

Attachment 6

Information regarding the
Hunt Properties LLC Subdivision

1. On February 11, 2011 David Scalley signed and dated a Town notice confirming that he was aware of the Town Subdivision Regulations 3.11 regarding Consultant expenses and 4.19 regarding the requirement of a surety bond. It specifically states " Consultant review fees shall include future consultant review expenses to ensure that the subdivision has been completed in accordance with the approved subdivision plans." (See attached)
2. Donna Foster a member of the Board owned a Billboard in Town in which she advertised DS Contractors, Inc at the time of the application decision. David Scalley , the applicant, owns and operates that business. Donna Foster did not recuse herself from the Board.
3. On March 3, 2011, Mr. Philip Beaulieu an engineer from Headwaters Hydrology, representing Dave Scalley, presented the subdivision plan to the Board. When asked by the Chair if he was familiar with the Town regulations, he answered "Yes". When asked if there was anything being proposed that went against Town regulations. He stated they would be asking the Board for a waiver on the length of the road. Mr. Beaulieu addressed the four Town conditions for a waiver and the waiver was granted. No other waivers were requested. (See minutes 3/3/2011)
4. At that meeting, the Board reaffirmed the Subdivision Regulations regarding subdivision review by the Town engineers Provan and Lorber, and the surety bond. Minutes 3/3/2011.
5. Also at that meeting, Mr. Beaulieu stated there was adequate area for septic and there were no wetlands. No other developing hindrance was mentioned other than a limited amount of water supply for fire protection and no looped access or secondary access to which a waiver was granted. Minutes 3/3/2011.
6. At the April 7, 2011 continuation of the public hearing, it was learned that Dave Scalley contacted Provan and Lorber the Town Engineer to get a quote for his subdivision review. (See e-mails from Jim Murn dated 3/7/2011, 3/8/2011 & 3/14/2011) He also contacted Horizons Engineer for a quote on the same. See also minutes of 4/7/2011)
7. At the same meeting, it was learned that there were several e-mails among the Board members regarding an e-mail from Dave Scalley sent March 8, 2011 requesting a less expensive engineer. The Board secretary stated that, based on a March 5th e-mail from the Chair, she instructed Mr. Scalley to replace Provan and Lorber with Horizons Engineering as Town engineer. However, e-mails dated March 4th, 2011 (A letter to Provan & Lober requesting services) and March 9, 2011 reflect the Chair adhering to Provan and Lorber. Also, an e-mail to the PB Secretary dated March 17, 2011 reflected the Board had not yet decided to switch

Engineers. (see attached)

8. At the same meeting, discussion followed with Mr. Scalley stating cost as a reason for an engineer change. Although Mr. Scalley told the Board that Horizons Engineering's costs were almost half Provan and Lorber, the following E-mails were sent. March 15, 2011 e-mail stated Horizons estimate at \$1,500. An e-mail from Provan and Lorber who had already begun the review as per the March 4, 2011 letter, "estimated that the project may incur a cost of about \$1200." (see attached)

The Board rescinded their previous vote and voted unanimously in favor of accepting Horizon Engineers as the Town engineer.

9. A document from Horizons Engineering dated March 17, 2011 and received March 21, 2011 shows an engineering review had been done weeks before the Board vote. In addition, an invoice dated March 29, 2011 was sent to the Town showing the dates of the work. Also showing that the review was done before the April 7, 2011 vote of the Board. (see attached)

10. The Horizon Engineering's review of the applicant's subdivision plan listed 9 items to be addressed before final approval and 7 other requirements to address standard engineering practices in NH.

11. On March 28, 2011, Horizons Engineering sent a document stressing the importance of using best management practices given the high transmissivity of the underlying aquifer.

12. On March 28, 2011, a document is received from Headwater Hydrology, Dave Scalley's engineer, which addresses Horizons Engineering's review. They state "we have prepared a cost estimate for the project that will be used as a basis for providing the Town with a Bond prior to construction."

13. Town Subdivision Regulations 5.03b state that, The Engineer....He shall at all times have access to the site when work is in preparation and progress. He will make periodic visits to the site to familiarize himself generally with the progress... The subdivider shall provide the Engineer in advance with a schedule In particular, the subdivider shall, in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage base course and base and final surfacing. (See attached)

14. On November 12, 2012, the Chair instructed the secretary to e-mail the Code Enforcement Officer to inform him that work had begun on the subdivision road. On November 13, 2012, the Town Engineer was then also informed of the construction being performed and was sent to inspect. (see attached)

15. On November 20, 2012 the Town receives a letter from Headwaters Hydrology, stating that

in accordance with section 5.03 they had been conducting periodic inspections during the construction of the subdivision road. Approximately 150 feet of road has been constructed. The letter stated that the road is being constructed in general conformance with all requirements. On November 28, 2012 Horizons Engineering sent the Board a letter of deficiencies in the work. (see attached) No Bond was in place and the Town Engineer, Horizons Engineering, had not been notified by the applicant.

16. On December 11, 2012, The Code Enforcement Officer sends a letter to Mr. Scalley confirming his need for a Surety Bond. He also wants to address the report from Horizons Engineering showing deficiencies in the work.

17. On January 3, 2013, The Chairman asked Board member Richard Nelson if he worked for David Scalley as he heard this was the case. Mr. Nelson stated he is a neighbor of Mr. Scalley and that he does favors on occasion however he receives no remuneration. (see minutes)

18. At the same meeting, Mr. Scalley states he does not think he needs a bond even after an explanation was given. He also states he wants Horizons Engineering taken off the conditions and to have his engineer Headwaters Hydrology do the inspections. No reasons given. (see minutes)

19. At the same meeting, Mr. Ken Mills, a Board member, gave testimony of his own experience with his road which did not have a bond. He stated, " a bond would have insured that the road was constructed properly and there would not be the deterioration the home owners are now experiencing." (see minutes)

20. At that same meeting, Philip Beaulieu of Headwaters Engineering said he is the engineer on the project(hired by the Applicant) and that Headwaters should be the one doing the inspection. (See minutes)

21. On May 2, 2013, Mr Nelson motioned and the Planning Board, despite members of the Board and the public questioning the legality of the action and requesting the Board to contact counsel, voted to delete the third party condition, charge the Town half of the Town Engineer bill and have Headwaters Hydrology, the applicant's engineer, do the inspections. There were no definitive reasons given. There was no public notice for this action and the subdivision was not on the agenda. (see Minutes)