

**Salisbury Planning Board
Meeting Minutes
Wednesday, July 9, 2014 7:00 p.m.**

PB Members Present: Robert Straubel (RS), Lou Masiello (LM), Brendan Burke (BB) and Helen "Trudi Holder (TH)

PB Members Absent: Don Egan and Berenice McLaughlin

Also Present: Leah Hill, Asst. Planner and Lori Robertson, Planning Secretary

Time: 7:00 p.m.

Chairman Straubel called the meeting to order at 7:10 p.m. in the Colchester Room, Salisbury Town Hall. **RS** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via www.sctvmc.org/index.

1. New Business:

a. Reorganization: **RS** stated we will wait to reorganize when we have all members present.

b. Request for Release of Covenants (Lots 3 & 5) – 14 Friedenfels Subdivision (Burley's Cove Subdivision)-Greg Bowden: Greg Bowden, President of Burley Cove Investment Association (GB) addressed the board. We have been working on this project for nine years. We have done the final paving. We are very close to be finished. We are trying to get the last lot out of the covenants. Lot 3 is the buildable lot and Lot 5 is the strip of land that gives access to the river.

LH stated when the subdivision was permitted their form of guarantee was covenants on all the lots, as opposed to a typical bond. As work has been completed, and lots bought and built on, lots have been released from the covenant. These are the final lots in this subdivision. At different points we have been making sure the punch list is being completed. There was a lawsuit where things needed to get finished. One of the main things that we were waiting for was the paving to get done. That has been done recently. There have been many site visits with myself, DPW, Greg, various residents and Planning Board inspector.

There are a few items that need to be finalized:

- 15 Friedenfels (Joan Steven's lot) will be re-graded to eliminate the ponding that is occurring on her property. Greg has received 3 estimates which have been given to Ms. Stevens. She will choose one and then a check will be written to that contractor and we will hold the check until the work is complete. This will act as a bond for said work.
- The private drive was supposed to be 18' wide, per the lawsuit, it was 16-17' paved, paver is going to fix. **RS** stated I spoke with Don Levesque from DPW and he was going to send an email regarding how the pavement should be fixed. That would be inspected by Joe Serwatka. **GB** stated I met with Don and we went over the plan. How this would be fixed to get to the 18'.
- Joe's final invoices
- Sidewalk vote: **RS** stated that the residents wanted to do away with the gravel sidewalks. GB agreed that if we eliminated the sidewalks, he would provide us with a signed agreement for surveying services for the Stevens Trail off of the Old Marsh Rail Trail. **GB** gave the board the agreement (original estimate for the contractor for the sidewalks was \$3,250.00). **BB** asked if the gravel sidewalk was in? **GB** stated we put the gravel sidewalk in and the weeds started growing through, it just started to deteriorate. As the homeowners came in, they bulldozed it over and put their front lawn in. Now it is gone.

RS read a letter into the record from "**Joan Stevens dated July 3, 2014: Dear Ms. Hill: As per our discussion, I am sending this letter with regard to the removal of the covenant on Mr. Bowden's lot in Burleys Cove subdivision. At the April 23, 2014 meeting that you and other Town officials attended on site, it was pointed out that my home and property were flooding due to Mr. Bowden's improper grading which is in violation of the approved grading plan, in addition to violating the Court Settlement and Judgment. At**

that meeting Mr. Bowden said he would get prices to correct the problem. I believe Mr. Bowden is not telling the truth in this matter. A local contractor tells me it would take only a week to get these prices and Mr. Bowden has had a month and a half to do so. It is my belief that once the covenant is removed from his property he will not complete the work and put me in a position where my only option is to file a lawsuit against Mr. Bowden and the Town of Salisbury. I am especially concerned after watching Mr. Bowden's final paving of the Renz/Ladd easement. At that April 23rd meeting, Mr. Don Levesque, directed that the road base in a number of areas would have to be removed and replaced. I believe this was referred to in your notes. This was not done. As opposed to correcting the problems with the road base, these areas were just shim-coated and then paved over. In the area where new pavement was added, a small amount of dirt was removed and the paving placed upon the bare soil without any base at all. Additionally, Mr. Bowden and the Town of Salisbury Planning Department strongly maintained that the easement paving had to be 18' wide as per the approved plans, the Court Settlement and Court Judgment. The final result was paving that was less than 16' in one area and less than 17' in other areas failing to meet the 18 foot requirements. It is clear that Mr. Bowden does not take these matters seriously and should be taken at his word that he will complete the project as instructed. For these reasons, I ask that you deny the request to remove the covenant from his property until he has completed the work as required, inspected and approved by the Town Engineer."

RS stated this is a subdivision and myself being an alternate I will not be voting on this item. You will need all three remaining members to vote in favor. **GB** stated that is fine.

LH stated the bond amount needs to match the work that needs to be done. If you vote releasing the covenant, pending these items being done, you are not losing control.

BB stated Ms. Stevens stated in her letter that some paving was done incorrectly, but Don Levesque was satisfied? **LH** stated he was confident that he put enough pavement to cover the broken pieces of pavement and then sealed the whole thing. **BB** asked if this issue is resolved with regards to the Town of Salisbury? **LH** stated yes.

Joan Stevens of 15 Friedenfels Road addressed the board. I know the rest of the people in the development were nervous that the sidewalks created traffic problems. It will be much more of a nature trail. It's a beautiful piece of land.

RS stated we have a public hearing scheduled for 7:30, is there anyone here for 118 Rabbit Road? Hearing none, we will move this to later on in the meeting.

GB stated this roadway will not be accepted by the town. It will be a private way. It will be owned by the homeowners association. I have letters from 6 of the 7 homeowners stating: *"As the date of this letter we the members of Burley Cove Homeowners Trust are satisfied the condition of the roadway in which to receive a deed for Burley's Cove Investment Corporation for the section of Friedenfels known as lot 12 on the subdivision plan recording in the Essex South Registry of Deeds Plan 414 page 62."*

LM asked what is Lot 12? **GB** stated this originally was a land court parcel, there were 11 lots but land court made us call the roadway lot 12 Friedenfels.

Tom Fowler of 12C Partridge Lane addressed the board. I am just here in support of Mr. Bowden, I have known him for quite some time now. If he promises these issues will be resolved, speaking of his character those issues will be addressed to the satisfaction of the town.

LM motioned to release the covenant for Lot 3 & 5 of the Friedenfels Subdivision (Burley's Cove Subdivision) pending the receipt of the funds for the work on 15 Friedenfels, the paving for the private drive is completed and widened to 18', and Joe Serwatka's final invoices are paid as well as that in exchange for no sidewalk being built, that the surveyor will provide a signed agreement for surveying services for the Stevens Trail off of Old Eastern Marsh Rail Trail.

TH Seconds – Vote on motion 3 – 0 unanimous.

2. 7:30 Public Hearing

a. SPR- 118 Rabbit Road-RJ Tindle, Inc.

BB motioned to open the public hearing for 118 Rabbit Road, RJ Tindle, Inc.
LM Seconds – Vote on motion 4 – 0 unanimous.

RS stated the applicant requested a continuance to the August 27, 2014 PB meeting.

TH motioned to continue the hearing for 118 Rabbit Road, RJ Tindle, Inc. until August 27, 2014 at 7:30 pm at Town Hall.

BB Seconds – Vote on motion 4 – 0 unanimous.

3. **Old Business:** N/a

4. **Other Business:** N/a

5. **Correspondence:**

a. **Minutes from June 25, 2014.**

LM motions to accept and sign the minutes from June 25, 2014

BB Seconds – Vote on motion 4 – 0 unanimous.

6. **Reports of Committees:**

7. **Adjournment**

BB motions to adjourn at 7:44 pm

TH Seconds – Vote on motion 4 – 0 unanimous.

Chairman

Date