

## **ITEM 1 - ROLL CALL**

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Melissa Horner, and Casey Snyder - Alternate.

Also Present: Lee Jay Feldman, Interim Planner.

Absent: Larry Bouchard and Christine Bennett.

Voting members: Dennis Lentz, Ed Cieleuszko, Melissa Horner, and Casey Snyder - Alternate.

## **ITEM 2 – PLEDGE OF ALLEGIANCE**

## **ITEM 3 – MOMENT OF SILENCE**

## **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

There was no public input.

## **ITEM 5 – OLD BUSINESS**

**A. 11 Sanborn Lane (Map 23/Lot 14): PB18-12 – Sketch Plan Review for the following: Proposed 3,597 sq. ft. commercial manufacturing building, three 360 sq. ft. buildings and associated site improvements.**

**Received: September 4, 2018**

**1<sup>st</sup> Heard: September 18, 2018**

**Public Hearing: \_\_\_\_\_, 2018**

**2<sup>nd</sup> Hearing: October 16, 2018**

**Site Walk: October 16, 2018**

**Approval: \_\_\_\_\_, 2018**

Tom Harmon, P.E., Civil Consultants, and Andrew Fortunato, son representing applicant, were present for this application.

Mr. Harmon gave handouts to the SB of his responses to Mr. Feldman's comments on the application. And there isn't anything particularly substantial in them. He explained that they are proposing to construct a building (3,597 sq. ft.) on the existing foundation, pointing out the other buildings on the property; that there are two entrances onto the site that exist with DOT Highway Permits. He added that we would construct a 2-story building that will house an office for the applicant's business, along with storage for the materials; that the smaller proposed 360 sq. ft. buildings would also be for storage. He said that we would be paving roadways in, installing a loading dock at this foundation, in concert with the building; that we would have parking at the front and to the rear of the building, a connector to the rest of the development. He explained that this is a single lot

comprised of four condominium units; that Unit #1 and #2 have current buildings, Unit #3 has the foundation we are proposing to build on, and Unit #4 would hold the 3 smaller buildings. He said that Mr. Fortunato will own Units #2, #3, and #4; that Unit #1 is already owned by another party. He said that, along with this application, we are proposing to do some work on Unit #1 at the request of the owner; that he would like to expand his parking so we will be putting in parking spaces along the existing driveway. He explained that we would be bringing a driveway in 'here' that has an existing DOT Permit onto Route 236, with a large enough radius for big trailer-trucks to come in to the loading dock, turn around, and drive back out or connect to the rear parking lot; that, for convenience, this does connect to the rest of the traffic way on the lot but the intent is for most of this traffic to come off the second entrance. He said that there was a question at today's site walk about the line of site; that we are about 30 feet off the edge travel way and can see all the way down to Bolt Hill Road when we come out so, there is a tremendous amount of site distance and shouldn't be an issue. He added that this lot will have public water and will use the existing septic system on-site; that the septic system is large enough, as it exists now, to handle the capacity for 3-4 people in this proposed building, along with the office space. He said that this system could be doubled in size with the addition of a treatment unit. He added that there has been some question about an ordinance in Town requiring a hook-up to public sewer, if you are within a certain distance of that sewer; that, first of all, we feel we don't need it because there is going to be such a low volume of sewerage; that typically offices use about 15 gallons/day per person as compared to 270 gallons/per day for a 3-bedroom house; secondly, as far as that ordinance goes, it is not a public sewer out on Route 236, it's a private sewer owned by the people who own the shopping center across the street; that there is a significant charge for anybody to hitch up to it. He said that he has spent quite a bit of time with Mr. Sanborn over the years on this piece of property and he knows that Mr. Sanborn reserved himself capacity to get into that sewer because he could see this becoming a restaurant; that he believes it came close to being a medical center with doctor's offices and require a tremendous amount of capacity for wastewater; that the proposed use wouldn't and it is a very expensive proposition to buy in to this force main. He added that if this was a public gravity sewer, that would be another case; that we'd simply tie into it and there would be an impact fee from the Town, but, that is not the case; that now you'd be buying it from a private individual that is not a public sewer; so, it's our belief that the ordinance doesn't apply to this application. He said that we will be doing landscaping at the front of the lot; the lighting on the parcel has been defined on the plans; we have proposed some drainage improvements along 'here'; that the site is not draining water at this time; that it's fairly flat so we will put in a swale in 'this' area, which will pick the water up and bring it back out to the ditch along Route 236; that it's about 5-6 feet deeper than the land is 'here' so there's plenty of room to drain; that we'd also be doing some grading 'here' to allow that. He said that the proposed building would match the looks of the buildings currently existing. He added that we will be connecting to a sewer pump station in 'this' area and bringing it up so there will be a little bit of work on that. He said that there is natural gas to the site.

There was discussion regarding a 'for sale' sign currently on the site; that the site is under contract but has not yet sold.

Mr. Cieleuszko asked if the proposed narrow swale by the common area is going to be mow-able.

Mr. Harmon said yes; that the site isn't that well-graded at this time and, if you talk to the owner of 'this' building, they have water right across 'here' and back 'here'; that our intent is to put that shallow swale in that will pick 'this' up and a little bit of theirs and carry it back out to the ditch. He added, regarding the loading dock, that we will put in a stormwater detention area that will be a little bit lower than the loading dock; that in heavy rain storms, water will back up 'here' a bit and it will drain out to the ditch along Route 236 and you have a drainage report with the submittal.

Mr. Cieleuszko said that, beyond the drive to the loading dock, that is another detention pond.

Mr. Harmon clarified that that was grading; that the pit (detention pond) will be with the loading dock area.

Mr. Cieleuszko said that Mr. Harmon mentioned during the site walk that it's not a sure thing you are going to use the current foundation.

Mr. Harmon said that the fellow that was out on the site walk with us is from his office and is a structural engineer; that they will do an evaluation of that foundation to determine whether to build a building on it, or not; that that foundation has probably been in there for 8 or 10 years, sitting out in the open, and he thinks there were some concerns.

Mr. Lentz said that, conditionally, that is something the PB should have a copy of, an affidavit saying that it's okay to build on.

Mr. Harmon said that that's a building permit issue and that comes back to your CEO, so, whether we can use that foundation, or not, will come back to the CEO.

Mr. Cieleuszko said that, either way, the dimensions will remain intact.

Mr. Harmon said yes.

Mr. Cieleuszko said that he has some concerns about the sewer; that he just wants to make sure that everybody's square that the applicant doesn't have to tie into that. He added that he knows Mr. Harmon is saying that they don't have to but are there going to be any reservations with us.

Mr. Feldman said that he believes there are reservations with us; that he believes the memo suggests that, based on the ordinance and conversation that Ms. Sherwin (Planner from MMA) had with Mr. Moulton, the applicant has to tie into the sewer system. He added that he thinks that, because there's going to be time between finding the application complete, which he thinks it is from a completeness standpoint, and the public hearing, there will probably have to be a meeting of all the parties to have this

discussion; as part of that, if they're going to allow to go into that leach field with Unit #2, he would like to see the design of the existing leach field and whether it has capacity to hold the proposed system. He added that he sees the water line coming down and the valve going to Unit #1 but he doesn't see where the water is going to connect to Unit #4, so you're going to want to add that to the plan.

Mr. Harmon said that he would; that we have that information.

Mr. Feldman said that he thinks there's going to be needed at least a staff-level meeting to discuss and come to a meeting of the minds because he doesn't think there's agreement right now.

Mr. Lentz asked Mr. Feldman if he would be carrying that forward.

Mr. Feldman said that he would in some capacity for you, yes.

Mr. Lentz asked him if he thought that was a legal opinion, also.

Mr. Feldman said that it might need to be because of the private pump station that they would have to tie into.

Mr. Cieleuszko asked if we were giving up our responsibility to decide that issue, as a Board, because he feels strongly that they don't have to tie in and he wants to make sure...that his reservation is that they will be forced to tie in where they don't need to.

Mr. Feldman said that he thinks that question is whether, or not, the local ordinance requires it, not the PB.

Mr. Cieleuszko agreed, saying that we're reading the ordinance all the time to make people do things and he doesn't know how they can have a finished application if they're application says they're going to hook to a septic.

Mr. Feldman said that, for the purposes of finding the application complete, the submission information is one thing and, then, the discussion regarding that or initial information is a second thing. He added that he thinks the PB is well-within their ability to find the application complete and set a Public Hearing date; that the details regarding sewer or septic would need to be worked out by staff and the applicant prior to the Public Hearing, or as part of the Public Hearing.

The PB had no more questions.

Mr. Cieleuszko moved, second by Ms. Horner, that the Planning Board accept the site plan as complete for PB18-12 and move forward with a Public Hearing.

**VOTE**

**4-0**

**Motion approved**

The Public Hearing for this application is scheduled for November 20<sup>th</sup>.

**B. 495 Harold L. Dow highway (Map 53/Lot 6): PB18-9 – Update on applicant's progress meeting Conditions of Approval.**

Mr. Lentz asked if we have any information at all.

Mr. Feldman said that the only information that he has is that the applicant has been working with the Planning Department submitting the information that is required of him; however, a building permit has already been issued to him by the CEO; that they are working towards getting all of the information that's required.

Mr. Lentz said that this would be up to the CEO; that he couldn't understand why it was coming back here.

Mr. Feldman said that, if there's no compliance over time, then it's the CEO's ability to stop work order on the permit or whatever needs to be done.

**C. 9 Stacy Lane (Map 78/Lot 76-1): PB17-13 – Correct Survey Measurements on previously-approved plan.**

Mr. (Kenneth) Albert was present for this application.

Mr. Albert said that we presented a plan last year to split off a 3-acre lot; that the plan we presented was supposed to have 200 feet of frontage on a 3-acre lot and that's what was approved. He added that, when it came time, we got a building permit, we got the house going, we had our inspections, had just got an occupancy permit; but, during this process of transferring and deeding it over, our attorney noticed on the plan that we presented, the road frontage on Stacy Lane was not 200 feet, it was 199.96 (½ inch). He added that it was a mathematical error; so, as a good attorney, he advised him that there was a problem that could come back and bite if getting a mortgage or selling; that he knew he could fix this, as he owns enough frontage; so, he had it all re-surveyed by Middle Branch to make sure there were no other mistakes. He said that he has a new plan, showing the same lots and showing the correct 200 feet of frontage.

Mr. Feldman said that this was pretty perfunctory and does not require anything other than PB blessing and to sign the mylar.

Mr. Cielezsko moved, second by Mr. Snyder, that the Planning Board accept this plan as the approved Division of Land Plan, asked for under PB17-13.

**VOTE**

**4-0**

**Motion approved**

Mr. Lentz said that the application stands approved and there is a 30-day period from which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

Mr. Feldman told the applicant that the mylar should be available to him tomorrow.

## **ITEM 6 – NEW BUSINESS**

### **A. Meadow Lane: Discussion and potential action on request for June 2019 ballot question to accept Meadow Lane as a Town road.**

Mr. (Robert) Burns and Mr. (Michael) Dowling were present for this item, both of Meadow Lane.

Mr. Lentz said that he guessed they were aware of why we're here and why is it that the PB....that it was his volunteering when he saw them struggle 2 or 3 times; that he thinks we have a pretty good process, here, and a way of putting things together and he thinks he said to the Board that he thought we could be the glue that put this thing together. He added that he can't promise them it's going to get done tonight but we will certainly put it together.

Mr. Burns asked what the PB has to do; that he was there when the SB assigned the PB to run with this and he's not exactly sure why.

Mr. Lentz said that he met with the Town Manager afterward just to clarify what they were really looking for and the Town Manager said that his goal was for everyone to get a list of the things that have to be done in order for this to be a Town road; that Ms. Sherwin has begun to put that together and asked if they had gotten a copy of that document.

Mr. Burns said no.

Mr. Feldman said that we will get a copy of that memo, which lays everything out.

Mr. Lentz said that he thinks they will see, right away, where we're headed by reading that memo Ms. Sherwin put together. He added that she put together not only the history but the considerations that she found from the ordinance; that she screened them down and said that these are the 8 different things that need to be looked at; that that doesn't mean that they aren't finished, as we aren't engineers and not qualified to make those kinds of decisions. He added that the first thing on the list is that there should be a third-party hired engineer, at the Meadow Lane residents' expense.

Mr. Burns said that we did that, already – GeoInsight - we paid them to do a review of the road; that he passed out a copy of that to the SB.

Mr. Lentz said that we haven't seen anything and Ms. Sherwin apparently hasn't seen it; that it would help if he could get a copy of that in to the Planner's Office.

Mr. Feldman asked if that letter had indicated that it met all of the standards of the road designs that are required, including doing test borings.

Mr. Burns said that they did not do test borings.

Mr. Feldman said that those will need to be done.

Mr. Burns said that he would argue that point, if he could; that he thought test borings would put an undue expense on the residents of the street. He added that, if you go into the history of the street, the road was approved, approved by Bill Shapleigh.

Mr. Feldman said that it was never approved and that's the problem.

Mr. Burns said that it had to be approved before building permits were issued; so, building permits were issued and Bill Cullen put up a bond. He added that, in talking with his next-door neighbor, he said that Mr. Shapleigh and Red Mabey (former CEO) went over that road and approved it; that he personally talked with Bill Shapleigh and he said that he did approve that road. He said that the drawing from 1995 for Spinney Creek Subdivision said that no building permits would be issued until that road was built to specs; so, either the road was built not to specs and building permits were issued incorrectly or it was done right, he got his \$100,000 bond back, and they issued building permits. He added that, in 2004, that road was put up for Town approval and he doesn't know what happened after that; that and Blueberry Lane.

Mr. Feldman said that the problem is that there is no documentation; that even if Mr. Shapleigh did it, staff cannot find any of the documentation relevant to that process that occurred; so, based on the fact that there's no documentation available, everything has to be re-documented so that it can be approved by the PB and/or SB to go on the Town Warrant; that short of that there is no information at this point.

Mr. Burns said that, in talking to Bill Shapleigh, he agreed that he approved that road, he went down there and made sure they did it right and approved it, that's the way we did things back then; that he didn't know if he wrote a letter saying he approved it.

Mr. Feldman said that he didn't disagree with him that that may be the way they did things back then; that the problem is that you're now petitioning to get it accepted and there is a process in place that has to be followed.

Mr. Burns said that the Town had a legal review done that said that could be approved based on the information that was produced, by the Town attorney.

Mr. Feldman said, again, there's no information to produce, they cannot find it.

Mr. Burns said that he knew but you are putting that burden on the residents of the street, which isn't right. He added that we pay \$72,000/year on that street in taxes and there's no kids in school; that 28% of that goes to the Town and you could repave it every year for what we pay; so, for 17 years, they haven't plowed our streets, they do nothing and, so, for a million dollars we get zero.

Mr. Feldman said that that's an argument he will have to make to others, not himself, reiterating that there is a process in place, things that are required, and that needs to be followed.

Mr. Burns said that he understood the process in place but the process in place, we were told, is that we have to have a public hearing and, then, it was handed off to the PB; that he was told that the PB has to make sure that the Police and Fire Department can get down the street; that 18-wheelers can get down that street. He added that he has personally taken Jack Murphy down that road and most of the SB has been down that road; that it was built to the specs at that time, which are very similar to the specs today. He added that the only difference is the asphalt thickness; that the base is thicker than today's roads. He said that 2 borings or 10 borings, they cost the same because it's the cost of renting that equipment; so, for what we pay on that street, he thinks that's a very undue burden to put on the people of that street. He explained that any time you have 11 people to pony up \$400 a piece, half of them may give it and the other half won't, and that's what typically happens; so, then, the other half has to pony up the other amount. He added that he thinks we've been put through the wringer trying to get this street approved. He said that Blueberry Lane was approved; that he went down to Blueberry Lane, again, in 2010; same development that Bill Cullen built and he has walked that street and there are no borings in that street, no cold patches in that street. He said that, again, he walked it last week; that they passed it in 2010; that Meadow Lane and Blueberry Lane were put up for acceptance in 2004 at the same time, doesn't know what happened, stuff got lost, asking if it was our fault that stuff got lost, no.

Ms. Horner asked what got lost; that she was interested in what the results were for the 2004...if they were on the ballot.

Mr. Feldman said that part of Ms. Sherwin's research says that *"The July 6, 2018 letter to the Select board also noted that a review of Planning Board and Select Board meeting notes from the time period of 2005 to 2005 revealed no information regarding Mr. Cullen's request for acceptance of Meadow Lane as a town way."*

Mr. Burns said that he has a June 23<sup>rd</sup> request from Mr. Cullen to the Board of Selectmen that two roads be accepted, Meadow Lane and Blueberry Lane; that that record exists because he found it in the SB meeting notes and, then, the Planning Assistant requested that the PB handle Mr. Cullen's request for Meadow Lane, then bam, nothing after that. He added that he went through the Town records for a couple of years after that, and it never appeared again. He added that Blueberry Lane got approved at a Town Meeting in 2010; that the roads were built by the same guy, Mr. Cullen was the developer, he put up the bond for both; so, why Blueberry Lane got that far and got accepted at Town

Meeting, he doesn't know. He added that he talked with people down on Blueberry Lane and they weren't happy with what happened with their road; that it had something to do with the sewer pipe. He reiterated that we had an engineer look at the road and, if you can get the engineer's report, he said that road is in better condition than most roads in Eliot and has higher strength than most roads in Eliot; that he said it is in very good condition for a 20-year-old road.

Mr. Lentz said that he wants to accept and believe everything Mr. Burns is saying but the PB's job, at this point, is simply to go through the ordinance to say that these are the things we think need to be done; that Mr. Burns may argue with that, and that's okay; that we aren't engineers but we can come up with a document that says these are the things we think should be done; whether they get done, they were done, he doesn't know the answer to that.

Mr. Burns understood what the PB had to do with that; that the only thing he keeps getting thrown at is those borings; that we've already spent money and he has personally spent a lot of his time up in Alfred, tracking down Mr. Cullen, etc.

Mr. Lentz said to take a look at that document we put out; that if you look at one of those points, the PB has discretionary authority to waive certain requirements.

Mr. Feldman said that he needs to read this closer but he suspects the waiver ability would be with issues with sidewalks, etc. but it's not doing the due diligence that needs to be done to make sure that the road is constructed to the standards; that it is more there's no sidewalk so, okay, we'll waive the construction of a sidewalk; the road is 39 feet, not 40 feet, so we'll waive the width because we're not going to make them pave another foot. He added that the need for test borings is not a standard, it is a requirement of what needs to be done to determine if the road was constructed to the standards.

Mr. Lentz said that our goal is to put together a list of things we believe...we're going to get the Fire Chief in here and get him to take a walk down the street; that we will have these guys look at it and put their two cents into it. He added that his goal is to turn something back over to the Town Manager that says 'this' is what you guys need to work with.

Mr. Burns said that that puts the pressure on us to have everything ready by March for the June ballot, so the fuse is fairly short. He clarified that we got the engineer recommended by the Town; that he's the one that did the work on the skate park for the Town, so he's the one we hired.

Ms. Horner said that it sounds like some of this confusion on these bullet points is that the people who need to see that engineering report don't have it; so, the person who generated this checklist doesn't have the engineer's report and she thinks that a lot of their problems and concerns could actually be solved if they could get that engineer's report back in here.

Mr. Burns said that he gave it to the SB, so, the Town Manager has it.

Mr. Lentz said that, along with that checklist, the Town Manager has put out a memo to the Police Chief and the others telling them that they have to get on board; so, that's where we are with this right now.

Mr. Burns found the engineering report and the recording secretary made copies to give to the PB.

Mr. Cieleuszko said that there's got to be some credence, here, into a road that's 20 years old; that, if it's 20 years old, it made it.

Mr. Burns said that there is just light traffic; that there's 11 homeowners on the street; that we have UPS, FEDEX, oil trucks on the street.

Mr. Cieleuszko asked who was doing their plowing now.

Mr. Burns said it was Marshall Brothers with a pick-up truck. He added that everybody chips in. He explained that one of the reasons he got onto this crusade is because some people wanted to form a road commission under the legal statutes of the State of Maine and he used to live in a homeowner's association and he said he'd never do it again; so, he got on this tirade, his crusade to get this street approved, because the road commission has legal authority by the voters/members on the street who can force liens and force dues and all that; that he was president of a homeowner's association and he doesn't want to do that again. He added that he's an engineer but he's a material science engineer; so, he can look at the bituminous asphalt and tell you what that's like but that's about it.

Mr. Lentz said that he thinks the PB's next steps is to refine this list; that we will get the Fire Chief and Police Chief to review.

Ms. Horner said that she didn't know what the chances are of Mr. Cullen having the records of approval.

Mr. Burns said that he tracked down and talked with Mr. Cullen and asked that question; that Mr. Cullen said that he built that road to specs, Libby & Sons paved it, he got his bond back, and it was approved by Bill Shapleigh. He added that this is a typical developer, he got his money and he's done; so, did he push for the street's approval, no.

Ms. Horner asked if there were no records of that development on our end being approved; that the development would have had to be approved, regardless of the road; that you'd think there would be a file with that.

Mr. Burns said that he had to go to Alfred to get 'this'.

Mr. Feldman said that part of the issue might be that the subdivision was originally approved in 1961.

Mr. Burns said 1995, he had an approved subdivision plan he got from Alfred. He showed it to the PB, pointing out the note that said no building permits will be issued until the road is built to specs; that there are houses now. He added that this record he could not find in Eliot so he went to Alfred to get it.

Ms. Horner agreed that it says it right 'here' (subdivision plan), it says it in black and white that this can't be approved until the road gets approved.

Mr. Lentz asked where the PB wanted to go from here.

Ms. Horner suggested they look at the engineering report and see if the bullet points would be adjusted, based on that report or information that the engineer could provide.

Mr. Feldman said yes.

Mr. Cieleuszko said that that looks like the full report, asking if they have a detailed analysis or is this their full report.

Mr. Dowling said that that's hiring him for \$300 for 2 hours for the engineer to review that road; that he also has a quote from him to do the borings; that the engineer felt that the road was in extremely good condition; that even Mr. Moulton, at one of the meetings, said fair condition, which is good coming out of Mr. Moulton.

Mr. Burns said that he would be leaving in two weeks and Mr. Dowling would be taking over his crusade.

Mr. Lentz said that he guessed that we don't want to tell the municipal officers to go ahead, at this point, because basically the engineer should be selected by the municipal officers.

Mr. Burns said that GeoInsight was recommended to us by the municipal officers; that it was recommended to us as an acceptable engineering firm by the Town Manager because they are the same outfit that worked on your skate park; that that's why he hired them. He added that he spent 6 to 8 hours at Civil Consultants looking through records; that they were very helpful giving him the records they had; that they were the ones who did the subdivision design and they couldn't find anything.

Mr. Lentz said that it appears to him that they are going to have to get an engineer to sign off on the actual requirements, one-by-one; that that's what they are asking to be done as that's the only way they're going to know – does it come up to the current standards and we will have to review each one of those standards.

Mr. Burns said that the Town lawyer said we do not have to come up to the current standards, we have to come up to the standards at that time. He added that he's got that letter, too.

Mr. Cieleuszko said that there's been input with the SB and the Town attorney and he guessed the assumption, here, is that you have to meet the current standards.

Mr. Burns said the prior standards, according to the attorney; that he has the email from Phillip Saucier.

The PB said that they didn't have a copy of any of this.

Mr. Burns said that it covers Mr. Lee's request and Attorney Saucier's response.

Mr. Dowling said that we've gone through these pieces step-by-step-by-step and, then, something else comes up and something else comes up.

Mr. Lentz said that that's what he observed, that everyone's running in different directions and nobody was coordinating this.

Mr. Dowling said that we were getting frustrated because we were trying to do this – you asked for 'this', here it is, you asked for 'this', here it is.

Mr. Cieleuszko said that, if we could put all this in a package and see all the facts in one place, that might do the trick.

Mr. Lentz asked Mr. Feldman if he had any suggestions for next steps.

Mr. Feldman said that there would definitely have to be a lot of research done and, again, probably conversation with Mr. Moulton; that he's interested in this question from Mr. Lee and Attorney Saucier's response because, normally, it is that it has to meet whatever today's standards are.

Mr. Cieleuszko said that that kind of surprised him.

Mr. Lentz said that that's what the ordinance says.

Mr. Feldman said that he was not going to say that, yet.

Ms. Horner said that she would just say it again; that this engineering report, this letter from the lawyer, etc., that stuff needs to go back to our Planner and that checklist needs to be updated; that #2 is a perfect example of that - the engineer should be selected by a municipal officers, and it was, so why is that on this report; that obviously this needs to be updated.

Mr. Feldman said that GeoInsight was chosen by you folks, correct.

Mr. Burns said no.

Ms. Horner clarified that it was on the recommendation of the SB/Town Manager; that she doesn't feel like anyone's listening.

Mr. Burns said that Ms. Prescott had all of these records but he doesn't know what happened to her records.

Mr. Lentz said that, as an innocent by-stander sitting in on the SB meetings, there were a lot of people doing a lot of things and nobody was doing much of anything, he guessed.

Ms. Horner asked if we can ask the Planner, as a PB, to go back and update this checklist based on some of the things we discovered tonight.

Mr. Lentz said that that was his intent, if the PB agreed.

Ms. Horner said yes, let's wrap this up because she thinks we're all on the same page.

Mr. Cieleuszko said that this is an interesting letter.

Mr. Feldman said that he does disagree with Attorney Saucier because that's not what the ordinance says.

Mr. Lentz said he knew; that he read the ordinance.

Mr. Burns asked that Mr. Dowling be notified of any further meetings so that he could come, attend.

Mr. Lentz said absolutely, yes.

Mr. Dowling gave the recording secretary his email address.

Mr. Cieleuszko recommended that we move this to the next PB regular meeting to further address any information that comes in the meantime.

Mr. Lentz agreed that that was a good suggestion.

This item will be on the agenda for the November 20 meeting.

Ms. Horner asked Mr. Feldman which ordinance section he was referring to regarding Attorney Saucier's response.

Mr. Feldman said that, in Attorney Saucier's letter he said, *"I could find no requirement that the street must meet the current standard, only that it has been evaluated by various parties and a report is given. In other words, the Select Board and voters should have all the information they need to decide in accepting the street."* He said that, if you look at §37-66, it says that this statement shall indicate that he or she has completed a site evaluation on the proposed street and, to the best of his or her knowledge the street was

designed to be compliant with this chapter and that the street was constructed in accordance with the plans approved by the Planning Board.”

Ms. Horner said that was in 1995.

Mr. Feldman said that we need to look at the plan from 1995 to see what the cross-sections suggested needed to be done, and we need to look at the ordinance to make sure it complied with the standards in the ordinance, and the last thing is you need to have test borings done to make sure the thicknesses met those standards. He added that he was sorry to say that there are plenty of contractors in the past who don't care what the plan says and they just throw on some pavement, and that's the end of it.

Ms. Horner asked if that's because it's like, if this were what's happening today, for example, we'd have some report stating how thick the road was.

Mr. Feldman said that, in a perfect world, in many communities with the bonding that's put in place, it is to require a third-party inspector go out and make sure that they are constructing the road to the standards and have a written report that says he visually observed that they had been constructing the road to these standards.

Mr. Lentz said that that's the first point that Ms. Sherwin is making; that that is what she is saying needs to be done.

There was further discussion regarding the actual differences between the 1995 ordinance standards, the current ordinance standards, and what was actually built in relation to today's standards. It was stated that Ms. Prescott gave Mr. Burns the 1995 road standards versus today and Mr. Lee asked him to put together a document that compared the two standards.

#### **ITEM 7 – REVIEW AND APPROVE MINUTES**

Mr. Cielezsko moved, second by Mr. Snyder, to approve the minutes of October 2, 2018, as written.

**VOTE**

**4-0**

**Motion approved**

#### **ITEM 8 – CORRESPONDENCE**

There was no correspondence.

#### **ITEM 9 – UPDATES**

There were no updates.

#### **ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING**

Mr. Lentz said that our next meeting would normally be scheduled for November 6<sup>th</sup>, which is Election Day, and he doesn't think we want to do that. He suggested we move it to the next Tuesday, which is the 13<sup>th</sup>.

The PB agreed.

Mr. Snyder will be away on that date.

Mr. Lentz said that Ms. Bennett should be back and that would give us a quorum, so, that should work.

There was discussion regarding Mr. Bouchard's resignation and that it needs to be approved by the SB.


Members said that they would miss Mr. Bouchard.

The next regular Planning Board Meeting is scheduled for November 13, 2018 at 7PM.

Mr. Feldman reminded the PB members to sign the mylar.

#### ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:11 PM.

  
Dennis Lentz, Chair  
Date approved: 11/13/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary

