work has to be done prior to occupancy; changes to traffic or site work gives the Town opportunity to address those issues through a new public hearing. There was discussion that Phase 1B would complete the road to Route 20.

Resident: Mr. Jim Escolas, 20 Ashworth Drive. Mr. Escolas asked Mr. Manugian's opinion regarding phasing of the project and finishing the road. Mr. Manugian recommended that the road be done prior to any building permits being issued.

Mr. Sullivan stated that he wants to see the project move forward and questioned Mr. Manugian's recommendation. Mr. Manugian stated that if the applicant stops work prior to the 20th unit, the temporary access road will be there but the road would not be finished. Mr. Sullivan asked what assurance the Town could get to be sure the road will continue. He stated that he would be willing to go with Phase 1A if a security is provided to finish the road to binder. Mr. McKie stated that the applicant needs to know what the Board wants – the road all the way through?; 20 building permits before the road is all the way through?; or temporary access with security to put binder down. Mr. Stafford stated that he agrees with the decision as drafted by Mr. Manugian and as okayed by Town Counsel. Mr. Manugian stated that the draft decision has been accepted by Tech Review, Town Counsel, and the Town Manager. Mr. Dyer and Mr. Mosher both expressed their agreement to the draft decision as well. Mr. Manugian stated that the only change to the draft decision would be Section 6E – the inspectional account would be funded prior to construction.

Mr. Mosher stated that a plan to address the school bus issue needs to be addressed.

MOTION was made by Mr. Stafford to approve the Site Plan conditioned upon those conditions as outlined in the draft decision dated November 19, 2009 with modifications as outlined by Mr. Manugian. Mr. Mosher seconded the Motion. There being no further discussion, the Board voted and the Motion carried. Abstain: Mr. Escolas and Mr. LeBlanc.

Mr. Pesce stated that he wanted to go on record that Mr. Manugian conveyed to him that if the applicant had problems in the future, the applicant could come back before the Board to discuss modifications. He stated that the Board did not make it easy for the applicant and requested that in the future, in the spirit of cooperation, the Board be more cooperative. He made arrangements with Mr. Manugian to provide him with revised plans. There was discussion as to what date to extend the time for action.

MOTION was made by Mr. Dyer and seconded by Mr. Stafford to accept the applicant's request for an extension of time for action to December 17, 2009. There being no further discussion, the Board voted and the Motion carried. Abstain: Mr. Escolas and Mr. LeBlanc.

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MOTION was made by Mr. Dyer and seconded by Mr. Stafford to approve the Stormwater Management and Land Disturbance Permits as submitted. There being no further discussion, the Board voted and the Motion carried. Abstain: Mr. Escolas and Mr. LeBlanc.

MOTION was made by Mr. Dyer and seconded by Mr. Stafford to close the public hearing. There being no further discussion, the Board voted and the Motion carried. Abstain: Mr. Escolas and Mr. LeBlanc.

Miscellaneous. 233 Main Street/5 Fairlawn (Cumberland Farms). Mr. Manugian stated that he distributed information to the Board tonight regarding the concrete barriers; found the mailing address for the owner and found the previous site plan approval from 1997. He stated that the original site plan proposed parking on the property line but the Board had the applicant move the parking to maintain access to the gas pumps at 233 Main Street. He stated that he will be sending a letter by Certified Mail to the property owner that he is in violation of his site plan approval and needs to discuss the issue or the Town will grant no further permits for those properties until the issue is resolved. Mr. Sullivan suggested that a copy of that letter also be given to the Board of Selectmen. Mr. Manugian stated that Cumberland Farms is technically in violation of their site plan but have been cooperative – submitted a plan to move their handicapped space.

Miscellaneous. 101 Main Street. Mr. Manugian stated that he received an update today; bollard bases are in and some gravel has been put down; informed by owner that work will be completed by this weekend. Mr. LeBlanc stated that the chain link fence around the dumpster does not provide privacy from the dumpster and asked if there was a plan for privacy slats. Mr. Manugian stated that he would look into that issue.

Miscellaneous. Texas Pond. Mr. Manugian stated that at a recent meeting, the Board had requested that he advise the applicant that the 3rd party review account needed to be funded prior to the next meeting which he apologized for not doing so; requested the applicant to provide the 3rd party review funds by the end of this month or the Board will deny the application. It was discussed that the issue would be discussed at the next meeting to determine if the applicant funded the 3rd party review account. Mr. Manugian stated that there is currently about \$10,000.00 in a 3rd party inspection account for Ashworth Hill and the applicant has asked if a portion of those funds can be moved to a Texas Pond 3rd party review account; Ashworth 3rd party inspection account was to have a minimum balance of \$8,000.00. Mr. Manugian stated that the 3rd party reviewer billed for more money than was available; 3rd party reviewer has some responsibility to be sure they do not charge more money than has been set aside. Mr. Escolas stated that it was best to pay the 3rd party reviewer in a timely manner and if money is available from another account, it could be diverted to pay the 3rd party reviewer. There was general discussion regarding obtaining competitive quotes for 3rd party reviews.

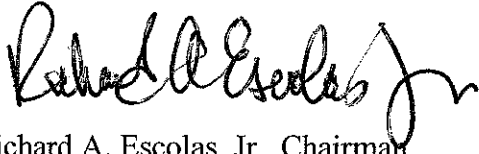
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MOTION was made by Mr. LePore and seconded by Mr. Sullivan to approve the Minutes of September 14, 2009. There being no further discussion, the Board voted and the Motion carried unanimously.

MOTION was made by Mr. LeBlanc and seconded by Mr. Mosher to adjourn. There being no further discussion, the Board voted and the Motion carried unanimously. Time: 9:28 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Richard A. Escolas, Jr.", written in a cursive style.

Richard A. Escolas, Jr., Chairman
OXFORD PLANNING BOARD
/mh