

Meeting Minutes

Planning Board

Tuesday, March 26, 2019

Newbury Town Hall

APPROVED

Planning Board Members Present: Rachel McManus, Chair; George Morse; Peter Paicos; Larry Murphy; Kristin Grubbs; Martha Leahy (Associate Member)
Selectmen Present: Damon Jespersen, Acting Chair; Chuck Bear; Alicia Greco
Selectmen Absent: Geof Walker
Selectmen Recused: J. R. Colby, Chair
Staff Present: Ellen Jameson, Executive Administrator, Board of Selectmen
Martha Taylor, Town Planner
Town Counsel Present: Brian Winner, Mead, Talerman & Costa, LLC

Board of Selectmen: Continued Public Hearing – Modification to a Previously Approved Special Permit, Newbury Golf Center, 131, 133, & 151 Scotland Road, Map R43, Lots 2, 11 and 4B; Applicant: Erik Sorensen, President, Newbury Golf Center, Inc., and

Planning Board: Public Hearing – Modification to a Previously Approved Site Plan, Newbury Golf Center, 131, 133, & 151 Scotland Road, Map R43, Lots 2, 11 and 4B; Applicant: Erik Sorensen, President, Newbury Golf Center, Inc.,

At 7:15 p.m. Damon Jespersen, Acting Chair, Board of Selectmen, opened the Board of Selectmen's continued public hearing to consider the Modification to a Previously Approved Special Permit and Rachel McManus, Planning Board Chair, opened the Planning Board's meeting and the public hearing to consider a Modification to a Previously Approved Site Plan.

J. R. Colby, Chair of the Board of Selectmen, had previously recused himself from the proceedings and D. Jespersen therefore served as Acting Chair for the hearing.

D. Jespersen read the legal notice for the Board of Selectmen (BOS) public hearing. He noted that as Selectman Walker was recovering from surgery, he would view the recording of the public hearing and would sign a Mullin Rule Certification stating that he had done so.

R. McManus noted that due to recent turnover in the Planning Board membership, the Planning Board's public hearing to consider the Modification to a Previously Approved Site Plan had been re-noticed, per the advice of Town Counsel. L. Murphy read the legal notice for the Planning Board public hearing which appeared in the Newburyport Daily News on March 11 and March 18, 2019.

D. Jespersen outlined the agenda for the public hearings, which included review of progress to date, conditions set by both Boards the previous year, a presentation from the Applicant, discussion, public comment, and steps to move forward.

D. Jespersen said that the first thing the Boards needed to do was formally accept the Erosion Control Plan dated January 25, 2019, which had been submitted to the Town so that it could be sent to the engineer for review.

Motion: A motion was made by C. Bear and seconded by A. Greco to accept the Erosion Control Plan. The motion passed unanimously.

D. Jespersen then read through the conditions that had previously been set by both Boards on June 26, 2018, as amended August 14, 2018 (#1-18), August 29, 2018, (#19), September 11, 2018, (#20), and October 3, 2018, (#21). D. Jespersen explained that the conditions had been reviewed with the Conservation Agent and the Building Inspector to get their determination on what had and had not been completed and what remained to be done.

Condition #1: Subject to the below conditions, the April 30, 2018 mitigation plan is provisionally and conditionally approved, only insofar as the Applicant may undertake site grading, soil stabilization, planting, and may pull and grind stumps outside of the wetland resource and buffer zones in strict compliance with the April 30, 2018 mitigation plan.

It was noted that the site grading and soil stabilization and planting had not been completed to date.

Condition #2: Subject to the below conditions, the June 7, 2017 grading plan, as most recently revised on July 25, 2018, is provisionally and conditionally approved, for the purposes allowed herein.

It was noted that the grades are still not completed as laid out.

Condition #3: No other work, site preparation, alterations or other activities except those specifically identified above are approved.

It was noted that no other work should be going on.

Condition #4: The provisionally approved work shall strictly conform to the submitted plan(s) of record.

Condition #5: The Applicant shall submit a full and complete landscape plan addressing the entire site except the areas proximate to the Carbones (121 and 123 Scotland Road), Laura Hanlon and Francis Heaney (167 Scotland Road), and Jeanine Cunningham (143 Scotland Road) (the "Abutters Mitigation Plan"), no later than August 23, 2018 by the close of business (4:00 p.m.), i.e. three business days before the next session of the continued public hearing, scheduled for August 29, 2018.

The Board members had agreed in the course of discussion that this Plan would not be completed until the final grading was done, the buildings erected, and the lighting installed.

Condition #6: The Applicant shall no later than August 23, 2018 submit a full and complete Operation and Maintenance plan, detailing with specificity how the Applicant will maintain the landscaping, plantings, and features proposed in the landscaping plan to achieve appropriate stabilization and survivability for no less than two years.

It was noted that a plan had been submitted, but it did not include all that the Boards were looking for.

Condition #7: The Applicant shall simultaneously submit a full and complete Site Plan in accordance with all requirements of the Zoning Bylaw. Prior to submission of the Site Plan the Applicant shall obtain review, comment, and approval of the reconfigured driveway by the Fire Department.

It was noted that this condition had been completed.

Condition #8: The Applicant shall no later than August 23, 2018, submit a full and complete schedule of work detailing with specificity the time and sequencing of all landscaping, plantings, related features, such as drainage, irrigation, and grading as required above.

The Board allowed that this couldn't be done, due to weather conditions and other issues.

Condition #9: The schedule of work shall commit to completion of all landscaping and grading as required above by not later than October 1, 2018.

It was noted that this had not been done.

Condition #10: A site walk shall be held Saturday August 25, 2018, at 9:00 a.m., at which time a minimum of all grades shall be staked and balloons shall be floated at the proposed building locations and light pole locations, to indicate exact location and exact heights of those structures and fixtures.

It was noted that the site walk had been held and the balloons floated, but that the balloons were insufficient for the task and did not give a very clear impression of heights and locations.

Condition #11: Following the site walk the Applicant shall submit a full and complete landscaping plan addressing the remaining areas of the site, the "Abutters Mitigation Plan", no later than September 6, 2018, i.e. three business days before September 11, 2018, the date proposed for a further session of the continued public hearing.

It was noted that as the work that would go into making this mitigation plan had not been completed, this could not be done.

Condition #12: The Applicant shall, upon approval of the landscaping plan, provide a cash-bond, or substantially equivalent security, in an amount deemed sufficient by the Board to cover the cost of replacing failed plantings so that no less than 90% of those plantings survive at least two years.

It was noted that the bond had not been provided; the bond amount will be determined when the landscaping plan is complete.

Condition #13: The applicant shall arrange for, fund, and schedule no less than three on-site meetings/inspections per week with the Town's consulting engineer from today forward and while the provisionally approved work is undertaken.

It was noted that the town engineer reported that he had not been there three times a week, since the site was shut down over the winter.

Condition #14: The Applicant shall engage a Licensed Site Professional as Project Manager, who shall, at a minimum, be charged with overseeing and monitoring all of the above activities and shall communicate and meet with the Town's consulting engineer.

It was noted that this Condition had not been met.

Condition #15: The Board may elect to not proceed with any other aspects of the pending application until the above has been completed to the Board's satisfaction.

Condition #16: The Applicant shall provide suitable and appropriate dust control measures and erosion and sedimentation control, as conditions dictate, at all times until the site is landscaped and stabilized. Such measures shall be consistent with accepted industry practices, local and State regulations and with the recommendations made in SWPPP reports.

It was noted that while attempts at dust control and erosion and sedimentation control had been made, they had not been adequate.

Condition #17: The Board encourages the Applicant to communicate regularly and substantively with the agents of the Town to ensure the above submissions are as likely as possible to be acceptable to the Board when filed.

It was noted that the Applicant had not been meeting the minimum SWPPP report requirements and the Town therefore felt that substantive communication had not happened.

Condition #18: Should any of the above conditions not be met and or not be timely met, the Board may revoke these provisional approvals and, if it does, the Applicant shall cease from continuing any provisionally approved activities at the site and shall forthwith stabilize the site as is and install or deploy appropriate stormwater and erosion control measures suitable for the fall, winter, and spring seasons. Furthermore, should any of the above conditions not be met and/or not be timely met, the Board encourages the appropriate agents of the Town to undertake enforcement as may be appropriate and necessary to ensure that the site is stabilized and the town and the public's interest is protected from any and all harms that are or may be caused by the site in its condition at that time.

Condition #19: To allow site preparation and related preparation, including footings, for the parking lot and building and to allow the Building Inspector to review and approve permits therefor, but not to allow delivery or construction of the building.

It was noted that to the best of the Boards' knowledge the permit had not been issued and the footings had not been set in place.

Condition #20: Construction of the building may proceed provided that no operation or use shall commence unless and until the Board, in consultation with the Zoning enforcement officer, certifies that and finds that each and every one of the conditions of approval have been met to the Board's satisfaction.

It was noted that construction of the building had not proceeded.

Condition #21: The dates, deadlines, and permissions set forth in the Boards' 6/26/2018 vote are stayed with the exception of the conditions 19, voted 8/29/18, and 20, voted 9/11/2018, and that the Applicant shall hereafter adhere to and comply with the terms and conditions of 9/19/2018,, updated 10/3/2018, letter from the Morin-Cameron Group until further review and consideration of the Board and the Applicant shall provide copies of all reports prepared and submitted in accordance with Federal EPA and State DEP regulations.

D. Jespersen then asked R. McManus if she would like to do any updating for the Planning Board before the Applicant made his presentation, since there were several new members on her Board. R. McManus said she thought the Board had been presented with enough information to bring them up to date.

The Boards then invited Erik Sorensen, Newbury Golf Center, to proceed with his presentation. E. Sorensen started by introducing his engineer, Scott Cameron of the Morin-Cameron Group, his attorney, Michael Rosen, and his new site contractor, Jon Miller of Miller Golf Construction.

E. Sorensen then provided the Boards with an update on the project. He said that they had not done anything over the winter except erosion control. S. Cameron had been on the site every week with his team and had submitted SWPPP reports to the Town weekly. He said that J. Miller was ready to get the project moving again that week and to bring his equipment on site. He noted that the plan that the Board had voted on at the beginning of the meeting had been submitted in February and was now obsolete – site conditions and the weather had changed and current conditions would dictate how the project proceeded. He said that J. Miller could address that. E. Sorensen finished his presentation by saying that this was where they were with the project and asked the Boards who they would like to hear from next.

M. Rosen referenced the last condition, twenty-one, and commented that twenty-one was intended to stay in effect until E. Sorensen came back to seek further relief, because there had been certain things that couldn't be done last fall. He noted that E. Sorensen and his team had agreed to come back and meet with the Board in February to get going as early in the season as possible and take advantage of weather conditions to the extent possible. He said that due to no fault of the Planning Board, some members had left and as a result of that turnover, the hearing had to be re-noticed. Because of that transition, E. Sorensen's appearance before the Boards was delayed for six weeks beyond what his team had scheduled for. M. Rosen said that the main reason they were before the Board was Condition #21, under which all the conditions were stayed and E. Sorensen and his team had stabilized the site. Neil McCarthy, Landscape Consultant for the project, had been out to the site to review all the plantings and had noted that all the trees survived the winter. M. Rosen said that they were before the Boards that night to ask if the stay could be lifted so that they could get the professionals out there as quickly as possible to get the work done in accordance with the Conditions and in the order that the Boards deemed appropriate.

D. Jespersen said that he had not discussed Condition #21 because he was not entirely sure that no work had gone on since fall. D. Jespersen then invited Doug Packer, Newbury Conservation Agent, to report on what he had seen on his site walk earlier that day.

D. Packer said that he had seen two piles of material on site that he was concerned with. They appeared to be new, were lighter colored soil than the other piles on site, and contained various construction materials, including pipe, bricks, concrete, and blacktop. He said that under State law they would be considered hazardous material. He noted that there was not a lot of the extraneous material, but as it stood, the material was not in compliance with the law. He noted further that there had been two piles. One now appeared to be gone, but had left a footprint – he said he didn't know where it had gone on site, but it needed to be addressed somehow. The other issue D. Packer discussed was the siltation problem. He said that there were two or three silt fences that were totally built up with silt and runoff was going around the silt fences and running into the saddle. He said he had seen their attempts to direct the water across the driveway with a channel, but the efforts hadn't worked and the water was going down the driveway and leaving a pile of silt at the bottom in the corner. That was the worst place for it because it couldn't be controlled and it ended up on Scotland Road. The other issue he noted, which was outside his jurisdiction, was that the construction safety fence had been pulled down by the snow.

D. Jespersen asked who the current site manager was. E. Sorensen replied Jon Miller.

D. Jespersen said that one of the Conditions was that the engineer and town officials should have the site manager's license and contact information. Because of this site's previous history and on-going issues, the Boards wanted to make sure that the site manager had the credentials to do the job properly. He asked that E. Sorensen communicate with the Building Inspector, Sam Joslin and the Conservation Agent, Doug Packer, and provide them with J. Miller's contact information.

R. McManus said that the Board had not heard much so far except that the Applicant would like to move forward – in order to release him to start work, they would need more details on what he planned to do. She asked if he was going to attempt to comply with the conditions that had been set.

Scott Cameron responded with a summary from the engineering perspective. He said that he came on board with this project in September of last year and that it was immediately pretty clear to him that there wasn't enough time left in the season to get done what E. Sorensen had been hoping to accomplish. The presentation they gave at the meeting in September, 2018, was on how to get the site to a place where they could control it over the winter with no equipment. The site was completely different in November than it had been in September. The site was graded, winter rye down had been planted, and some sediment basins had been created. In reference to the channel in the area that D. Packer had mentioned, S. Cameron noted they did not have any equipment on site and so had done the best they could to hand-dig a trench with shovels. With the resources they had at hand, S. Cameron said he thought overall that they had done a good job over the winter.

He then noted that they had been gearing up for the February 12, 2019, meeting and had discussed the plan to cut in the driveway and provide temporary erosion control on site with D. Packer, M. Taylor, and S. Joslin. They had been planning to get some heavy excavation done and get the site stabilized in areas that they were concerned about so that they could have a full growing season. Because of the delay in the meeting, most of the plan they had developed to restart work on February 13, 2019, didn't apply anymore. He noted, however, that what did still apply was the team's desire to get things done as fast as possible and get the site stabilized. He said that they would be starting with some areas down in the front of the site and then working from the back forward depending on the weather, with the goal of achieving stabilization as fast as possible. He said that it was extremely important from his perspective to get the project moving as soon as they could, not just because of the stormwater runoff issues, but also to get the higher parts of the site stabilized before getting into the hotter months of July and August so that they could get the dust under control. He said they had a lot of work to do and he was concerned about missing that window if they didn't get going right away.

R. McManus stated that she had heard the need to stabilize the site from the back coming forward and asked why they had requested to cut in the driveway in February. S. Cameron said that they had planned to cut in the driveway while the ground was frozen and the water table was fairly low. He noted that the driveway cut was dependent on the weather and that additional stabilization would be put in place before the cut was started in order to deal with any issues that they might run into. S. Cameron then said that he had worked with J. Miller for a number of years and was very excited to learn that he had become part of the team. He has found J. Miller to be responsive and a good communicator – they have worked well together in the past. He noted that communication will be key going forward.

P. Paicos said that it was encouraging to hear that they would like to promote good communication, because that has been an issue, as has been accountability. P. Paicos then addressed J. Miller and said that the onus was now going to fall on his shoulders, because both Boards have experienced a lot of disappointment with the way the project has been run and have lost confidence in this project. He said it

was imperative that J. Miller be in very close contact with the Building inspector. The Boards had stipulated that there be weekly reports and those hadn't happened. At this point neither of the Boards had any patience for non-accountability. J. Miller was going to be walking into a difficult situation, but everyone here wants this to work and to be resolved in an appropriate manner.

J. Miller said that he has been doing this for over 30 years. He is inheriting this project and acknowledged that the first order of business will be to implement his plan and get some corrective measures in place. P. Paicos said that the Boards felt that was imperative and would like to see that.

D. Jespersen asked Sam Joslin, Newbury Building Inspector, if he had anything to add. S. Joslin said that communication had been broken at best in the past with the previous site contractor and that he found himself making more effort than the site contractor did to communicate. As far as the SWPPP reports were concerned, he noted that they were "cookie cutter" and essentially the same from report to report and had been received in a very sporadic manner. The communication issues have drained confidence. He noted that a weekly phone call with a progress report or submission of weekly SWPPP reports would be beneficial and would aid in restoring confidence.

A. Greco asked J. Miller if he was planning on attending all of the continuations of the public hearing with the Applicant. J. Miller said that he could do that. A. Greco strongly advised him to do so.

A. Greco asked if the SWPPP reports had been received on time and if they were adequate. S. Joslin said no.

S. Cameron said that they had been on site every week, there was no activity going on, it was dormant. There are reports from every week – he has a full catalog of six months of dated inspections, sometimes more than once a week. He said that that he will make sure that they are getting the reports out on a weekly basis going forward, but repeated that they were on site every week.

A. Greco said that she is all about crossing the t's and dotting the i's and asked them to make sure that this happens. She said that in the past there have been issues with dust control and that that can't happen this year. She asked the Applicant what they were planning to do to make sure that there were no dust control issues.

J. Miller said that as soon as it gets dry, they will get a water truck out there. There is water on site.

S. Cameron said that their best offense against dust would be getting the majority of the site done before the dry season. If there are parts of the site that are unfinished, they will get a water truck out there, or use calcium chloride, or flocculants. Right now the biggest thing is time and getting out there after losing a month.

A. Greco asked how big Miller's crew is. J. Miller said it was going to be rotating because they can only work on so much at a time. They will complete the site in phases starting in the back and moving forward. They will work on the basins in the front first to steer the water to the right places, then move to the back of the site and seed and complete it in sections. They are trying to get the range seeded and have six weeks of growing time before July and August.

C. Bear asked how long they thought it would take if the weather were accommodating. J. Miller said they were shooting for 16 weeks for the whole site.

S. Cameron said that this time estimate did not include the building construction, but was just for getting the site stabilized.

E. Sorensen said the Morton building would only take two weeks to put up, but the inside would take longer.

D. Jespersen requested confirmation that it would be a 16-week schedule starting in the back of the property moving towards the front. J. Miller said that the areas of work will vary. They need to do some hammering on the high spots of ledge in the line of sight for the range. If the weather is inclement they will work on the ledge. He noted that the lower basin is still pretty wet, but they have to do something with the lower basin right away by removing the silt and creating a stable bottom. They are not sure what will be found, so there may have to be some material exchange to get some aggregate in to settle it down.

S. Cameron said that right now they have 15 plus acres of basically exposed land. Their goal is to knock that down as fast as possible. He explained that one of the first things that engineers learn in erosion control school is flexibility, you can't be rigid. You can have a rough idea of what needs to be done, but you have to be able to flex on the fly and adjust what you are doing. You don't know what the weather will bring. There are going to be unknowns and you have to be prepared to jump on it. He said he does not want to set any false expectations that they are going to be working in this area now and that area then. If they run into certain situations, they may move somewhere else to keep the stabilization process moving forward. They certainly will be getting the collection points done first and getting water rerouted, but they will be moving and adjusting with what come at them for weather.

P. Paicos asked, since the team has changed a lot, how the Board could be assured that the guys E. Sorensen has now will be here in a month or 16 weeks from now. He had a great team before, but the players changed.

E. Sorensen said that he had a good team before and has a good team now and that this team is here to finish the project. S. Cameron said that E. Sorensen has paid every bill within a week of being invoiced in the last six months. That's kept him interested and engaged. M. Rosen said that he has been there since day one.

R. McManus said that the Boards have been very flexible and have been disappointed. She wants to make sure that J. Miller has what he needs to get the job done and that they will not be coming back in three weeks saying they lost this guy or that guy because of XYZ. Everyone must be lined up in order for him to meet the schedule. She asked if he had that.

J. Miller said that he doesn't sub his work out. He does everything in house and has his own equipment. He has been doing this type of work for 30 years. This is a small project compared to some of the jobs they have done.

A. Greco asked what the name of his company is. J. Miller replied Miller Golf Construction.

E. Sorensen said that he needs the building permit in hand to get on Morton's schedule to put the building up.

P. Paicos said that once S. Joslin determined that the conditions were met, the permit could be issued.

R. McManus said that up until the stay E. Sorensen had permission to go forward with the building. It got too late and work had to stop. She said that the Boards weren't looking to hold him up again, but were trying to figure out the starting point after the stay.

E. Sorensen noted that Morton comes in with its own crew and builds the building.

A. Greco asked M. Rosen what exactly he would like from the Boards tonight.

M. Rosen said that he would like to lift Condition 21, which would effectively reinstate the previous 20 Conditions. Then the only thing that they would need to do is go through and change some of the dates. He said he thought the goal was to lift the stay, but not waive any of the Boards' prior conditions. He recognized there are some that E. Sorensen was behind on, but the team's job was to get him caught up.

D. Jespersen reread condition 21: "I move that the dates, deadlines, and permissions set forth in the Boards 6/26/2018 vote are stayed with the exception of condition 19 voted 8/29/2018, and 20, voted 9/11/2018, and that the applicant shall hereafter adhere to and comply with the terms and conditions of the 9/19/2018, updated 10/3/2018, letter from the Morin-Cameron Group until further review and consideration of the Board and the applicant shall provide copies of all reports prepared and submitted in accordance with the federal EPA and state DEP regulations."

M. Leahy asked about Condition #12 and whether the bond had been received. D. Jespersen said that it had been agreed that they would wait until the work was complete to know the total cost before establishing the bond amount for the plantings.

D. Jespersen then asked for any public comments. No one came forward.

D. Jespersen said that the Board of Selectmen could not vote to lift the stay at this meeting because they did not have enough members in attendance to do so.

M. Rosen asked if there was any way to expedite the process so they would not push back the schedule another two weeks.

B. Winner said that something like that might be possible. D. Jespersen said that given that a number of conditions had not been met, he felt a site walk would be appropriate before lifting Condition #21. He asked the rest of the Selectmen and the Planning Board how they felt about that.

A. Greco agreed that a site walk would be beneficial to allow her to understand how the site fared through the winter.

R. McManus suggested scheduling a site walk sooner rather than later. The Planning Board could decide to lift the stay until the next continuation date which would allow E. Sorensen to move forward but still have the Board very much involved and watching the initial progress. It seemed to her that to wait for a site walk and another continuation that might be 2 to 4 weeks away was not acceptable.

D. Jespersen said his proposal was to do a site walk on Saturday and meet next Monday or Tuesday as a continuation. The Board of Selectmen already had a meeting scheduled for the following Tuesday to

review the warrant. If everything was ironed out, the hearing could be continued and the vote could be taken Tuesday night.

M. Rosen asked about how quickly they would need to have the meeting posted and how quickly the video of this meeting could be posted for G. Walker to watch. He would need to complete a Mullin Certification before the next meeting.

D. Jespersen said that he was sure he could get this meeting's recording to G. Walker. They would like to get E. Sorensen working and see the project completed. Due diligence will be made by the Boards to make that possible. D. Jespersen asked for a motion to schedule a site walk for 9:00 a.m. on Saturday, March 30, 2019, and to continue the public hearing to 6:30 p.m. on Tuesday, April 2, 2019.

Motion: A motion was made by C. Bear and seconded by A. Greco to schedule a site walk for 9:00 a.m. on Saturday March 30, 2019 and to continue the Special Permit public hearing to 6:30 p.m. on Tuesday April 2, 2019. The motion passed unanimously.

Motion: A motion was made by G. Morse and seconded by P. Paicos to schedule a site walk for 9:00 a.m. on Saturday, March 30, 2019. The motion passed unanimously.

The Planning Board further discussed lifting Condition 21 prior to the continuance of the public hearing. Wednesday April 3rd was suggested as the date for the continuance of the Planning Board public hearing.

P. Paicos asked Town Counsel, B. Winner, if he had concerns about how everything was being laid out. B. Winner replied that he didn't see any legal concerns. At this point the analysis the Board was doing on how to proceed vs. what the concerns are was a delicate balance. He said that one step at a time may be a good course of action.

M. Rosen asked if they could be allowed conditionally to bring equipment onto the site during the next eight days so that they could gain a little time.

L. Murphy asked what they would expect to accomplish between now and next Wednesday if the stay were lifted. M. Rosen replied that they would be doing erosion control, stabilizing the basins, and taking other stabilization measures. He said he didn't believe that bringing in trucks was doing work nor did he feel it was something that requires a 4/5 approval.

A. Greco asked D. Packer about his comment that there is some work that needs to be done now at the site.

D. Packer said there was work that needed to be done. In the fall when all the equipment left the site, he was somewhat concerned because there was then nothing on site if needed. The channel they tried to cut across the driveway by hand was ineffective, since the ground was frozen. If they had had a piece of equipment on site, they could have cut a small channel and it would be working now. In his opinion it was not a bad idea for J. Miller to get his equipment on site, but they can't work it until they have the Boards' permission.

D. Jespersen said that his understanding was that, as the conditions stand, E. Sorensen was allowed to do erosion control measures currently as deemed appropriate by the Conservation Commission. He asked B. Winner if that was accurate.

B. Winner said yes, that was one of the conditions and it didn't prohibit vehicles from entering the site. It did, however, prohibit site activities and alterations, except for the limited reasons and purposes that are spelled out in the last few conditions.

A. Greco asked about the piles that D. Packer had mentioned.

D. Jespersen said that during the site walk on Saturday he would expect to have answers about the piles – where they came from, where they went to, and what they are composed of. If that information wasn't received by Saturday, it would be difficult for him to move forward on Tuesday.

E. Sorensen asked D. Packer what piles he was referring to and if they were on top of the site. D. Packer affirmed and described the location. He noted that the soil wasn't particularly contaminated, but it legally couldn't have that material in it. There are some provisions under the ABC guidelines from the DEP for asphalt, brick and concrete, and it is just not met in these piles.

E. Sorensen said that they would take care of it and would remove it.

B. Winner recommended not having the discussion at the site. It needs to be on public record and discussed with all Board members. The Applicant is on notice and it will be discussed at the continuance of the public hearing.

A. Greco asked if they could remove the piles.

B. Winner said there had been no assessment of the site by the Boards. They should just address the topic of whether E. Sorensen should be allowed to bring equipment onto the site.

D. Jespersen said because this was not prohibited in the Conditions already laid out, the Boards did not need to vote on this topic.

P. Paicos asked J. Miller to furnish a calendar for the Planning Board, to be distributed April 3rd, of work they anticipate accomplishing within the next 16 weeks.

Motion: A motion was made by P. Paicos and seconded by L. Murphy to continue the public hearing to 7:30 p.m. on Wednesday, April 3, 2019. The motion passed unanimously.

On a motion by P. Paicos and seconded by L. Murphy, the Planning Board meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Emily Noble
Planning Board Administrator