

FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, MARCH 4, 2008, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

MEMBERS PRESENT: Tony Calcagni (Chair), Bill Lunt (Vice-Chair), Bernard Pender, David Fenderson, Hugh Coxe, Jay Moody (Associate)

ABSENT: Stan Bennett (Associate)

STAFF PRESENT: Ethan Croce (Assistant Planner)

Due to the absence of Bernard Pender, Jay Moody was appointed a voting member until Bernard Pender arrived.

MINUTES:

Item Approval of minutes from the February 5, 2008 Planning Board meeting.

- 1** Motion by Bill Lunt, seconded by Jay Moody, to approve the minutes.
Motion passed 5-0.

ADMINISTRATIVE ACTIONS:

Item Gerard & Betsy Grondin – 430 Gray Road – Request for re-approval for the Fourth Amended Hurricane
2 Run Subdivision. Tax Sheet 30; Map-Lot R06-083-J, R06-083-003, R06-088; zoned Farm & Forest, Route 100 Corridor Overlay, and RCZO.

Item Lawrence & Madalienne Rowell – 6 Cole Street – Request for an amendment to the Clarence S. Cole
3 Subdivision relative to an easement on Lot 1. Tax Sheet 392; Map-Lot U29-010-001 & -002; zoned RB and RCZO.

Motion by Bill Lunt, seconded by David Fenderson, to approve both administrative action items.
Motion passed 5-0.

AGENDA ITEMS:

Item Town of Falmouth Public Schools – 51 Woodville Road – Request for a sketch plan review workshop
4 relative to the location of a new Pre-K – Grade 5 school. Tax Sheet 300; Map Lot R05-020; zoned Farm & Forest & RCZO.

Ethan Croce summarized the agenda item. The Town of Falmouth is proposing to construct a new Pre-K – Grade 5 Elementary School at the existing High School/Middle School campus on Woodville Road. The new elementary school would replace the Plummer-Motz/Lunt Schools. The applicant is before the Planning Board because the State Department of Education requires the solicitation of comments from 10 different governmental/regulatory entities as part of the site location process for state-funded school construction projects. One of those entities is the municipal Planning Board.

Oak Point Associates, the consultants working for the Town on this project, have indicated that Board members' comments and/or concerns should be limited to the proposed location of the new Elementary School in general as the specifics of the site design are still being developed and will eventually have to come back to the Planning Board for site plan review in the future once the final location for the new school has been determined.

Kerry Green, Landscape Architect from Oak Point Associates, presented the concept plan to the Board. They are showing a newly-revised concept tonight which is modified from the version that the Planning Board received in its packets. Mark Terison, Chair of the Elementary School Committee is in attendance

at the meeting as well. This exercise of appearing before the Planning Board to solicit comment on the proposed new school location is required by the State to help better identify the range of issues related to the proposed school site. Oak Point will be asking for a letter from the Town documenting that they were here before the Board. Originally, the school renovation/replacement project was limited to looking at a Pre-K through Grade 2 school, but it quickly became apparent that it was desirable to have one consolidated Pre-K through Grade 5 school. They found limitations on the existing Plummer-Motz/Lunt School site from both a traffic standpoint and a space standpoint. The Superintendant site on Woodville Road was identified as one of the optimum Town-owned sites to explore for a new school location, although it also has constraints with wetlands and streams present and with the challenge of needing to fit in with the surrounding residential neighborhood. Oak Point helped identify potential non-Town-owned parcels for building a new school as well and came up with a couple of parcels that seemed like excellent choices, however, the property owners were not amenable to selling. At a past public forum, an attendee suggested using the Woodville Road school campus site. They initially looked at placing the building where it is currently proposed to be located, however, the Department of Education (DOE) asked them to look at the Superintendant site on the other side of Woodville Road for cost reasons. The new school would have just barely fit on that site and there were greater wetland impacts on that side of the road as well. Oak Point is now in the process of collecting different agencies' opinions about this site on the same side of the road as the other schools. This process has been going on for about a year. There have been nine building committee meetings, 13 DOE meetings, and several public forums, including one forum tomorrow night before the State-mandated straw poll. One of the advantages of this site is the efficiency of having all of the Town's schools in one location. Traffic is an issue at this site, but the traffic issues are more readily solvable at this site than at the Plummer-Motz site.

Jacque Gagnon, Civil Engineer with Oak Point Associates, said the largest known issue at the Woodville Road location is the traffic and the backups that occur. They have met with DOT and have a traffic consultant they are working with. They understand that putting more students and staff at this location is a great concern. The Middle School drop off zone has limited queuing space so that cars are backed up into the road sometimes. They are proposing to increase the length of the parent drop off loop to allow cars to queue on-site and to create a left hand turn lane on Woodville Road.

David Fenderson asked if any thought was given to making Woodville Road one way at various time of the day.

Jacque Gagnon said no. One of the other main issues with this site is the intersection of Woodville Road and Falmouth Road between 7:30 am and 8:15 am. One thing to consider is that there will be a staggered start time with the elementary school so that traffic will not be piggybacked onto the existing traffic in the area. There will, however, be a longer duration of heavy traffic. With the addition of the new school, it may meet the warrant for a traffic signal which would help alleviate some of the traffic problems. The DOT has asked them to study five different high traffic locations/intersections and this is one of them.

Tony Calcagni and Bill Lunt both pointed out that the intersection of Woods Road and Woodville Road (which was not identified as one of the five high traffic locations) is probably a more challenging intersection than the Field Road and Woodville Road intersection, which was identified.

Jacque Gagnon said they can initiate the traffic movement process with DOT once a final site has been selected. Before this project goes to referendum those intersection improvements and costs will be identified, but they can't speak to the specifics of those improvements right now. He said there are some bike lanes on Falmouth Road right now but there are no sidewalks. They are looking into the possibility of installing sidewalks from the school site to the nearest neighborhoods. Playing fields also will be disrupted if the new school locates in this area. They are working with the Athletic Director on a plan to properly time the reconstruction of the playing fields. Wetland mitigation is another issue at this site. Relocating the playing fields will impact wetlands. The impact will probably be about a half acre for the fields and another acre and a half for the school. When these impacts are added to the impacts created

as a result of the existing high school and middle school, the Town will be kicked into another level of DEP permitting which could require mitigation either on-site or off-site. The current bus loop crosses a stream in the area at two points resulting in over 300 feet of culvert, which is undersized and results in some water flowing over the road during large storms. They are proposing to relocate the bus loop away from the stream, which would give them some credits for mitigation and would help to restore the stream channel. This new road would also provide construction access to separate future construction activity from the general traffic flow. The intent is to work with the Department of Public Safety and the Safety Committee on potential evacuation routes. Both the Fire and the Police Departments are supportive of this site.

Hugh Coxe said he didn't hear any mention of vernal pools.

Jacque Gagnon said the wetland delineation was done by S.W. Cole and they will go out to search for vernal pools this spring. They walked the site after snow cover and did not see any indications of potential vernal pools but at the end of this month they will be going out with DEP and ACOE to re-delineate wetlands and to look for vernal pools. No pools in the area are identified on the Town's map.

Hugh Coxe said the vernal pool setbacks are large enough now that it could have an impact on that portion of the site.

Jacque Gagnon said they have inventoried the Lunt Road site and it did not have any significant pools.

Bill Lunt said for him to allow this revised presentation tonight is a problem. The Planning Board would not allow another applicant to present brand new plans on the night of the meeting without giving Board members the benefit of having reviewed the material ahead of time.

Kerry Green acknowledged that this is an unusual situation, but said the Planning Board is just looking at the site in general. These new plans demonstrate how ideas have changed over the past month since the Planning Board submission deadline.

Tony Calcagni agreed with Bill Lunt that the Board would not normally be looking at revised plans for the first time on the night of the Planning Board meeting.

Kerry Green said the new plan shows less pavement in front of the proposed elementary school. Also in the new scheme, the existing softball field will stay in place. The back classroom wings are now facing the back, natural portion of the site. They are also now relocating just one, and not all three, of the tennis courts. The new building provides better grade separation. On the Superintendent's site, they are showing a 75 foot buffer around the proposed relocated playing fields. The road into the fields site would not need to be maintained and plowed in the winter months.

Mark Terison said they are only before the Planning Board preliminarily. They do not even have a final site yet. The Board of Education makes that final determination.

Bill Lunt appreciates that fact, but still disagrees with the process of presenting the Planning Board with revised plans on the night of the meeting.

Mark Terison mentioned that this process is required by the State.

Bill Lunt said one thing the Planning Board looks at is vehicular circulation. The parking lot next to the proposed new school has only one way in and one way out for vehicles. He thinks this could cause some problems.

Hugh Coxe said the consultants mentioned sidewalks and bike lanes and asked if they have looked at the Town's Bicycle and Pedestrian Master Plan.

Kerry Green said they do have a copy of that study.

Bill Lunt suggested that it might be prudent for the consultants to plan on placing a sidewalk through the area during the initial construction phase so that the area does not have to be disturbed again for sidewalk construction at a later date.

Kerry Green said that the State Planning Office has given them some information related to pedestrian

safety as well.

Bill Lunt said it sounds like the consultants may not have identified the Woods Road/Woodville Road intersection as a problem intersection in their report and that they should definitely examine that intersection as part of their analysis. The other issue they should examine is the issue of adding a turning lane to Woodville Road. Given that there is a problem with traffic backing up on the road now waiting to get in the queue on-site, and given that they are proposing to add more vehicular traffic to the equation with the new school, they should examine the necessary length and configuration of the proposed turning lane to make sure it is adequate.

Jacques Gagnon said the actual length of the turning lane will be determined by analyzing the intersection. When the traffic engineer looks at the intersection they will size the queuing lane based on the simulations at that time. This is a concept plan they are currently showing.

(Bernard Pender arrived at the meeting at 7:25 PM.)

Bill Lunt thinks that a considerable cost could be incurred by the Town as a result of traffic improvements that could be required as a result of the new school being located in this area, and he hopes that these cost details would be identified prior to the final school site being selected so that decision makers have as much information available as possible.

Mark Terison said they have a letter from DOT and DOT recommended this location preliminarily.

A public comment period was opened.

Rob Dalzell, of 22 Woodville Road, said he lives close to the school site and he is concerned about additional traffic in the area. He believes the Plummer-Motz site has been dismissed as the site for a new school because of traffic, but the Woodville Road site is equally challenging for traffic. Mr. Dalzell said there is no difference in estimated costs between building at the two sites. He asked if any member of the Planning Board will be at the straw poll meeting tomorrow night.

Tony Calcagni said that would be a personal decision for a Board member. He thinks that the Board is just giving general comments on the proposed concept tonight.

Rob Dalzell said at some point in the process the Planning Board will need to give the green light to this project.

Tony Calcagni said there will be a formal site plan review eventually where the Board will be studying all of the detailed issues and with a public comment opportunity.

Rob Dalzell acknowledged all of the work put into this process by Mark Terison, the consultants, and the rest of the committee and admitted that there are no perfect sites for this new school. Mr. Dalzell thinks that the staggered start time of the elementary school has not been studied adequately and that the traffic will be much worse even with the staggered start times.

Jim Thibodeau, a Falmouth resident, said the proposed concept plan shows no room for growth once the new elementary school is sited and he wonders if that makes the Plummer-Motz site more attractive. The Woodville Road site could be especially tight if the high school ever has to be expanded in the future.

Kerry Green said the new elementary school is required to reserve extra space for four more classrooms if expansion is needed in the future. They also have a draft master plan that shows a new middle school footprint if and when the middle school needs to be replaced in the future. This issue has not been ignored.

Jim Thibodeau asked if the potential for future growth has been considered as part of this process.

Kerry Green said their projections are for Falmouth's school population to decline and not increase.

Jim Thibodeau is concerned about the Falmouth Road and Woodville Road intersection and would want turning lanes and a traffic signal added regardless of whether it is determined to be needed.

Rob Dalzell said he does not like the proposed location of the new bus driveway and his neighbors who

live across the street are concerned about having a bus turn in and out right across from their property. Tony Calcagni said he is surprised that there is enough room to move the bus route to that location. Cole Harris, 87 Woodville Road, said it might be possible to realign Woodville Road so that it swings onto the Superintendent site if more flexibility is needed for other traffic improvements in the area.

Bill Lunt read a letter he received via email from David Merrill, 100 Woodville Road, who is concerned about traffic issues. Mr. Merrill thinks locating the elementary school in this area will result in too large of a concentration of students and staff for safety and security reasons. He thinks the past school projects in this area did not include adequate buffering and that better buffering should be in place with the new school. He is concerned about pedestrian safety with students currently using the Woodville Road travel lanes as there are no sidewalks. He thinks the reconfiguration of Woodville Road is a must so as to eliminate traffic backups.

Adam Rosenbaum, of 41 Woodville Road, lives across the street from the tennis courts. His big objection is to the increased traffic that will result from the new school being built in this location. He currently cannot get out of his driveway at two separate times during the weekday. He is disappointed that the wooded area across from his house will be cleared for a new driveway for buses going in and out. His land also abuts the Superintendent's site. It is currently pretty loud at his house when games are going on and the noise will be much louder with games occurring right next to his property if the fields are relocated there. He guarantees the project consultants would not consent to placing the new driveway where it is currently proposed if they lived where he does.

Hugh Coxe said he does not have anything to say about this plan tonight since it is so preliminary. There is no perfect location for siting this school. The downside to this site is the traffic issue, but he believes that a lot of work has been put into this analysis by several dedicated people and he feels comfortable that they have weighed the considerations that led to them selecting this site. When all is said and done, he thinks this seems to be the better site for financial reasons, for educational potential, and for community benefits. He thinks the restrictions at the Lunt School site probably made them move the school out here.

David Fenderson said he likes this site and likes having this area be an intellectual hub for the Town. He also likes having Grade 5 go back to the elementary school. A lot of families have kids in both elementary and high school and it makes it easier for families having kids at one site. He does think that the abutters' concerns should be considered moving forward and that the traffic issues should be dealt with.

Jay Moody thinks this site is awful. He thinks the site is maximized, too busy, and will not work as a consolidated campus for Grades K-12. He thinks the list of benefits to this site that was distributed by the consultants is a joke. He thinks many of the listed benefits are shallow benefits, and that the challenges associated with this site are huge. There will be increased traffic during the peak travel times. The original planning for the high school was not done with any consideration of having an elementary school on this site. He also cannot imagine having locker rooms as far away from the relocated playing fields as they will be under this proposal. He thinks it is awkward to have the K-5 students on the same site as the 6-12 grade students. He thinks the site was designed nicely with the high school, but now this elementary school looks like it is being shoe-horned into the site with no room for expansion. There was also no comment made about needing to expand the high school. He finds it surprising to hear that the school population is declining but that the Town still needs a new elementary school right now. Traffic and crowding will be big issues to deal with at this site in the future.

Tony Calcagni agrees with Hugh Coxe in that he does not want to comment on the specifics of the plan itself. Traffic will be the biggest issue, especially at the two Woodville Road intersections with Woods and Falmouth Road. The biggest question is whether this is the best location for the new school. He does not feel that he has sufficient information to determine if this is the best location, but believes that thoughtful people have spent a lot of time looking at this issue. He does not have enough information to

fully understand the pros and cons of the existing school site.

Bill Lunt wonders if the State is looking for comments from a long-term planning perspective or from a development review perspective. From a planning perspective, Bill wonders why the Town just spent \$300,000 running sidewalks from the Plummer-Motz/Lunt Schools down to the library only to now decide that they are going to abandon the school site and thereby eliminate the public benefit of connecting sidewalks to the schools. He also does not understand why somebody thought it was good to add onto Lunt School with an expansion now that it appears as if they will be closing the school. He disagrees with the Woodville Road location entirely from a long-term planning perspective. From a development review perspective, he thinks the Woodville Road site is a very challenging site and he hopes that the full costs associated with building a new school in this location will be determined far enough ahead of time to be part of the review process for this site.

Item 5 **Leighton Farm Development, LLC** – 75 Leighton Road -- Request for amended subdivision approval and site plan approval for a 5,500 square foot office building. Tax Sheet 373; Map Lot U44-017; zoned VMU and Route 100 Corridor Overlay.

Bernard Pender replaced Jay Moody as a voting member.

Ethan Croce summarized the issues with the application. This three-unit commercial condominium project received its initial approval from the Planning Board in September 2006. The approval at that time was for: the subdivision of the individual condominium units; site plan approval for the overall site improvements to the property; and site plan approval for Building # 3, the rear building on the site. In September 2007, the applicant obtained an amended subdivision and site plan approval for the project, including site plan approval for Building # 1, the front building on the site. Now the applicant is before the Board requesting site plan approval for Building # 2, the final building on the site. As with Building # 1, this building is located in the Route 100 Corridor Overlay District and, as such, is subject to the Exit 10 Design Guidelines. Robert Howe, of HKTA Architects, has completed the peer review for the building's architecture. Mr. Howe believes that the building's design generally complies with the Design Guidelines and his only recommendation is that the applicant document how the building's functional elements will be integrated into the design of the building as required by the Design Guidelines. The applicant is also applying for an amended subdivision approval to reflect the fact that the footprint of Building # 2 will be changing slightly from the footprint shown on the original approved plan. The applicant should confirm that the proposed footprint modification will not affect any of the other site improvements (e.g. landscaping, grading, parking, utilities) as originally approved.

Jim Thibodeau, of Leighton Farm Development LLC, said that the back building on the site has been completed and the front building on the site is almost complete. The infrastructure for the site is already in place. The landscaping will all occur as part of the original approved plan. The walkway between the buildings will be concrete pavers. With respect to Building # 2's architecture, architect Mike Hayes has come up with a building design that fits in with the character of the existing development. Peer reviewer Bob Howe asked for a better description of the treatment of the building's mechanical equipment. HVAC units and meters will be located behind proposed landscaping. Mr. Thibodeau showed proposed elevations for all four of the building's elevations.

Bill Lunt asked if the new plan shows the location of lighting on the building.

Jim Thibodeau said they show the light locations on the approved site plan. The lighting matches the lighting originally approved on the site.

Hugh Coxe noted that the agenda notes referenced a comment from Jay Reynolds regarding his desire to have the erosion control measures shown on a site plan.

Jim Thibodeau said that most of the earthwork on-site has already been completed with the exception of the foundation for Building # 2.

David Fenderson asked how the parking for the site is delineated.

Jim Thibodeau said there is no specific delineation of spaces for each building other than the small, front section of spaces, which are reserved for the front building.

Tony Calcagni asked what the status is of the shaded parking spaces on the plan.

Jim Thibodeau said those spaces have been graded and that he has the right to build them out if he wants to, however, he does not believe he will ever need the spaces. The spaces are grassed over right now.

Bill Lunt asked if the existing approved parking will still be adequate with the changes that are being made to the plan.

Ethan Croce said that the cumulative square footage of the three buildings is identical to the square footage that was approved with the initial site plan, so the parking requirements are the same. The only difference is that the square footage of the individual buildings has been shifted around slightly.

Bill Lunt asked what would trigger the additional parking being built.

Ethan Croce said the applicant would make that determination. If, however, there was ever a change of use of the buildings, or another amendment to the site plan, the Planning Board could revisit the decision to allow the applicant to not build out all of the parking.

Tony Calcagni asked if the vinyl siding proposed will match the siding that was approved on the prior buildings.

Jim Thibodeau said yes.

A public comment period was opened. There was no public comment.

Ethan Croce read the proposed conditions of approval into the record.

Motion by Hugh Coxe, seconded by Bill Lunt, to approve the application.

Motion passed 5-0.

Item 6 **Richard Russell** – Entwood Road – Request for private way re-approval to provide access to one additional lot. Tax Sheet 310; Map Lot U28-005; zoned RB and RCZO.

Ethan Croce summarized the history of the project. The applicant initially received Planning Board approval for this project in May 2006. At that time, the road was designed and approved with a 22 foot travelway width. In July of 2006, the applicant received an amended approval from the Board to reduce the travelway width to 16 feet due to the fact that the road would only be serving three house lots. A re-approval for this project was subsequently granted in November 2006. The applicant's approval has since expired due to the fact that the mylar was not recorded within 90 days of Planning Board approval. The applicant has been unable to record the mylar due to his inability to comply with the condition of approval that a revised road maintenance agreement be signed by all of the lot owners along Entwood Road. The applicant has indicated that he believes the other lot owners on Entwood Road are now amenable to signing the revised road maintenance agreement, so he is requesting a re-approval of the project with the original approved travelway width of 22 feet. The owner of Lot A would still be required to obtain an amended private way approval from the Board to utilize the private way for access to his lot if he decides to develop the lot in the future, but the road would already be built to the required road standard for four lots if the Board re-approves this application tonight.

Richard Russell said he has nothing more to say regarding the application.

Tony Calcagni said he remembers the Board's concern that the owner of Lot A be a party to the road maintenance agreement.

Richard Russell said the owner of Lot A is now supportive of this application now that the proposal is to switch the travelway width back up to 22 feet. This width will accommodate future development on Lot A.

Tony Calcagni noticed that the draft road maintenance agreement has the owner of Lot B not paying any expenses related to the maintenance of the road. Tony asked if that was the cost of doing business to get them to sign the road maintenance agreement.

Richard Russell said yes.

Tony Calcagni asked for confirmation that, if this version of the maintenance agreement is signed, the owner of Lot B would have no obligation to help maintain the road.

Richard Russell said that was correct.

David Fenderson asked if that situation would remain even after Lot B is sold.

Tony Calcagni said yes.

A public comment period was opened. There was no public comment.

Tony Calcagni said his concern in the past was that Lot A was not participating in the agreement even though a majority of Entwood Road lies on Lot A. He personally finds it offensive that, due to the requirement for a road maintenance agreement in the Zoning Ordinance, someone would be able to negotiate their way out of paying road maintenance costs, especially in light of a State law that requires parties to pay a proportionate share of road maintenance on private roads. He wonders whether the Board can allow the owner of Lot B to not sign a road maintenance agreement. Alternatively, he wonders if the Board could accept a temporary road maintenance agreement that expires at some future point in time. Tony would like to find a way to not be a part of allowing someone to get out of their fair share of paying road maintenance expenses.

Hugh Coxe wonders if this agreement trumps the statutory requirement for all owners to pay their fair share. The point is to avoid having to invoke that law but it seems like this arrangement is going to lead to some tension in the future.

Tony Calcagni said this will create tension in the neighborhood in the future.

Hugh Coxe said it looks like everyone, including the Delimas, has an equal vote even though they do not all have responsibilities for upkeep.

Tony Calcagni thinks they need to explain what the minimum requirement is for a road maintenance agreement.

Ethan Croce confirmed that this iteration of the agreement was signed off on by the Town Attorney as part of the November 2006 re-approval for this project.

Hugh Coxe thinks this is what the Ordinance requires even though it creates some strange opportunities for someone to take advantage of a situation.

Tony Calcagni would be amenable to having Lot B not sign the agreement at all or else have them sign a temporary road maintenance agreement that would expire upon the sale of the lot with a requirement that a new agreement be signed by the lot owners on a future date. He does not see anything that requires the maintenance agreement to be perpetual.

Hugh Coxe asked what would then prevent another applicant from coming in with a temporary agreement. He believes the Board has always looked for a perpetual agreement.

Tony Calcagni finds it offensive that the agreement could be used by someone other than the applicant to get out of road maintenance obligations.

Hugh Coxe agrees with Tony Calcagni's sentiments, but sees the Planning Board's role as more limited. Perhaps Mr. Russell would like to consult with his lawyer before recording the agreement. He does think this agreement satisfies the Ordinance requirements.

Tony Calcagni said they need a road maintenance agreement and he would be willing to accept an agreement drafted under the other two scenarios he mentioned or the version presented by the applicant.

Bill Lunt said if Bill Plouffe has reviewed and approved this draft agreement then he doesn't know what else is to be accomplished.

Tony Calcagni said there is a statutory obligation whereby lot owners along a private road can force other lot owners to pay their proportionate share of road maintenance expenses. He does not think it is appropriate that the Planning Board and the Town of Falmouth can allow for an arrangement whereby certain property owners are allowed to escape their legal obligation under the terms of this required maintenance agreement. He confesses that this proposed agreement will satisfy the Ordinance requirement, but if the applicant wants to present a different agreement that doesn't require Lot B to sign he would agree with that as well.

Richard Russell said, assuming that the owners of Lot B did not sign the agreement, couldn't the Town get them to sign it at some point in the future if they come before the Town for a permit.

Tony Calcagni said only if the property owners were in front of the Planning Board for something. If Lot B was splitting off a lot, for example, they would have to appear before the Board.

David Fenderson asked if Tony Calcagni was offering that they construct an agreement that does not include all of the lot owners.

Tony Calcagni said yes.

Hugh Coxe agrees with the technical interpretation, but thinks the intent was that all parties should be a part of the agreement and he is concerned about setting a precedent moving forward. He thinks allowing a temporary agreement might come back to haunt them in the future. Hugh said he is not convinced that the statutory requirement will not apply anyway and thinks that, based on past practice, they should require that all parties sign the agreement. He is fine allowing this agreement and leaving condition of approval # 6 in place as stated.

Bill Lunt also thinks all parties should be a part of the agreement.

Jay Moody asked if there is any chance to have this agreement expire upon the transfer of the property from Delima.

Bill Lunt said there is nothing that precludes the owners on the right of way from taking other lot owners to court in the future.

Tony Calcagni said he would take that case in a heartbeat with everyone's signatures on the agreement.

Hugh Coxe thinks they need to keep condition as if with their stated intent.

Bernard Pender thinks the agreement as presented does meet the requirements of the Ordinance but is concerned that the result would be a violation of the state statute and can't knowingly go along with that.

Tony Calcagni does not think this is a violation of the statute but thinks it allows a lot owner to get out of an obligation that they would otherwise be required to fulfill by state statute.

David Fenderson thinks the agreement satisfies the terms of the Ordinance. Since the Town Attorney approved this version he feels comfortable allowing it.

Hugh Coxe suggests the Board approve the agreement, but thinks it might be appropriate to have staff go back to the Town Attorney and discuss ways to try to remedy this provision. If there is another solution that Bill Plouffe suggests, then the applicant could come back with another proposal to the Board. That information could get conveyed to Mr. Russell. He thinks it is appropriate to have the Planning Office work on this as an ongoing issue not specific to this application.

Tony Calcagni said his point was that this proposed arrangement works but will the Board require what is proposed or will it accept something different.

Ethan Croce mentioned that the Town Attorney has chimed in on this subject in the past and previously interpreted that all parties need to sign the agreement.

David Fenderson asked how the road maintenance expenses are broken down currently.

Richard Russell said that Lot B has a plow and plows the road all of the time right now.

Tony Calcagni asked if the Board is interested in pursuing something less than a perpetual agreement?

David Fenderson said he isn't sure he wants to backpedal right now. He is not interested.

Hugh Coxe and Bill Lunt each said no.

The Planning Board requested that this policy question be posed to the Town Attorney. Is there a problem created when the Ordinance requires all lot owners to sign a road maintenance agreement? Is it appropriate if the Ordinance allows other lot owners to avoid their legal obligation to contribute to private road maintenance costs? Can the Ordinance be amended to address this?

Ethan Croce summarized the proposed conditions of approval.

Motion by David Fenderson, seconded by Bill Lunt, to approve the application.

Motion passed 3-1. (Pender opposed; Calcagni abstained.)

Item Election of Officers

7 Motion by Bill Lunt, seconded by David Fenderson, to conduct the elections using a hand vote.

Motion passed 5-0.

Motion by Hugh Coxe, seconded by Bill Lunt, to elect Tony Calcagni as Planning Board Chair. The Board asked Tony Calcagni if he was willing to serve as Chair for the next year. Tony Calcagni indicated that he was willing to serve as Chair for another term.

The nominations were closed and the motion was subsequently approved 4-0. (Calcagni abstained)

Motion by Tony Calcagni, seconded by David Fenderson, to elect Bill Lunt as Vice-Chair.

The nomination was closed and the motion subsequently was approved 5-0.

Item Workshop regarding paperless packets

8 Ethan Croce said stemming from an action item in the Town Council's FY'07-'08 Work Plan, the Town Council has transitioned to using "paperless" meeting packets and is now using laptop computers to review background material at council meetings. The Town Council is interested in having the Town's boards and committees, including the Planning Board, explore the possibility of switching to paperless packets as well. Prior to moving forward with this initiative, the Town would like to solicit the Planning Board's feedback on this proposal in an effort to help identify any issues or concerns Board members may have regarding this matter.

Bill Lunt said he does not own a laptop computer. He has a personal computer but he takes his Planning Board packet material with him during his working day. He uses 15 minutes here and there, when time is available, to review the packet material. He did go online to review the system the council uses and he is not interested in using that system since it eliminates his ability to review the meeting information during breaks on a job site.

Ethan Croce said that he spoke with Stan Bennett regarding this issue today and Stan strongly opposes switching to a paperless system.

Bill Lunt said he switched from dial-up internet service to dsl at his own expense to open up Planning Board materials that were emailed to him, but he will not purchase a laptop computer for viewing packet material when he is not at his home pc. In any event, he does not want to have to be tied down to his desk at home in order to review meeting material. He mentioned the difficulty that would ensue from having to flip back and forth between different plan sheets and the agenda notes for comparison purposes.

Bernard Pender said he likes to take notes in his paper packet and you would not be able to do this with

paperless packets.

Ethan Croce said that Board members would also all need to have high speed internet.

Tony Calcagni said a paperless packet system would probably have to be a hybrid system where plans are still mailed out, but the other background information could be posted online.

Hugh Coxe thinks what could be helpful is providing plans as pdfs which could be blown up for viewing on the computer screen. Oftentimes, the reduced paper plan copies are hard to read.

Bernard Pender likes the convenience and portability of the paper packets.

Tony Calcagni said when reviewing the packet material he is often flipping back and forth between plans and this would be difficult to do with an electronic packet.

Hugh Coxe said the Council process is different where they are often reading a linear report, as opposed to Planning Board material where separate documents often reference another document and there is a need to flip back and forth for reference purposes.

The meeting adjourned at 9:20 pm.