

PLANNING BOARD
Regular Meeting Minutes
October 13, 2020 via Zoom

Members present: Mark Schafron/*Chairman*, Robert J. Swartz/*Vice Chairman (joined meeting at 6:21 pm)*, Steve Cormier, and Paul A. Cormier/*Members*, and Trevor Beauregard/*Director-City Planner*.

Members absent: Robert J. Bettez, Sr.

Also present: Chris Coughlin-*Engineering*, and Christine Fucile-*DCDP*.

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Director of Community Development & Planning pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

Mr. Schafron called the meeting to order at 6:05 p.m.

1. VOTE TO APPROVE MEETING MINUTES:

✓ August 17, 2020:

Public Meeting via Zoom [Bailey Brook Open Space Recreation Plan]

Regular Meeting via Zoom

Motion to accept Planning Board public and regular meeting minutes as presented.

S. Cormier/P. Cormier.

Vote - All in

favor.

2. NEW BUSINESS:

None.

3. OLD BUSINESS:

3.1 525 Parker Street:

Mr. Schafron commented the joint public hearing ended up steering down the wrong path since the topic for the overlay is the issue, not the project itself.

T. Beauregard noted he has not received any word from the City Clerk in order to reconvene the public hearing.

3.2 Wilder Brook Estates Subdivision – Discussion:

T. Beauregard brought attention to the letter received from Attorney Elisha Erb on behalf of Henry Cormier, and noted Mr. Cormier still has escrow of a little over \$50,000 with City. Mr. Cormier is petitioning the Planning Board on four (4) subjects. T. Beauregard said the City has

not accepted the roadway within the subdivision T. Beauregard confirmed with C. Coughlin if the roadway has not been accepted.

T. Beauregard noted he spoke with the City Solicitor regarding the four (4) subjects.

T. Beauregard added there were also issues with drainage at the site.

T. Beauregard went through the petition starting with the first request to withdraw Wilder Lane and Brookside Drive beyond Leo Drive which are two cul-de-sacs that were never built out, as well as their associated lots, including three (3) drainage easements. The City Solicitor believes this would be acceptable, however, will have to go through the decertification process for a subdivision which would require public hearings for public input should the Planning Board decide to take such action. Mr. Schafron asked if the lots are currently undeveloped. T. Beauregard responded correct. In addition, the roadways are not built. T. Beauregard noted he believes Mr. Cormier does not plan on building them out. Furthermore, he may want to offer them as open space to the City, or the North County Land Trust who owns all the contiguous land within the subdivision.

The second request from Mr. Cormier is for the Planning Board to hold \$7,600 in escrow. At the time the subdivision was amended in 2006, the Planning Board required the Developer to develop a "Homeowners Association" to be used for maintenance of all the drainage easements within the subdivision. In order to initiate the Homeowners Association, a fee of \$200 would need to be collected from each property owner when they purchased the property before they get occupancy which was never completed. In 2009 a Homeowners Association was formed, however, no monies were collected. T. Beauregard said he believes Mr. Cormier and his wife, who has since passed, are the two officers within the Association and never formed an actual neighborhood association with the residents currently living there. Consequently, there is no money, so Mr. Cormier requested the \$7,600 be given to the City. The \$7,600 consists of \$200 for the 37+ lots that were sold in the subdivision.

The third request is to rescind the requirement in the "Notice of Subdivision Amendment" which was in 2006, that the clause in the amendment, "The Sale Agreement and Deed of Conveyance of each lot shall contain and be subject to a Declaration of Trust, acceptable to the Planning Board, which requires the establishment of a home owner's organization that is responsible for the management, maintenance, improvement and repair of the detention basins and associated drainage works located outside the public street layout. T. Beauregard said from a legal standpoint, this can get tricky. Each homeowner within that subdivision is part of the Association. Attorney Flick does not feel Mr. Cormier has the right to ask for the rescission of that clause which would ultimately rescind the actual Homeowners Association because he does not make up the entire Association. Mr. Schafron asked if the Homeowners Association is a legal entity that does exist even on paper. T. Beauregard replied yes. Mr. Schafron then responded he concurs with Attorney Flick. T. Beauregard commented this request requires a lot more thought, discussion, and input from the City Solicitor and the Planning Board itself, if the Planning Board does decide to move forward.

The fourth request is to authorize the return of the escrow balance of \$50,000 in change, less the \$7,600 Mr. Cormier requested the Planning Board keep. T. Beauregard said he walked the site last year with DPW Director, the City Engineer, the Assistant DPW Director, and the Conservation Agent, and it was determined a lot of work needs to be completed with regard to the drainage structures and storm ceptors which were not working properly. In addition, there was some flooding down at the far end of Leo Drive that undermined portions of the roadway and sidewalk. There is a large amount of maintenance work that needs to be completed there, as

well as rebuilding some of the infrastructure. Mr. Schafron inquired if there is just a drainage issue, or is it related to building out the lots. T. Beauregard answered it is a matter of the detention and retention ponds working properly and being maintained from the time when they were built over 20-30 years ago. C. Coughlin added there is a significant amount of long term growth there, especially in the detention basins that can be seen off to the edges of the roads. There would be a significant cost, and a lot of work to render this acceptable condition if the City were to accept the roadways. Mr. Schafron questioned if the conditions also affected the accepted streets. C. Coughlin responded yes it continues into the accepted portion, including a number of issues out there. T. Beauregard added there is also some undermining down of the roadway down in the area at the northern part of Leo Drive where it did flood that should be addressed. C. Coughlin said especially on the sidewalks on the northerly side of the road.

P. Cormier feels it is too soon to give back the security deposit, and said \$50,000 does not go far these days.

S. Cormier agrees with P. Cormier and other members of the board since \$50,000 probably will not get close to where the drainage and damage issues are concerned, therefore, should definitely hold on to the \$50,000.

Mr. Schafron agreed also and said eventually bringing it back could come back to the City in order to maintain the integrity of the accepted parts of the street.

Mr. Schafron spoke of the Homeowners Association, and believes Mr. Cormier as an individual cannot request this to be rescinded, since it should be up to the entire Homeowners Association to vote to disband themselves.

S. Cormier asked if the \$7,600 is a separate account. T. Beauregard said this is part of the \$50,000, therefore, Mr. Cormier is asking this be taken out of the \$50,000.

Mr. Schafron stated all of the monies should be kept since there is a lot of work that needs to be completed out there.

Motion to hold on to the escrow amount of \$50,000 +/- to complete any infrastructure improvements/issues within the subdivision.

S. Cormier/P. Cormier.

Vote – All in Favor.

Mr. Swartz has now entered the meeting.

Mr. Schafron asked about the withdrawal of two (2) cul-de-sacs. T. Beauregard explained these lots may eventually revert back to the City if Mr. Cormier stops paying the taxes. There also has been talk about Mr. Cormier donating the land to North County Land Trust, however, did not believe North County Land Trust is interested in accepting this gift since it is a subdivided piece of land, and they will have to become party to the Homeowners Association.

Mr. Schafron asked if the Planning Board would like to vote on this, or let it be.

S. Cormier said to leave it alone and let it run its course.

R. Swartz and P. Cormier concurred.

Mr. Schafron asked T. Beauregard if this should be voted on. T. Beauregard did not think it mattered. Mr. Swartz suggested to take a vote to take no action.

Motion the Planning Board take no action relative to the withdrawal of cul-de-sac and associated lots.

R. Swartz/P. Cormier.

Vote – All in

Favor.

4. ANNOUNCEMENTS~~NEWS~~ARTICLES~~EVENTS

- ▶ Next Planning Board Meeting scheduled for November 10, 2020 at 7:00 p.m. T. Beauregard recommended changing the time to 6:00 p.m. since meetings are now being held via Zoom at the present time, and some working from home. All were in agreement with the exception of Mr. Bettez who was absent for this meeting.
- ▶ The 2021 meeting schedule was provided.

Adjournment

Motion to adjourn.

R. Swartz/S. Cormier.

favor.

Vote --All in

The meeting adjourned at 6:27 p.m.

All documents referenced or used during the meeting are part of the official record and are available in The Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law