



**Continued PUBLIC HEARING MEETING MINUTES**  
**20 Holt Street**  
**8-Unit Multi-Family Housing Project**  
**August 19, 2020**

Members Remote: Paul Anderson (Chair), Marc Frieden, Vincent Vignaly, Sarah Miles, Rajeshkumar

Members Absent: None

Attendees Remote: Wayne Amico (VHB); Paul Lenkarski, Sr.; Paul Lenkarski, Jr.; George Tignor (Building Inspector); Dave Femia

The Chair opened the remote continued public hearing at 7:05 p.m.

Mr. Anderson noted an error was made on the application forms, not indicating the need for a Special Permit for the 8 units. Town Counsel advised the board that a new public notice is needed, but the hearing could be done as part of the continued public hearing, or close the continued public hearing and start a new Special Permit public hearing at a future date, dependent on a published notice in the newspaper. Mr. Vignaly said either way will take the same amount of time so the board could continue discussions at this hearing and address any other issues tonight, but still continue until the Special Permit Public Hearing. Ms. Miles agreed it would be best to continue the public hearing. It was scheduled for September 23<sup>rd</sup> at 7:00 p.m. Mr. Lenkarski, Sr. was disappointed on the timeline since his objective was to secure the site and move ahead for the neighborhood. He believed he filed all the paperwork correctly, but it clearly lacked the request for a Special Permit. He said they were notified today of recent issues and thinks they have resolved them and can resolve the site plan issues tonight. One issue was the provision in the Building Code to take out a foundation permit only. Mr. Lenkarski, Sr. said if they can agree on that tonight, they could get the majority of site work secured and can move along in a different fashion to finalize the Special Permit. They do have some questions on the Special Permit before the public hearing is closed. He would like to see if he can get an agreement with the board and the Building Inspector so once the plans are approved, they can proceed with a foundation permit only.

Mr. Anderson said it was regretful that the Special Permit issue happened. Mr. Vignaly said the application did not request a Special Permit, only a Site Plan Review. It is not on the Planning Board to request a Special Permit. Mr. Lenkarski, Jr. said the application specifies that more than 4 units requires a Special Permit; he thought it automatically came with a Site Plan Review. Mr. Lenkarski, Sr. said he hopes they can move forward and the Building Inspector gives acknowledgment of the foundation permit and they can move forward with the Special Permit and Site Plan Review. Mr. Tignor said they can apply for a foundation only permit, but his concern is that he would have to see a complete set of foundation drawings because there will be a lot of plumbing that will be capped inside the concrete under the foundation (e.g., waste pipes, water pipes). Mr. Rajeshkumar said the applicant is taking his own risk if he gets a foundation permit. If the Site Plan Review did not go well or there was an appeal, the project would be halted. He said it is not the fault of the Planning Board; the applicant failed to file the proper paperwork. Mr. Frieden added that anything the applicant does before an approval is at risk. Mr.

Lenkarski, Sr. said it is specific in the building permit from the Building Inspector that there is a statement that you proceed at your own risk.

Wayne Amico (VHB) commented relative to the foundation permit only. He will verify it, but from his recollection and the most recent comment letter and the applicant's new material that was provided, none of the remaining comments have to do with the building location, so there is very little risk. Any of the remaining issues were technical, not the location of the foundation itself. He did receive a new set of site plans from the applicant's engineer yesterday. The items they noted were addressed. Additional spot grades were added, proposed slopes that were 1H:1V were re-graded to 1.5H:1V with rip-rap protection (they were verified by Mr. Amico), a gate valve was added on the water basin between Units #4 and #5, the "Vehicle Maneuvering Area" was designated to be reinforced grass "GrassPave2", signage was added to the vehicle maneuvering area to aid in keeping the area free from snow, and additional landscaping was shown at the entrance to help aid in shielding of headlights into the abutting property. Mr. Amico did not think everything was replied to from their comment letter and additional comments that were made by the board at the last hearing. He referred to his July 20, 2020 comment letter. If any waivers are requested, they need to be submitted on a separate document to the board. One of the issues had to do with the one habitable building; Mr. Anderson said it had been resolved. Another issue had to do with infiltration. Were there any percolation tests done as part of the test pit information? He believes the engineer said they might not have been done and they were going to provide some additional information but he has not seen any. This issue needs to be explained further or information provided. Mr. Lenkarski, Jr. said his understanding was that information was provided on the latest plans. Mr. Vignaly did not see all the testing information, but said all that was needed was the soil test characteristics. Two tests were done with logs included in the plan set; they need a third one. It will be a condition of approval because there is a large pile of loam in the spot where the last test in the basin area is needed. Mr. Amico said another comment had to do with providing some of the information in the stormwater report regarding long-term pollution prevent plans, O&M plan, and an illicit discharge statement provided on a separate document attached to the Homeowners' Agreement. The applicant needs to work on that with their engineer. They made a change to the water gate valve, but Mr. Amico had not seen any final sign off from the Water Department relative to the final water layout, or the Fire Department relative to the turning radius on the end. Mr. Lenkarski, Jr. said they did receive documents today and talked to Mike Coveney at the Water Department and said it was his idea to put the gate valve between unit 4 and 5 for separation purposes. Mr. Amico said to get something from the Water and Fire Departments for the board's records. There has been a lot of discussion about the emergency turnaround area. It appears that something has now been provided. It is a permeable grass-type paver in which grass can grow over a plastic membrane which seems to be fine; details are needed on the plans for all these. Also discussed was turning templates to show that area can be navigated by appropriate fire apparatus. The board asked for templates to be provided for its records. Mr. Amico commented relative to erosion control. He did not see any additional information added to detail sheets for the slopes greater than 3:1. Documentation is needed that there is adequate site distance at the entrance (data needs to be provided). Relative to the board's comments, evidence is needed that the bottom of the detention basin needs to be two-feet above the estimated seasonal high ground water elevation. He was not sure if that was fully addressed. If it was, it was not clear; it needs to be clarified on the plans. Mr. Lenkarski, Jr. said his engineer said it could be addressed with the as-built by raising the wick elevation, or he would address it with a new set of plans. Sheet 7, note 6 on the left

conflicts with note 16 on the right; one needs to be removed. Mr. Amico said it appears there is some grading shown for the segmental wall; he realized there was no details in the plans shown for the segmental block wall. It was buried in the contours and he did not realize there was a wall there; detail is needed on the type of wall. Depending on the wall height, it is unclear (it says top of wall elevation x, bottom of wall varies with a maximum of about 10-feet) they may need a building permit. The Building Inspector said it is usually 6-feet. Mr. Lenkarski, Jr. said that was implemented as part of their earth removal restoration process. No part of the wall is over 3-feet high. Mr. Amico said the plans should be revised. Another comment had to do with work onto another property. The contours seem to go over the property line; he would have the engineer add a note for easements to be clear on the site plan. Mr. Lenkarski, Jr. said it was part of the earth removal permit and they do have easements already recorded and can provide them. Mr. Vignaly said all of that work would have been done in the last couple of months; it should have been on the site plan review and on a plan for the Earth Removal Board. If they have a plan that was submitted and approved by the Earth Removal Board, the board would take a look at that. The easiest thing to do is to submit documentation that would address these issues. If the wall is 30" then it needs to be shown as 30" on the plan. Mr. Amico agreed and asked the applicant to provide that information on the plan. Mr. Vignaly asked the Building Inspector if he knew if a wall required a building permit and if it is over 6-feet high can it be placed within the setback distance. Mr. Tignor said there is nothing keeping them from putting up a wall in the building setback areas. The only thing they usually do is if the height of the wall is 6-feet high, keep it 6-feet away from the property line in case there is a collapse of the wall so it doesn't end up on someone else's property. The height becomes a concern depending on the type of soil it will be holding back. When a wall of that type is being constructed it needs a design plan from a Registered Design Professional.

Mr. Amico said there was talk about trash trucks and trash being picked up out at the street. Mr. Lenkarski, Jr. said public or private, it will curbside pick-up on Holt Street. Mr. Vignaly did not think that was possible. A condo association with greater than four units does not get town pick-up of trash and it needs to be kept within the property, not set out on Holt Street. Mr. Lenkarski was asked if he received any information from the DPW. He said they requested an answer several times and never received one. He said everyone in town has pick-up. He understands that apartments units have no pick-up, but for individual taxpayers he is unclear of or unable to get any solid guidance as to where that information is coming from. Mr. Rajeshkumar said he would follow-up and provide an answer tomorrow. Mr. Amico said relative to trash either way, turning templates need to be provided for the fire trucks and to provide turning templates for the trash truck in the event they have to come into the property to pick it up. He thinks this issue can be at least resolved and proved to the board that it is possible to have onsite trash pick-up if needed. Mr. Lenkarski said it is their intention that private or public, trash barrels will be put on private property and picked up at the curb of Holt Street; there will never be a dumpster. Mr. Vignaly said it is a DPW issue, not Planning Board. Mr. Amico asked if Homeowner Association documents had been provided to the Planning Board or Town Counsel for review, or if the board wanted that to be a condition of approval that before any temporary or partial or permanent Certificates of Occupancy are issued. Mr. Lenkarski, Jr. said didn't see any of those requirements for submission in the bylaws and wondered where it is coming from. Mr. Vignaly said because they have to maintain the drainage structures and the site amenities thought it was included in the requirements for legal documentation. Mr. Lenkarski, Jr. said at this stage they have not moved forward with legal documentation. Mr. Amico said the overall intent of those documents is to

make sure the town has guidance for all those units for what needs to be maintained, cleaned out, etc. Mr. Frieden said beyond the O&M there is also documents of legal establishment of the HOA. Regarding the trash pick-up, he said one of the complaints from another condo association about town pick-up was not so much about the trash, but that their complex did not recycle and wondered why they couldn't put their recycling out for the town service to take. He said it would be nice if Mr. Lenkarski's complex would recycle as well as take trash; they said they will separate the recyclables.

Mr. Anderson asked for public comment; there was none. He asked if board was okay with the Building Inspector issuing a foundation only permit. Mr. Vignaly did not think any of his or Mr. Amico's comments would change the sewer location or water location. There was a question on what size sprinkler line would be coming in. He is okay with a foundation only permit assuming the board can get the information soon so he can draft an approval letter with the plan information on it; the plans need to be referenced in the approval letter. He wants to get it out to everyone to make sure the board agrees; the best option is to continue to September 23<sup>rd</sup>. Mr. Frieden was not clear on what the Special Permit will or will not allow. Mr. Vignaly said the Special Permit needed to be advertised so people had the chance to comment on it. There are eight items that have to be addressed according to Zoning Bylaws Section 6.2.E.4.b.

Mr. Rajeshkumar made a motion to continue the public hearing to September 23, 2020 at 7:05 p.m.; Mr. Frieden seconded; roll call vote: Frieden-yes; Miles-yes; Rajeshkumar-yes; Vignaly-yes; Anderson-yes; motion approved.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Vincent Vignaly, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich