

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
SPECIAL MEETING
MINUTES**

Time: 6:00 PM

June 22, 2020

1. Call to Order

The meeting was called to order at 6:00 pm by Mr. Krollfeifer.

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

Notice of this meeting was published in accordance with the Open Public Meetings Act By posting on the municipal bulletin board, publication in The Burlington County Times and Courier-Post Newspapers, and by filing a copy with the Municipal Clerk

4. Announcement of “No new business after 11:00 PM”

5. Roll Call

Present: Mayor MacLachlan, Mrs. Kelley, Mr. McKay, Mr. Wagner,
Mrs. Baggio, Mrs. Tyndale, Ms. Kosko, Mr. Levinson
Mr. Sylk, Mr. Tricocci, Mr. Krollfeifer

Absent: Ms. Schneider

Also Present: Robert Kingsbury, Esq., Board Attorney
Scott Taylor, Board Planner
Martin Miller, Board Engineer
Kathy Newcomb, Zoning Officer
Paula Tiver, Board Secretary

6. Items for Business

**A. Case 19-09A: R & M Development, LLC.
Block 100 Lots 8.03 & 8.02
60 Bancroft Lane
Preliminary Major Subdivision
Attorney: Igor Sturm**

Proper notice was given.

Mr. Krollfeifer explained that we had heard part of this application at another meeting. There were a couple issues that needed to be addressed: 1) the water flow which was

addressed at the last meeting 2) supply a traffic study 3) provide the 2003 environmental impact statement 4) access road to satisfy recreation requirements.

Mr. Sturm, attorney, stated this is a continuation of the December 4, 2019 hearing.

Mr. Kingsbury swore in Jack Gravlin, Engineer, and David Horner, Traffic Engineer.

Mr. Gravlin explained this a preliminary subdivision for a 41 lot senior residential project. There will be an additional lot that will belong to the homeowners association that will be open space and the basin (total 42 lots). The last hearing there was a full presentation and the Board decided that they wanted additional information. 1) A traffic study that the traffic engineer will present after him 2) Submit the previous 2003 environmental impact statement. He also printed out a page from the NJDEP website that there are no endanger species or areas of special concerns within their building lot and supplied it to the Board's consultants. 3) He hired another engineering consultant to do a ground water mounding study to determine if there would be any impacts on the basements of the adjoining property owners along Wharton Place and Bancroft Lane (submitted in April). It does indicate that there are no impacts to their basements. The bottom of the basin is below the basements and is well drained soil. They have never encountered ground water out there.

Mr. Levinson questioned during the 100 year flood will the water remain below the basements. What is the difference between that elevation and the basements?

Mr. Gravlin answered yes. The basin would be at 34.89 for the 100 year flood and the lowest elevation for the basement is 32 which is hundreds of feet away from the basin. Mostly all the infiltration is primarily through the bottom of the basin which is elevation 28. The calculation does take into account the lateral distances.

Mr. Gravlin read from Jason Sciuolo, engineer, letter dated April 23, 2020. "As demonstrated with the information provided above, the groundwater mound, as calculated pursuant to USGS and NJDEP guidelines, will not cause surficial ponding, flooding of basements or interference with the proper operation of any subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the recharge area."

Mr. Levinson questioned what the distance is from the basin to the basements.

Mr. Gravlin referred to the subdivision plan. They range from 117' up to 200'.

Mr. Gravlin continued with the park access road, which they agreed to.

Mr. McKay questioned if Mr. Miller had any issues with the calculations. The Board did approve it in lieu of recreation that they would supply an easement and an access road to the back. He believes they have satisfied the Board's professionals with the design. A curb and sidewalk will be installed on the north side, a swale with an inlet on the south side (connect into their drainage system), an extension of the proposed sidewalk within their development on the east side of the entrance road, installing pedestrian crossing and handicap ramps to connect the proposed sidewalk on the access road to the new sidewalk they are installing on the west side of entrance. They will be constructing the subbase and the initial paving base. The only thing that will not be installed is the top 2 inches of

the road. After the Township does what they need to at the park, then you will be able to top the road and it will be brand new.

Mr. Levinson questioned if we could ask them to come back and do the top.

Mr. Taylor explained that it would be at the Board's discretion. When he and Mr. Miller met with them they did discuss that any construction trucks would destroy the road. It is up to the Board, the problem would be that it could be many years before the town is ready.

Mayor MacLachlan does not believe that they should forgo that added expense, it is an offsite improvement. The applicant was generous in providing that road to the park.

Mr. Gravlin stated that it is a very minimal cost as compared to the rest of the project they are putting in.

Mr. Gravlin stated there is one remaining issue he like to discuss. Mr. Miller asked that he quantify the volume of water that would be entering the downstream lake. At the last hearing, he went into great detail. All the water from the 2 year storm to the 10 year storm will not go out. There is a small discharge for the 100 year storm event. To give the Board an idea, if the entire drainage system were to fail, it would result in a 1.9" rise in the level of the lake. He does not expect that to ever occur. During the 100 year flood he would be letting out less than ¼ inch of water. It is insignificant and no impact. They also agreed to provide a number of things as part of the approval and continue to agree to provide that as part of any condition of approval.

Mr. Taylor stated that the plan that Mr. Gravlin referred to was the proposed park access drive and pedestrian plan dated June 4, 2020. They also looked on the NJDEP landscape mapping and confirm that there are no threatened or endangered species or federally listed species on this property. There are some over on the Kleiner parcel closer to the creek but not on this parcel. For clarification, there will be 41 residential lots, one open space and basin lot, another lot that will provide a pedestrian pathway between two houses for access to the municipal owned property, there will be an additional lot and/or a right-of-way (discretion of the township) which will be the park access, and the balance of lot 8.02.

Mrs. Kelley stated she has some environmental issues and questions. Lighting was agreed on. What is being done regarding low to moderate housing?

Mr. Taylor summarized from the prior meeting. The applicant agreed to comply with all of his report at the December 4 hearing, including the lighting, tree preservation, maximize all vegetation within the 25' buffer zone, and the ordinance requirements for affordable housing.

Mrs. Kelley commented that at one point this property had extensive trees on it and was valued by the man who planted them. The property had been clear cut. From the Environmental Commission and her perspective, the same types of trees should be used that were in the report. Is the basin going to be fenced?

Mr. Gravlin explained that they did discuss it. The plan is to install a post and rail fence with the wire mesh.

Mr. Taylor commented the applicant did agree to put in a pressure treated post and rail fence with wire.

Mrs. Kelley questioned if there is plantings in the basin and will it be maintained.

Mr. Gravlin stated not within the basin itself. A sand bottom is mandated and the slopes will just be lawn grasses. They will be adding additional plantings around the outside of the basin. They will be cut regularly and are required to prepare a storm water management maintenance plan for the basin.

Mr. Taylor explained that it was discussed at the last meeting. We talked about the plantings at the top of the basin will function as screening and also to move some trees onto the slope, not the bottom of the basin. The purpose is so that the trees can absorb some water.

Mayor MacLachlan questioned if the basin will belong to the homeowners association.

Mr. Taylor answered yes.

David Horner, traffic and civil engineer, gave his credentials and the Board accepted. This firm completed a traffic impact study dated February 7, 2020. A traffic study is done to establish the existing conditions and superimpose the projected traffic onto it to look at what the impact this development would be. The study was done in January while school was still in session. They looked at the busiest times of the development and the street traffic, basically the morning and afternoon rush hours. The most impacted and closest intersection is Route 38 and Bancroft Lane. That intersection currently is a level B. A level of A, B, C, or D are considered acceptable. Route 38 gets most of the green and Bancroft gets less of the green. The Bancroft approach operates at a level D. NJDOT controls the traffic light. This development would generate 20 trips, in and out combined, in the peak hours. The impact would go from 39.9 to 40.1 seconds per vehicle, still a level D. That is a finding of no significant impact and he believes it does not warrant any changes or improvements to the intersection. The township does have the authority to request a change in the timing to DOT, but it is not necessary for this development. The entrance to the development and Bancroft are a level A and B. It does not create any issues. What is shown on the plan is accurate, safe, and efficient.

Mr. Krollfeifer questioned if his findings were based on the fact this is a retirement community which some residents will not be going to work.

Mr. Horner explained that it was based on being a senior adult housing. The morning being 21am and 24pm trips in and out. There would be other trips but would not be peak hours.

Mr. Sylk asked if he was aware of the other development coming across the street and if he added that number into his calculations.

Mr. Horner stated he did not add that in and did not see a traffic study done for that. They did add in background traffic to account for other developments. He does not believe it would change the level D, there is plenty of room in that level D range.

Mr. Kingsbury questioned the hours for the am and pm peak.

Mr. Horner stated they counted from 7 to 9 am and 4 to 6 pm. The highest hour count was 7:15 to 8:15am and 4:45 to 5:45pm.

Mrs. Baggio questioned if it was taken into account the delay making a left off of Bancroft.

Mr. Horner stated that was accounted for in the analysis.

Mrs. Kelley questioned what the distance is between the back entrance of the diner on Bancroft to the entrance of this development.

Mr. Taylor stated that it is 350', center to center.

Mr. Sturm explained that they have covered all the open items. He also asked if approved if they may be able to start some land preparation work. They need to survey the lots, which means the removal of some trees, brush, and preparation of the ground.

Mrs. Kelley questioned if they have done a tree survey.

Mr. Sturm is unsure.

Mr. Taylor stated at the December hearing they indicated that prior to clearing they would inventory the number of 8" caliber trees and provide a calculation for compensation restoration. There is also an area that they may be able to modify their grading to save some trees outside of the homeowner lots. As a condition of approval, they have agreed to make those modifications. Those plans would have to be updated to show the clearing limits, stated in the field, and then approved before they can do any clearing at all. He does not know if the ordinance would allow it under preliminary approval before any bonding is in place.

Mr. Miller stated we can make that a condition.

Mr. Taylor commented that there is a mechanism of posting a restoration bond which would protect the town but still allow the applicant to proceed with some of that clearing based on plan revisions to preserve as much as possible.

Mayor MacLachlan questioned if there are any open issues on Mr. Miller and Mr. Taylor.

Mr. Taylor answered no.

Mr. Krollfeifer opened public comment.

Debra Plaia, 50 Bancroft Lane, was sworn in. When here in December, there is an issue with an easement between 7 and 9 Wharton Place, which is in the applicant's design. She did a title search and the only easement was done by Quaker in 2001 and on page 7 says that it expires in 7 years, being 2008. She also pulled the deeds for both properties and there is no easement in either. She did an OPRA request for construction files for Quaker for the Creekview development. In Resolution 1998-12 page 6 talks about all open space and the lake shall be owned and maintained by the homeowners association, etc. The lake is private property and need a drainage easement to drain into the lake, which the applicant does not have. She described the flooding that occurred in 2004 when the 6 dams broke which included flooding to all the properties that surround the pond. Without

an engineer report on Creekview's pond, she does not know what the impact on the pond from their stormwater from both new developments. She also referred back to the resolution regarding the homeowners being informed about possible impact regarding wetlands and wetland buffers. In speaking with the homeowners, they are not going to give an easement. Without this easement, they have a major flaw in their project.

Mr. Gravlin explained the level of the water that would increase in the lakes would be less than 2 inches if all failed at only their development. His opinion it would never occur. It would be less than a 1/4" in the 100 year flood, it would be letting out a very small amount. They do have the easement, it is on the recorded file map at the county. They also installed a sewer main through that easement that they will be connecting into.

Mr. Kingsbury stated that all easements do not appear in deeds, as long as they are recorded.

Mr. Gravlin explained that some easements is a normal temporary easement that is put in place until they complete the subdivision. Their easement is a permanent easement that is on a filed map that is 30' wide which is between lots 12 and 13 (aka 7 & 9 Wharton Pl). The sewer and overflow pipe will go through that easement. It was always planned that way with Quaker.

Mr. Krollfeifer believes from the last meeting that it will go through their property and then between two homes on Wharton Place.

Mr. Gravlin answered yes between 7 & 9 Wharton Place. It has the sewer already in place, they never put the drainage pipe in for them. They will be putting that drain pipe in through the properties and restore the properties to the existing condition of what is there now.

Ms. Plaia read from the deed. She believes it is the same easement and that it expired in 7 years. She could not find any other easements. The other issue is they do not have a drainage easement from the homeowners association. It is two easements needed.

Mayor MacLachlan asked Mr. Kingsbury to look into the easement to make sure that the easement is properly recorded.

Mr. Taylor asked that she send the copies digitally to Mrs. Tiver.

Ms. Plaia stated she would.

Sandra Saouaf, 48 Bancroft Lane, was sworn in. She objects to the granting of the application. As a member of the Creekview Homeowner's Association, R & M has no legal right to use or access the lake or the Creekview property as they are proposing. The environmental impact is very significant. She has lived there three years. There are several threatened and endangered species are present on this property that are listed by the NJDEP. It includes the barred owl and the redheaded woodpecker as well as certain dragonflies. They were recently reported so it would not have shown up on the February 2020 list that was shown to the Board. The NJDEP website has not been updated since 2017. Their 2003 environmental study is 17 years old. She has seen these species and maybe other species as well.

Mr. Krollfeifer asked if there was anyone that is remote that has public comment.

John Mazur, 9 Wharton Place, was sworn in. He questioned what his responsibility as the property owner is if the pipe started leaking raw sewage and who would have to fix it. He believes there is an existing pipe that goes out towards the circle, there is a manhole back there.

Mr. Kingsbury explained that it depends on the wording of the easement. Generally the one who installed the pipe would be responsible. There would be an easement agreement that would specify who is responsible if there was a breakage or compromise of the pipes, it would be the responsibility of who was granted the easement.

Mayor MacLachlan questioned if the agreement is written now.

Mr. Miller explained it would be the responsibility of the contractor during construction and then would be the senior development homeowner's association.

Mayor MacLachlan asked how we make sure that language is in place.

Mr. Taylor stated that as the easements get researched. All the information can be evaluated and determined if it is a valid easement. That language can be determined at the time of final.

Mr. Mazur commented that we first need to find out if the easement is valid and not expired.

Mayor MacLachlan stated that we are looking into it before we grant final. He is sure the MUA has information on that sewer line. Mr. Mazur's interest will be represented on that issue.

Mr. Mazur commented that if it is determined that there are no easements, he does not want the sewer running through his property. He questioned that if there was a 400 year storm and it runs through his property and floods his house, who would pay for that. He currently does not need flood insurance.

Mr. Gravlin explained that the basin has been designed to handle a 100 year storm. There is only a small opening on the side of the inlet. In the event of a larger storm event, up on top of the inlet structure is a big grate, the water would go into that grate, and through the pipe. That will handle a substantial amount of water. In the event we had a 1,000 year flood when the basin would fill up, the natural topography will direct that water between the two houses on Wharton Place. We are all tributary to the lakes, it is the natural flow of the ground towards the lakes.

Mr. Krollfeifer questioned if this development wasn't built and we had the 100 year storm, where would that water go.

Mr. Gravlin explained that it is tributary to Wharton Place, how much water is determined by how much goes into the ground. It is a woody and sandy area very little runs off. That restricts how much water he is allowed out of the basin. That is why the 2 year and the 10 year storms will not have a drop of water exit the site. It would be

entirely retained on site. It is required that it has to be a reduction in the current flow rates. The 100 year will flow towards the lakes when it fills up in the forest.

Mr. Sylk asked if they are improving the existing condition.

Mr. Gravlin answered yes from a strictly numeric stand point. He is reducing the amount of flow from their site into the adjoining properties.

Mr. Mazur commented that he never gets any water.

Mr. Sylk asked for clarification that during the 100 year storm, less water would be coming off of this parcel.

Mr. Gravlin stated he was correct because it has to be channeled through the basin.

Mr. Mazur does not believe it to be true. You would now be directing all the site water into the basin and then it would be sent down to his area. A storm as it is goes to the entire site.

Mr. Gravlin stated that it will not get any worse.

Mr. McKay questioned during the 100 year flood, where does the water that would be sent out to the drainage pipe go.

Mr. Gravlin explained that it would connect into an existing inlet on Wharton Place which will ultimately drain into the lakes.

Mayor MacLachlan asked if the lakes then drain out to the Rancocas Creek.

Mr. Gravlin answered yes.

Christopher Hahn, 12 Edgewater Drive, was sworn in. He stated he is a HOA Board Member and the lake is private property and will not grant an easement.

Tiffany Berth, 11 Lenox Drive, was sworn in. She had concerns with the traffic pattern, the use of Bancroft being used as a cut-thru to Creek Road. They currently have people speeding and if they would be installing more speed bumps for safety.

Ms. Kosko explained that beginning in August you will be receiving notice. The town has received half a million dollar DOT grant to improve the entire stretch of Bancroft. It includes many traffic calming measures to include one more speed hump and improvements to the two currently there. The township has heard everyone's concerns.

Ms. Berth questioned if it include any for Lenox Drive or is it only Bancroft.

Ms. Kosko explained that Bancroft is the road producing all the traffic, therefore the focus is on Bancroft. It is also on the township's top list of roads that need improvement from our road rating system.

Ms. Berth questioned if Lenox Drive could be part of it or in future meetings.

Ms. Kosko commented that it is something that the town can look into in the future but this particular project focuses on Bancroft.

Cindy Tavormina, 105 Masons Woods Lane, was sworn in. She is interested in the Creek Road development and asked when the next meeting is.

Mrs. Tiver stated that the Board does not have any projects for Creek Road. The next meeting is July 9, 2020.

Mr. Krollfeifer closed public comment.

Mr. McKay commented that there is an issue regarding the 2 easements needed, one for the pipes and the other for the water discharge into the lake. Has any research been done on these two issues?

Mr. Sturm stated the pipe easement it would go through the easement that they have and would connect into a storm sewer that then feeds down to the lake.

Mr. McKay commented that the homeowners claim that the pipe easement has expired.

Mr. Sturm explained that the easement that Ms. Plaia produced is a standard easement that exists in almost every development and refers to the 182 homes being built. Those easements stay in place while they finish a development and expire after they are finished.

Mr. McKay asked if the easement that Ms. Plaia talked about is different than the one your engineer talked about.

Mr. Sturm commented that is correct. The one Ms. Plaia refers to is a general over the 182 lots. Their easement was created at the time of the final plan which Mr. Diamantis and Quaker owned the property. That easement was created and the sewer pipe was installed.

Mr. McKay questioned if the applicant's easement runs between 7 and 9.

Mr. Sturm answered yes.

Mr. McKay questioned if there is an agreement that runs with the easement on the filed plan.

Mr. Sturm stated there does not have to be one and would have to do research to see if there was. The person doing the installation in the easement would always be the one responsible for taking care of and maintaining if there is any issue.

Mr. McKay stated there is the other easement issue. The homeowners raise the issue of whether the new subdivision be allowed to discharge water into the lake.

Mr. Sturm explained that the discharge of stormwater is a natural permitted installation and explained how the water would flow if needed. It is a public stormwater system.

Mr. McKay explained that if your development adds stormwater into the lakes and their homeowners association has an expense every year to maintain water quality in those lakes, should the new developments homeowners association have to contribute an amount to the expense to maintain the lake.

Mr. Sturm believes that it is regulated by the DEP and the homeowners don't have the right to treat the lakes without their permission. It is a fresh water resource.

Mr. Gravlin explained that the water quality storm which is the most important storm. It is the first flush (under the 2 year) that needs to be retained and flushed. Periodically you have to clean the bottom of the basin out. That is being addressed 100% onsite. There will only be a minimal amount of water during the 100 year flood will leave the site. There will be less than what currently leaves the site. By calculation, they will be putting less water into the lakes than what is currently going there from their property. It is a natural contributory. They have the right to drain the water in the natural scenario that exists.

Mayor MacLachlan commented that he was involved with the formation of Creekview. He believes there are funds that go towards the maintaining of the lake. There will also be a development being built across the street. He suggested there be a meeting with the homeowner's association. He does not believe that the 41 houses of this development bear the brunt of keeping the lake clean. There may be something that could be worked out in addition to the other development going up. The easement need to be seen by the Board before they can consider final site plan. He would like to see something in writing regarding who will maintain the pipes in the easement.

Mr. Krollfeifer questioned if a monitoring device could be installed at installation that will let everyone know the amount of water that is moving through the pipe to the lake.

Mr. Gravlin is unsure if you can do that on a gravity feed line. He can tell you that no water will be going through it unless we have an 8" event. He can look into it, he has never seen it done, but doesn't mean it can't.

Mr. Miller explained we may never have any water go through it, so how he doesn't know how you would maintain it. He will look into it.

Mrs. Kelley commented that when you have the 100 year storm these lakes are emptying into the south branch of the Rancocas Creek, which is title. When we had those dams break in Medford, the creek started to come into the lakes also. It is something to keep in mind. She agreed with Mr. McKay. It is natural for it to flow down. It can't affect all the homeowners in Creekview. They need to be compensated in some way if they start having problems they need to have somewhere to go. They may have to maintain more now than they did 5 years ago.

Mrs. Tyndale agreed and believes if they are contributing water to the lake that they should help with maintaining it.

Mayor MacLachlan questioned if the DEP is the one that determines that the basin will work.

Mr. Gravlin explained that DEP is the one who enacted a state wide stormwater regulations. It is periodically updated. The big one was in 2004 when they came out with the current standards. The town's ordinances reflect those regulations. The design process is simple. Computers help calculate what the slopes are.

Mr. Miller stated DEP sets the design of the basin and the municipality has adopted those regulations. It is his office to make sure that it meets those regulation.

Mayor MacLachlan questioned how many basins Mr. Miller and Mr. Gravlin have each designed and how many have failed.

Both Mr. Miller and Mr. Gravlin stated that they have done hundreds and are not aware of any ones that have failed.

Mr. Gravlin explained that he probably could increase the volume in the basin to hold the entire 100 year flood but would still want to put in the pipe in the event of a 500 year storm.

Mayor MacLachlan questioned what safety net do the residents of Creekview have?

Mr. Miller stated there is no absolute.

Mr. Gravlin commented that in his professional opinion, they will not impact the water quality or volume of the lake.

Mr. Krollfeifer questioned Mr. Kingsbury what are they seeking tonight.

Mr. Kingsbury stated they are seeking preliminary approval, a waiver of paving of the access road to the recreation area, no site work until posting of a bond, condition upon researching the easement issue

Mrs. Kelley questioned does this allow them to do preconstruction.

Mr. Kingsbury stated only if they post a bond to protect the integrity of the site.

Mr. Taylor commented that they will have to revise the plans to modify the grading plan.

Mayor MacLachlan questioned what year is the basin designed to hold.

Mr. Gravlin explained that it is designed to handle the minimum of the 100 year storm event. He left extra storage above that is not required by the DEP

Mr. Levinson commented why not increase the capacity of it to handle the 100 year.

Mr. Gravlin stated it is not difficult, it's just a matter of allowing the basin to get a little deeper. In the event of a 15" event the water would go up to the grate and out the pipe.

Mr. McKay questioned whether there should be a vote tonight on preliminary based on not knowing the easements issues and the basin may get a little redesigned.

Mayor MacLachlan disagreed to make them keep coming back. He believes they can be a condition of approval and address it at final.

Mr. Sturm requested that a vote be made tonight on preliminary. Most of the issues have been resolved and they would not be here if they didn't believe they had a dedicated filed easement. He agrees that if there was an issue with the overflow then it is within reason to handle it with the homeowners association. However, there is no overflow at all.

Ms. Kosko asked what the waiver for on the park entrance.

Mr. Gravlin stated the top two inches of paving on the entrance road.

Mr. Krollfeifer questioned if you took off the easement issue everything else to move forward.

Mr. Sturm stated that is correct and never believed there was an easement issue at all for 20 years. He can do research.

A woman commented that they were supposed to do research on the easement from last meeting which they did not supply any evidence.

Mr. Krollfeifer commented that the Board is aware of the concerns. If it is found that the easement has expired the project cannot move forward. The applicant's opinion is that they do have the easement.

Mayor MacLachlan questioned if the pipe could be put somewhere else if you don't have the easement.

Mr. Gravlin said not likely, based on the existing topography it would still have to go in that direction. The pipe would have to go over someone's property.

Mayor MacLachlan asked about the entrance road.

Mr. Gravlin stated you could not because it is uphill.

Mayor MacLachlan commented that he wished they had brought the easement with them.

Mr. Gravlin stated they brought the recorded filed map.

Mayor MacLachlan asked if Mr. Kingsbury looked at it.

Mr. Kingsbury stated he looked at the easement that is supposed to be expired, it appears not to have a specific location. It refers to an exhibit that is not attached. He will look into that. He cannot give a legal opinion on it tonight.

Gus Diamantis, applicant, was sworn in. He explained how the easement came about. That Quaker wanted to build 16 homes on the property and the town wanted offices there. So it was purchase by him for \$50,000 for the easement.

Mayor MacLachlan asked if they could give preliminary approval on the condition of the easement.

Mr. Kingsbury stated they are seeking preliminary approval, a waiver of paving of the access road to the recreation area, no site work until posting of a restoration bond, redesign the grading plan, condition upon researching the easement issue.

Mayor MacLachlan motioned to approve based on Mr. Kingsbury reviewing the easement and a new grading plan before any trees can be removed.

Mr. Taylor stated and all the items that were agreed upon at the December 4, 2020 meeting.

Mayor MacLachlan added that to his motion, along with the waiver on the paving, look at increasing the basin volume.

Mr. Gravlin explained he will address that at final.

Mayor MacLachlan stated those 4 items need to be addressed before final.

Mr. Krollfeifer second.

Mr. McKay stated he would vote for the motion if it was amended to eliminate any site work with tree removal until final, to have no disturbance until final.

A discussion occurred regarding the trees and prep work.

Mr. Sturm withdrew the request to begin the site work.

Mayor MacLachlan amended the motion to remove that request and approve.

Second: Mr. Krollfeifer

Roll call: Mayor MacLachlan, yes; Mr. Krollfeifer, yes; Mrs. Kelley, yes;
Mr. McKay, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;
Ms. Kosko, yes; Mr. Levinson, yes

Motion carries to approve.

**B. Case 19-13A: Quaker Group Burlington II, LP
Block 100.14 Lot 12, Block 100.18 Lot 4, Block 108 Lot 2.01
Bancroft Lane
Extension of time.
Attorney: Patrick McAndrew**

Mr. Krollfeifer stated there is a request from Mr. McAndrew for an extension of time until December 2020 to file the plans due to the Covid-19.

Mr. McKay motioned to approve.

Second: Mrs. Tyndale

Roll call: Mr. McKay, yes; Mrs. Tyndale, yes; Mayor MacLachlan, abstain;
Mrs. Kelley, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Ms. Kosko, yes;
Mr. Levinson, yes; Mr. Krollfeifer, yes

Motion carries to approve.

7. Professional Comments - None

8. Board Comments

Mr. McKay thanked the staff for getting this hearing going under trying circumstances.

Mayor MacLachlan agreed and also thanked the professional

9. Public Comments - None

10. Adjournment

Mayor MacLachlan motioned to adjourn at 8:22pm

Second: Mrs. Tyndale

Roll call: All in favor

Paula L Tiver, Secretary