

OXFORD PLANNING BOARD MEETING MINUTES NOVEMBER 4, 2013

Meeting brought to order at 7:00 p.m. by Chairman Richard Escolas. Members present at this time: Richard Escolas, Jeffrey Stafford, Norman LeBlanc, Thomas Sullivan, Donald Mosher, Dale Mahota, and Edward Hashey. Also present: Randa Tawadros, DPW Civil Engineer.

7:00 p.m.: Plans Not Requiring Subdivision Approval: None.

Minutes: October 28, 2013.

MOTION was made by Mr. Stafford and seconded by Mr. Hashey to approve the Minutes of October 28, 2013. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

7:05 p.m.: Continued Public Hearing: 25 Ashworth Drive – Applications for Site Plan Approval and Stormwater Management Plan – Applicant: Zhou Lu and Aiqin Shi. Mr. Escolas stepped down for this public hearing. Planning Board members present were Mr. Stafford, Mr. LeBlanc, Mr. Sullivan, Mr. Mosher, Mr. Mahota, and Mr. Hashey. Present for the applicant was Mr. Michael Weaver, engineer with Guerriere & Halnon. Mr. Weaver distributed a revised plan and letter to the Board dated November 4, 2013 from Guerriere & Halnon in response to a memorandum from Ms. Tawadros to the Board dated November 4, 2013, which plan and letters are herein referenced into the record. He stated that a revised plan was submitted to Ms. Tawadros last week, along with a letter from Guerriere & Halnon to the Board dated October 28, 2013 in response to a memorandum from Ms. Tawadros to the Board dated October 28, 2013, which letters are also herein referenced into the record. He stated that the Board had previously expressed concern with regard to the 50 foot buffer zone and the location of the septic system within that 50 foot buffer zone. He stated that an ANR plan was submitted and approved by the Board altering the property lines. Referencing the plan, he indicated where the lot lines were changed and the new location for the septic system. Referencing his letters of October 28, 2013 and November 4, 2013, he acknowledged that outstanding issues have been corrected on the plan which include a legend, names of all abutters, bench marks, electric line, and test pit locations. Ms. Tawadros stated that the required 2 foot ground water separation was not achieved and requested that Mr. Weaver explain to the Board why the rain garden does not meet the 2 foot ground water separation. Mr. Weaver stated that there is 2 feet of separation from where the surface elevation of where the rain garden is going to be, but not 2 feet of separation from the bottom of the material being imported to the rain garden itself. Mr. LeBlanc asked if it will work the way it is designed. Ms. Tawadros stated that it may not work how it is supposed to and there is high ground water during the spring. Mr. Weaver stated that there is 2 feet of material above the high ground water elevation. Mr. Stafford asked how that is tested at the high water mark. Ms. Tawadros stated that test holes were done in August and explained the modeling of the soil showing the high water marks. She stated that the Stormwater Management requirement is 2 feet from the bottom which is very conservative and suggested that the applicant request a waiver of that requirement. She stated that it is her opinion that this is a small project and the increase of runoff is not significant. Mr. Weaver stated that his letter of November 4, 2013 requests a waiver of the regulation. He stated that if the system had not been called a rain garden, it would have met the requirements.

Abutter: Mr. Richard Escolas, 46 Ashworth Drive. Mr. Escolas stated that he has no problem with the rain garden but expressed concern with the water running down the gravel road. Referencing the plan, he stated that there is supposed to be a catch basin to collect the water which is not constructed

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which should be addressed. He stated that it is a constant issue that has not gone away and suggested the Board may have some leverage to address the issue as the applicant owns that property as well.

Mr. Weaver stated that the gravel road is off of this locus; applicant is trying to get this site moving forward. Mr. LeBlanc asked if any engineering had been done for that catch basin. Mr. Weaver stated that the line is in but has not been connected.

Mr. Weaver continued with the comments in his letters dated October 28, 2013 and November 4, 2013, including dimensions of pipes, fence location to screen abutter which the abutter is satisfied with, removal of the tree obstructing sight distance, additional erosion control measures, stone size, driveway detail, and snow storage areas.

Regarding stormwater management review, he said that issues have been addressed and included on the plan which include Cultec chamber dimensions, inspection requirements, driveway spot elevations, relocation of the well to be greater than 100 feet from the rain garden, full detail calculations for the 2, 10, 25, and 100 year storms, and runoff calculations for each infiltrator. Mr. Stafford asked for comments from the public.

Abutter: Mr. David Keeler, 29 Ashworth Drive. Mr. Keeler stated that he measured his well to be 45 feet the property line; well must be 100 feet from the septic system. Mr. Weaver stated that Mr. Keeler's well is 102 feet from the proposed septic system. Mr. Keeler stated that the septic system will be raised and asked if water would be sloping toward his property. Referencing the plan, Mr. Weaver showed the direction that the water will flow; will not flow onto Mr. Keeler's property. Mr. Keeler stated that the previous developer's detention pond was not finished. He stated that a previous developer also buried a lot of rubble and tree stumps 40 feet behind the ash tree.

Mr. Stafford stated that he is concerned with the 2 foot ground water separation waiver request. He stated that the Town is looking to fix the catch basin. Mr. Weaver stated that he can't speak for his client tonight but it is the applicant's intent to keep the project moving ahead. Mr. Mahota asked if that access road is currently being used. Mr. Weaver stated that it is not. Mr. Mahota suggested that hay bales be installed on the access road. Mr. Weaver stated that he believes the catch basin structure is there but not hooked up; can't guaranty how it will function. Mr. Sullivan asked if there was a separate lighting plan. Mr. Weaver stated that the plan shows the location of the door lights and garage spot lights that do not shine on Mr. Keeler's property. Mr. LeBlanc stated that it appears that the applicant has addressed the outstanding issues and is requesting a waiver. He stated that he would like Mr. Weaver to speak to the applicant about addressing the catch basin issue on the access road and would hope that the applicant would work with the neighbors to alleviate that problem, even on a temporary basis. Mr. Weaver stated that it would probably not be a big deal to work on the grade for the catch basin while the other site work is being done. Ms. Tawadros stated that the submitted plan shows an existing manhole and invert elevations. Mr. Weaver stated that he will verify what the surveyor located.

Abutter: Mr. Richard Escolas. Mr. Escolas stated that the applicant is looking for a waiver for the 2 foot ground water separation requirement and if that fails, the catch basin could be a back-up.

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Mr. Stafford stated that the applicant needs the waiver from this Board to go forward. He stated that he would like Ms. Tawadros to go over the plans before the Board approves the plans. Ms. Tawadros stated that she is concerned now whether the catch basin indicated on the plan is there. Mr. Weaver stated that he will state that the structure will be done during site construction. Mr. LeBlanc stated that is acceptable to him.

Abutter: Mr. David Keeler. Mr. Keeler questioned the width of the driveway. Mr. Weaver stated that it begins at 16 feet and reduces to 12 feet. Mr. Keeler expressed concern about snow storage. Mr. LeBlanc stated that there are 3 snow storage areas shown on the plan.

Mr. Stafford confirmed with Mr. Weaver that the catch basin at the access road will be done during site construction. Mr. Weaver confirmed the same. Mr. LeBlanc suggested that the Board grant the waiver based on that condition. Ms. Tawadros agreed. Mr. Stafford asked for further comments from abutters. There were none.

MOTION was made by Mr. LeBlanc and seconded by Mr. Hashey to close the public hearing for the site plan approval and stormwater management permit for 25 Ashworth Drive. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

MOTION was made by Mr. LeBlanc and seconded by Mr. Hashey to approve the site plan with a revision date of November 4, 2013. Discussion: Mr. LeBlanc stated that approval should be conditioned that the applicant will cut down the 40 foot tree. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

MOTION was made by Mr. LeBlanc and seconded by Mr. Hashey to approve the stormwater management permit and grant the waiver requested by the applicant for the 2 foot groundwater separation requirement, conditioned upon the applicant making functional the existing catch basin and drainage system located on the gravel access road adjacent to the property. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

Mr. Escolas returned to the Board at this time.

7:10 p.m. (7:45 p.m.): Continued Public Hearing: 17 Joe Jenny Road – Applications for Special Permit and Site Plan Review and Approval – Applicant: Seaboard Solar, LLC – Action Date: December 8, 2013. Mr. Escolas stated that the Board is in receipt of e-mail correspondence from Bertin Engineering dated November 4, 2013 requesting an extension of the time for Planning Board Action to December 31, 2013 and to continue the public hearing to November 25, 2013, and read the same into the record.

MOTION was made by Mr. Stafford and seconded by Mr. Mahota to accept the applicant's request to extend the time for Planning Board Action to December 31, 2013 and to continue the public hearing for 17 Joe Jenny Road to November 25, 2013 at 7:10 p.m. Discussion: Mr. Stafford stated that there are a lot of issues with the site and thanked the abutters in the audience for attending the meeting. He stated that the Board does not wish to keep continuing the public hearing; will give the applicant one more continuance and then may ask the applicant to withdraw without prejudice until they come up with a suitable plan. Mr. Escolas stated that the abutters present tonight have kept up with the

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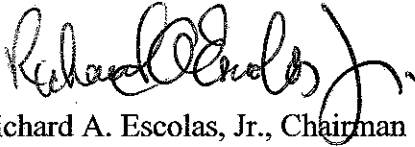
hearings, although there were more abutters at the first hearing; feels that it is inappropriate for the applicant to keep delaying the public hearing. He stated that the Board will have to make a decision at the next meeting based on the information given. There being no further discussion, the Board voted in favor and the Motion carried unanimously.

Discussion: Ms. Tawadros stated that out of the approximately 17 acres for the project, at least 1 or 2 of those acres are wetland which was the proposed location of the detention pond. Mr. Escolas requested that Ms. Tawadros put together a draft of the reasons that the plan is unacceptable in order for the Board to make a Motion to deny the plan. Ms. Tawadros stated that the applicant has submitted a revised plan on October 30, 2013 which she has not fully reviewed yet. She stated that she would like to take her time reviewing the plan as it is a difficult site with steep grades that will be completely cleared with a lot of runoff. Mr. Escolas stated that the applicant needs to present a plan that is realistic. There was discussion that this project has been continued several times with no forward progress and what options the Board has to continue a hearing or deny an application when there is no forward progress. There was discussion that if a special permit is denied, it can't be a repetitive petition; Board would prefer that an applicant withdraw without prejudice and would like staff to know its position in such a case.

Adjourn:

MOTION was made by Mr. LeBlanc and seconded by Mr. Mosher to adjourn. There being no further discussion, the Board voted in favor and the Motion carried unanimously. Time: 7:55 p.m.

Respectfully Submitted,



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

DOCUMENTS AND EXHIBITS

1. 25 Ashworth Drive: ANR application and plan
2. 17 Joe Jenny Road: E-mail correspondence from Bertin Engineering to the Board dated November 4, 2013; Request for Extension of Time for Planning Board Action; file

All documents and exhibits are on file in the Land Management Department