

February 21, 2018

From: Hickory Woods Transition Committee  
To: Hickory Woods Board of Directors  
Subject: Final Report from Transition Committee

The Board of Directors established the Transition Committee for the following purpose: "The Transition Committee shall address construction of common and limited common lands and facilities as defined in the developer's original plans for the Hickory Woods community. The committee will review the developers' agreements to determine if final construction has met all commitments. The committee will identify concerns for on-going completion of construction items and concerns for repair to any already completed construction. The Transition Committee will make recommendations to the Board of Directors for a strategic plan of transition, so that the Board of Directors will guide the negotiations with the developer in preparation for the sign-off agreement from the developer to the Hickory Woods Homeowners' Association." To these ends, the Committee is submitting this final report.

The committee, which held its first meeting on April 26, 2017, was made up of the following members: Chairman Rick Jenkins, Vice-Chair Philip Lee, Bob Bouchard, Tom Crupi, Bob McGrath, Rick Newman, Jack Noonan, and Jim Shearer with Board liaisons Dick Loschi and Brian Wells.

It should be noted that during this entire process the Committee maintained contact with John R. Trottier, the Assistant Director for Public Works and Engineering for the Town of Londonderry. The following information relating to the Town's role in our development is relevant:

- The Town holds bonds to assure that the approved plans are followed properly: one bond is for the wearing course of road pavement (amount \$102,167.45) and the other bond is referred to as a Restoration Bond which relates to grading, loaming and seeding, and drainage work for site stabilization (amount \$174,045.60).
- Deviations from the original plans are documented on the "as built" plans which are prepared as construction proceeds. The "as built" plans will be turned over to the HOA when the transition is complete.
- The Town employed Stantec Engineering Services to oversee the construction of Hickory Woods.

- Mr. Trottier has promised to include us in the final walk through and inspection that the Town will conduct with Stantec in the Spring.

The Committee first compiled a list of issues that needed to be addressed by the developer. The following steps were taken to gather this information:

- Reviewed the original plans which were approved by the Planning Board
- Conferred with John R. Trottier, the Assistant Director for Public Works and Engineering for the Town of Londonderry.
- Solicited input from Unit Owners to obtain their perspective regarding possible issues.
- Conducted repeated inspections of the property and facilities.

Once a preliminary list of issues was compiled, the Committee set about identifying an engineering firm to survey the plans and the property. Three engineering firms were interviewed and taken on tours of Hickory Woods. The three firms submitted bids which were evaluated and resulted in the selection of the following firm to do an infrastructure assessment:

**CLD Consulting Engineers, Inc.**

540 N. Commercial Street

Manchester, NH 03101

(603) 668-8223 x 187

<http://www.cldengineers.com>

(Brian A Pratt, Project Manager, PE)

Brian Pratt of CLD Consulting Engineers was provided with our preliminary list of concerns and was taken on several tours of the property to further explain them. After conducting his own survey of Hickory Woods, he provided us with a final report on August 15, 2017 which listed infrastructure issues of concern and made recommendations to address them. (See Infrastructure Assessment)

After receiving CLD's report, the Committee combined the contents of the report with the Committee's own list of identified issues to make up a Tracking List (spreadsheet) which contained descriptions of thirty-five (35) items that required attention. This list was presented to the developer and a series of meetings were held with him. The list was continually updated to include the results of the meetings with the developer as well as the progress being made in addressing the individual items. As of January 29, 2018 the Committee had decided that twenty-four (24) items had been satisfactorily addressed and that eleven (11) items remained that will require further followup and/or negotiations. (See Tracking List 1/29/18.)

Of the eleven (11) items that remain open, five (5) will require only minimal followup and deserve no further comment; these are list numbers 5, 11, 12, 14 and 17. Our comments and recommendations concerning the other six (6) items are as follows:

- **List Number 16, Steep rip-rap slopes behind 4, 6, 8 and 10 Black Forest Circle:** CLD's report initially expressed the opinion that these slopes might not have been engineered correctly, if at all. It was only after Brian Pratt of CLD met with the developer's engineer that he was somewhat assured the slopes were properly constructed. At this meeting it was agreed Brian Pratt would receive a report from an engineer from Mesiti Development Corporation which would contain a detailed description of the construction of these slopes along with a statement that the process that was used was consistent with recognized and approved engineering/construction practices. Brian Pratt would then review the report and endorse it with his evaluation and forward it to us for our records. We have not yet received this report though the developer agreed to send it at our meeting with him on December 8, 2017.  
**Recommendations:** This issue is extremely important as it could cost the HOA tens of thousands of dollars if these slopes were not engineered correctly and eventually fail.
  1. Matter should be given vigorous and sustained attention until a satisfactory report has been received. Continuous contact with Brian Pratt should be maintained. (Brian Pratt was last contacted on February 14, 2018. He had not yet received the report in question. He agreed to followup with the developer.)
  2. Brian Pratt's endorsement should contain CLD's assessment of the report.
  3. During the Town's final walk through, which will occur in the Spring, special attention should be paid to these slopes and Stantec's representative should be closely questioned concerning the adequacy of their construction.
  4. If a satisfactory conclusion to this issue cannot be reached the Town should be pressed not to accept the development as complete.
  5. If all else fails, legal advice should be sought.
- **List Numbers 21 and 22, Defective paving on Church Lane and Tavern Hill Rd. up to and including part of Black Forest Circle:** The wearing course which was installed on 6/20/14 shows premature wear and cracking along with hundreds of embedded nails. The road was inspected and reviewed by Continental Paving; their review included the taking of a core sample. They concluded they were not responsible for the presence of the nails and that the roadway was just fine. At our request John Trottier has

agreed to accompany us on an inspection of the roadway in the Spring.

**Recommendations:**

1. Just prior to the inspection sections of the roadway should be marked off and embedded nails should be highlighted. Rust spots which might indicate nails just below the surface should also be marked off. Photographs should be taken of these areas.
2. Also prior to the inspection, core samples should be taken to ascertain if there are nails below the surface.
3. If all else fails, legal advice should be sought.

- **List Number 28, Flooding at 25 Quarry Road:** Quote from Infrastructure Report: “25 Quarry Road has had flooding issues with water ponding adjacent to their home and then seeping into their windows, which required a pump to remove the water. There is a fairly large area behind multiple homes which flows to this area. There is almost no pitch away from the house, and then a high point near the front of the house which retains water. There should be a swale or drain pipe in this area to divert water away from the house.”

This has continued to be an issue in spite of efforts by the developer to correct it. The latest incident occurred on 1/12 and 1/13/2018 when heavy rains and snow melt resulted in a substantial amount of water coming into the basement of 25 Quarry Road. (See email from resident.) This condition also effected 23, 27 and 29 Quarry Road.

**Recommendations:**

1. In the Spring the developer has promised the resident of 25 Quarry Road to do further work (unspecified) to correct this issue. This work should be monitored and evaluated by the BOD.
2. If there are any doubts about the adequacy of remediation efforts, John Trottier and the representative of Stantec should be closely questioned during the final walk through concerning drainage in this area.
3. If a satisfactory conclusion to this issue cannot be reached the Town should be pressed not to accept the development as complete.

- **List Number 34, Septic system issues:** (NHDES violations: access ports buried too deeply and difficult to locate and inability to determine which systems have filters) The developer has agreed that unit owners will be reimbursed for any extra expenses resulting from tanks covers and filters being buried too deeply or being difficult to locate because of inaccuracies in engineering prints.

**Recommendation:** This issue be referred to the task force that has been formed to handle septic system matters.

- **Pavement on Quarry & Pepper Hill:** Because driveway repairs were

done in the heat of the summer and approximately 5 weeks after the top coat of pavement was laid, gouges in the pavement occurred which needed to be filled with asphalt. Survey of road disclosed there are actual holes in the roadway in front of driveways at 7, 16, 18, 26, 28, 29 and 37 Quarry Road. They have been filled, but may cause premature failure of the surface which will require premature repaving. Also, over the winter observations disclosed some degree of sinking and crumbling around most storm drains in the newly paved areas.

**Recommendations:**

1. In the Spring the roadway should be closely inspected for any further signs of deterioration.
2. During the Town's final walk through, which will occur in the Spring, the condition of the newly paved streets should be pointed out. (The Town is still holding the paving bond.)
3. If all else fails, this be made a subject of negotiations with the developer.

The Committee has also decided to recommend that the Board of Directors give serious consideration to the following subjects:

1. The subject of formulating a long term capital plan has been discussed for some time. Given the amount of information gathered by this committee and the engineer who provided our infrastructure assessment, now might be a good time to start this process.
2. As we all know, there is a commercial lot in front of our development which faces on Route 102. This lot, which is 1.74 acres, is owned by two of the developers of this community. It can only be accessed via a right of way on Tavern Hill Road. Furthermore, the lot is configured in such a way that all trees now on the lot will have to be removed to provide usable space for development. The resulting unsightliness and noise that would result from removing this buffer between us and Route 102 would most certainly have an immediate and serious detrimental effect on the value of units on Church Lane and Tavern Hill Road and eventually our whole community. Planning needs to take place now as to what can be done about this situation. (If we wait until it is sold to a developer it will be too late.) Obviously it is up to the Board of Directors to chart a course, but some unit owners have already made some suggestions as follows:

- Buy the property and take it off the market permanently. (There is something to be said for this approach since the owners of the property might be willing to accept a reasonable offer to avoid any adverse publicity for their new development. Also, the cost to unit owners would be trivial compared to the eventual reduction in the value of their homes.)
- Erect a tall barrier fence along the property line to reduce the noise

pollution and close the entrance to our development from Route 102 to reduce the effect of traffic accessing the commercial lot. (We are not endorsing this suggestion; we are merely noting it.)

The last thing that needs to be mentioned is the subject of “Ledge Erosion” behind one of the units (Infrastructure Report Item 7, List #10). Due to landscaping changes initiated by the owner of the unit the ledge in back of the unit appears to have destabilized. Neither the HOA nor the developer are responsible for this condition. The unit owner should be formally notified of this.

The records compiled by the Committee are organized as follows:

- Folder labeled “Paving Issues” contains paper copies of material relating to the paving of our roads.
- Thumb drive contains:
  1. Copies of meeting minutes.
  2. Tracking Lists
  3. Communications with the Town of Londonderry
  4. Communications with engineering firms
  5. Copies of all emails
  6. Other miscellaneous documents

Rick Jenkins,  
Chairman

Philip Lee,  
Vice-Chairman