

**ZONING BOARD OF APPEALS
WEDNESDAY, JUNE 22, 2022
RESOURCE ROOM**

Attendance: Chair Dan Heney, Vice-chair Mike Fitzpatrick, John Bombara, Jim Palmer, Ron Forget, Ken Frasier Building Inspector.

Chair Dan Heney calls meeting to order at 7:16 PM

Discussion:

1. (7:16 PM) North Brown, LLC – Possible Votes

The representative Ed Taipale, for North Brown joined the table with the board to discuss the updates. The board had questions about the pace of completion for the affordable units. The representative, Ed Taipale also has a concern about getting occupancy permits because they have a closing scheduled this week for 64 Compass Point Drive. North Brown received six affordable buyers they circulated purchase and sales agreements and had them signed in February for completion in June. North Brown had some issues getting the plumber out to do the work on the units, so they had to extend the purchase and sales agreements. The phase II units are estimated to be done by the end of the summer, the units on Nautical Way are scheduled for completion the end of the year to first of next year. Mr. Taipale had an email with Jay and was told that they are in compliance with the terms of the agreement of the ratio of sales of affordable and market rate units. There are twelve affordables sold, that is not including the ones under purchase and sales agreement.

Another concern of the boards was they are approaching the 50% mark in terms of sales on the whole development and there is still a lot of work to be done completing the infrastructure for phase one and two, and the board is asking why its isn't getting done and when will it be done. The Chair mentioned that the topcoat of the road hasn't been done and Ed responded that the permit says they don't have to do the topcoat until the end of the project (before the last four market rate units are done). The Chair Dan Heney said he would like to review the permit, Ed responded that they are in compliance with the permit. The surety bond for the final coat of pavement will be put in place when they start the fourth phase per the permit requirements. Mike Fitzpatrick wanted to bring up a concern specifically about phase two. When Mr.

Fitzpatrick took a drive through the development, he saw four units in phase two that were unfinished and the town was told that phase two was sold out. Another concern was that there are three affordables under contract in phase three while there are still affordables unfinished in phase two. Ed explained that when they went to the board for approval on increasing the affordables price they were on hold and they did work on some market rate units while they waited for the approval on the affordables increase. North Brown were covered in the contract for already having sold 12 affordable units they were not concerned about getting other affordables done at that time. Tim Barlow stated that they need to sell the market units in order to be able to build the affordables.

Ken Frasier the building inspectors asked if the purchase and sales agreements are signed why are those affordable units not being expedited to get them finished and sold? Ed responded that again they are in compliance with the pace of sales of the affordables as set forth in the permit. North Brown has market rate buyers that have signed purchase and sales agreements well before the affordables were signed, and they are attempting to deliver units as quickly as possible. Mr. Fitzpatrick voiced his concern for the buyers that have been approved for the

affordable units and as time goes on the rates go up and they may not be able to afford the unit anymore. Mr. Fitzpatrick would like to know what the expected delivery date for the affordable units that are currently under agreement. Ed said that all the affordables agreed to the extension of time. The phase two units have electrical, and HVAC done.

Ashley Palino from the audience asked what was being done to expedite the completion of phase two because phase three is being started. Ed responded that the requirement terms in starting the next phase is to have sold half of the prior phase or 18 months from the beginning of construction. Tim Barlow from North Brown stated that he is well within his comprehensive permit with how and when the units are being finished. Chair Heney will talk to Town Counsel and find out what the ZBA has for authority in this matter.

Ed and Tim are requesting the occupancy permit for 64 Compass Point Drive from the board so that the closing can happen this week, and they can go back to working on the affordables. Tim stated that there are three affordable units in phase two that need to be completed and they are all being mechanically roughed right now, one of them has insulation. The anticipated completion dates on them are three to four months. Stephanie Daigle from the audience stated that when they signed papers in February, they were told that the closing date would end of May beginning of June and she never received anything that stated there would be an extension of time. Ed explained that the purchase and sales the was signed stated that the date of June 30th was an estimated closing date.

The board is moving on to discuss other issues that have come up. On August 12, 2019 the consulting engineer had a discussion about the storm water cell #43 and its scheduled to be addressed in July of 2022. Tim stated that they had to have stabilization which they have now around the storm water, and it is functioning and has been functioning. The engineer has another issue about completing a swale behind units 35 and 36 in November of 2021. Tim stated that issue is being taken care of as we speak. The engineer also said there was undermining of a stormwater basin #2 in August of 2021, Tim stated that they are waiting for the slope to be stabilized then they are going to put the new floor in.

Ken Frasier building inspector has questions about the rain gardens in phase one and two with some of the rain gardens have a mulch bottom and two of them do not and would like to know which is the design. Tim stated that the larger bio retention basins have a grass bottom and the smaller ones have mulch bottoms. The other question was about the entry way with the wrap in between, is there a way to do something about that so that it isn't in the center of the road. Tim stated that when they are doing the top coat that are going to talk with their engineers and have the boards engineer consent on it to pave that middle with a swale in it because there are catch basins.

Mr. Fitzpatrick asked what the status of Ms. Palino's unit is currently. Tim stated that the rough electrical and rough HVAC is complete and the plumbing is scheduled to start tomorrow.

(8:32 PM) Motion to issue the certificate of occupancy permit on unit 31, 64 Compass Point Drive made by Mike Fitzpatrick, seconded by John Bombara. Roll call vote – Dan Heney, Mike Fitzpatrick, Jim Palmer, Ron Forget, and John Bombara in favor.

Mike Fitzpatrick requests that they give the board an update on the three affordables left in phase two at the next meeting.

2. Reorganization of the board

(8:39 PM) Motion to appoint Dan Heney as Chair and Mike Fitzpatrick as Vice-chair made by John Bombara, seconded by Jim Palmer. All members in favor.

Upcoming meeting July 6, 2022 & August 3, 2022

APPROVED 10/5/2022

(8:40 PM) Motion to adjourn meeting made by Jim Palmer, seconded by John Bombara. All members in favor.

Respectfully submitted,

Stephenie Gosselin, Recording secretary