

1 **MEETING MINUMINUTES - DRAFT**  
2 **GEORGETOWN PLANNING BOARD**  
3 **Wednesday, November 13<sup>th</sup>, 2013**  
4 **Memorial Town Hall – 3<sup>rd</sup> Floor**  
5 **7:00 p.m.**  
6

7 **Present:** Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Tillie Evangelista; Mr. Tim Howard  
8 (arrived at 7:40 PM); Mr. Bob Watts (arrived at 7:12 PM); Mr. Howard Snyder, Town Planner;  
9 Ms. Wendy Beaumont, Administrative Assistant.

10  
11 **Meeting Opens at 7:10 PM.**  
12

13 **Approval of Minutes:**

14 **1. Minutes of October 23, 2013.**

15 Mr. Rich - **Motion** to accept the minutes of October 23, 2013 as amended and subject to any  
16 changes made by colleagues at this meeting.

17 Ms. Evangelista - **Second.**

18 **Motion Carries: 3-0; Unam.**  
19

20 **Vouchers:**

21 **1. W.B. Mason: Office Supplies.**

22 **2. H.L. Graham Associates: 124 Tenney Street.**

23 Mr. Rich - **Motion** to pay the vouchers as presented subject to any changes made at this  
24 meeting.

25 Ms. Evangelista - **Second.**

26 **Motion Carries: 3-0; Unam.**  
27

28 {Mr. Watts - arrives at 7:12 PM}  
29

30 **Old Business:**

31 **1. ANR: East Main Street Rear - Map 10 Lot 36 Tolman property.**

32 Mr. Snyder - This is a continuation and the second meeting of the Board with the ANR  
33 applicant. In your packet under correspondence the town received letters regarding this  
34 application from the Fire Department and Town Clerk. I emailed out a copy of the report  
35 from the Chief of Police. Requested of the applicant at the last meeting was for him to  
36 provide information in support of the ANR that included surveys referred to on his plan.  
37 {Plan shown on screen} I received those today for review by the board. I have tried to  
38 contact DCR but have not been able to talk to anybody.  
39

40 Mr. LaCortiglia - Mr. Tolman, who are you in contact with at the DCR? Someone had no  
41 problem with you working on the road.  
42

43 Mr. Tolman - That was a long time ago. You can't get in touch with the DCR now.  
44

45 Mr. Snyder - Other information in your packet is a map from 1830 showing the alignment of  
46 the way, a color copy of the USGS map from 1952.  
47

48 {Documents shown on the screen and the property in question is referred to.}

49

50 Mr. LaCortiglia - I am noticing that some of the ways are shown with dotted lines.

51

52 Mr. Snyder - On the USGS map unimproved roads are designated with dotted lines.

53

54 Mr. LaCortiglia - The solid lines are improved roads. No question that it was around. The  
55 question is, is it private or public. Did we get a response from the Town Clerk?

56

57 Mr. Snyder - The Town Clerk sent a letter. She and I both did some research. We both agree  
58 the way has been in existence since 1830. She could not certify that it is a public way. DPW  
59 also weighed in and stated it has not been doing any maintenance on the way.

60

61 Mr. Rich - Do we have any evidence that it is not a public way?

62

63 Mr. Snyder - No, we could not find any action by the selectmen that the way was  
64 discontinued.

65

66 Mr. Rich - So in 1830 it was a way and we can't find anything that takes it away from public  
67 use from that time on. Counsel do you have anything that shows any use on that way at any  
68 time?

69

70 Attorney Laura Tilaro - We have run the title and it appears and it's called out as Pingree  
71 Road going back to the 1700's. We were unable to locate anything at the registry other than  
72 it showing up on plans which I think you have most of them.

73

74 Mr. LaCortiglia - Did we ever get the plans that were not recorded?

75

76 Mr. Ogdren - I sent those. I think Mr. Tolman didn't realize that what you were asking for at  
77 the last Planning Board meeting but they are here. One that was not recorded was a survey  
78 that Mr. Tolman had done which was topographic and also did the perimeter. The one that  
79 was recorded though was interestingly enough.

80

81 {Mr. Snyder shows the plan on the screen.}

82

83 Mr. LaCortiglia - Both of the recorded plans, the data used to create them, and the ANR plan  
84 are plans Mr. Tolman had contracted many years ago. Is there anything that was not  
85 contracted by him for this parcel?

86

87 Mr. Ogdren - We sent a scan of the map of the forest. The reason I thought the last one we  
88 looked at was of interest was that it called it out as a public way.

89

90 Ms. Evangelista - So you did the plans and you put it in as public and this is all that you have  
91 to verify that it was public?

92

93 Mr. Ogdren - The record plan called it a public way. We believe it was a public way from  
94 way back to when Georgetown was part of Rowley.  
95  
96 Mr. Rich - Mr. Ogdren, whose plan was that, that called it out as a public way?  
97  
98 Attorney Laura Tilaro - There are two that call it out.  
99  
100 Mr. Ogdren - One was a plan by I think the surveyor in Wenham.  
101  
102 Mr. Snyder - LeBlanc from Danvers?  
103  
104 Mr. Rich - And it was prepared for whom?  
105  
106 Mr. Ogdren - We just established that both were prepared for Mr. Tolman. Yes, it was  
107 LeBlanc survey from Danvers.  
108  
109 {The 1983 plan is shown on the screen.}  
110  
111 Mr. LaCortiglia - And it is calling it public. And again this is one that was prepared for you  
112 Mr. Tolman. Did you get ANR approval for this in 1983?  
113  
114 Mr. Snyder - I don't think this is an ANR it just shows it as a plan of land and shows only  
115 conditions that exist.  
116  
117 Attorney Laura Tilaro - It's called an 81X certification plan which means the lines are of  
118 existing ownership. So it doesn't need the ANR endorsement. It was probably just on the  
119 plan.  
120  
121 Mr. Snyder - The lines of the streets or ways shown are either public or private already  
122 established. Thru the planning office we can determine that it was a public way in existence  
123 since before Georgetown was established and it was part of Rowley. It was a way that was in  
124 existence as a public way before 1954 as show on the USGS map. We could not find any  
125 proof that it was abandoned by the selectmen.  
126  
127 Mr. Ogdren - In addition, it was abandoned in Rowley after Georgetown left Rowley.  
128  
129 Mr. Snyder - I found a map from the 1972 of the Georgetown State Forest. You can see the  
130 delineation and it does not show the way going along the Tolman property.  
131  
132 Mr. LaCortiglia - What does our assessor say?  
133  
134 Mr. Snyder - I did not contact them about the lot.  
135  
136 Mr. Rich - Counsel, what do you have that shows who Mr. Tolman took his title from outside  
137 of the Tolman family?  
138

139 Mr. LaCortiglia - Did you do a title search?  
140  
141 Attorney Laura Tilaro - Yes, we did an abbreviated one.  
142  
143 Mr. Rich - I would like to see how the property is described.  
144  
145 Attorney Laura Tilaro - There were two lots and basically rods and lengths.  
146  
147 Mr. Rich - I am trying to establish if there was frontage called out on the road prior to the  
148 name Tolman.  
149  
150 Attorney Laura Tilaro - There is and I will find them in a minute.  
151  
152 Mr. Rich - We have seen those but I think the board would be more comfortable.  
153  
154 Mr. Snyder - I have the deeds of ownership as provided and they are between Tolman and  
155 Tolman Sheet Metal.  
156  
157 { Shows them on the screen. }  
158  
159 Attorney Laura Tilaro - I've got Spaulding to Ricker which is one of them. There are two  
160 parcels.  
161  
162 Mr. LaCortiglia - Is there anything that you have that gives right to the road? One thing that  
163 is bothering me is that there is a sign in the front that says "No Motorized Vehicles" and that  
164 is a state sign and I am concerned about that.  
165  
166 Attorney Laura Tilaro - I understand.  
167  
168 Mr. LaCortiglia - I'd like to see something in a deed that the owner of this parcel has a right  
169 to pass and re-pass over the road.  
170  
171 Attorney Laura Tilaro - Common law is if you're by a public road you don't have that  
172 because you have a right to use it. If it is a private way and you are bounded by the way then  
173 you actually own to the middle and this is case law. You then have the right to use the way  
174 in it's entirely and to improve it.  
175  
176 Mr. LaCortiglia - What if DCR owns the road?  
177  
178 Attorney Laura Tilaro - We'd have to bring it up with them. He has the right to use the road.  
179  
180 Mr. Tolman - I have a letter from DCR saying that we share the road.  
181  
182 Attorney Laura Tilaro - Yes, but that is from several years ago if they came and said you  
183 can't do that, then we would have to take that up with them.  
184

185 Mr. Rich - There is nothing on record that shows the state taking it?  
186  
187 Attorney Laura Tilaro - No.  
188  
189 Mr. LaCortiglia - I'm sure you can understand why I am a bit troubled by the sign that was  
190 put there by the state.  
191  
192 Attorney Laura Tilaro - Right and that's because in the state park you are not allowed to use  
193 motorized vehicles on the trails.  
194  
195 {Mr. Snyder shows the DCR area on the screen.}  
196  
197 Attorney Laura Tilaro - They don't own where it intersects the street.  
198  
199 Mr. Rich - So Tolman is on one side of the street and the Commonwealth of Mass is on the  
200 other?  
201  
202 Mr. Ogdren - There is nothing stopping you from driving up and down the road.  
203  
204 Ms. Evangelista - Like Mr. LaCortiglia, I think you need more evidence and you need to do  
205 more research about what the Commonwealth can do and can't do because that clearly is a  
206 big issue.  
207  
208 Attorney Laura Tilaro - That would be his issue with them it really does not affect what the  
209 Planning Board does or doesn't do.  
210  
211 Ms. Evangelista - I think that this plan may be a subdivision. I cannot approve an ANR  
212 without more details. If there's going to be a subdivision then he will be putting in the road.  
213  
214 Mr. Tolman - Every time they cut wood in the forest or do anything in the forest they notify  
215 me. They send me a letter as we share the road.  
216  
217 Ms. Evangelista - The problem is, from my own research, the adequacy of the way is usually  
218 determined in court. And based on previous cases is how they determine the adequacy of a  
219 way. If you can find out more from the state as to what they can do and what you can do, in  
220 writing, it would be great. My other question is why did you do just an abbreviated search?  
221  
222 Attorney Laura Tilaro - Well, a full title search is a long and involved thing. We traced the  
223 title back looking for evidence that the road is called out in the title. We went back and  
224 found the same description carried forward.  
225  
226 Ms. Evangelista - But you didn't find anything about the Commonwealth in your search?  
227  
228 Attorney Laura Tilaro - We have the deed that the Commonwealth took title in the 1930's.  
229 They did not take both sides of the road.  
230

231 Ms. Evangelista - Do you have backup for that?

232

233 Mr. Rich - It is terribly difficult to prove a negative. Legally it is impossible.

234

235 Mr. LaCortiglia - Mr. Ogdren in your research, what is the width of the way?

236

237 Mr. Ogdren - It varies. There are some places that are about 30 feet wide between the walls  
238 and some places go to 40 feet. Some are marked out by iron pipes. It could have easily been  
239 laid out as a two rod road at 33 feet. That's what it looks like where the walls are.

240 Sometimes people don't realize that the layout came first and then the walls. People were  
241 deeded parcels of land and then they took the rocks out of the fields and put up a boundary.

242

243 Mr. Rich - The iron pipes are obviously old?

244

245 Mr. Ogdren - I am not an expert on aging pipes but they date back to the Iron Age maybe I  
246 don't know. Going back to something Ms. Evangelista said. We realize that safety is an  
247 issue and we have read the fire chief's letter and it would be our intention in terms of moving  
248 forward to get something that is satisfactory to the fire chief because we won't get a building  
249 permit if we don't have an adequate way.

250

251 Mr. Snyder - The board cannot approve the adequacy of a way based on future  
252 improvements. They need to approve the way as it exists today.

253

254 Mr. LaCortiglia - One of the more disturbing things about this and why I would not endorse  
255 this at this time is a comment made by the chief of police. One thing he says is that currently  
256 the roadway is not identified as either public or private. Responses by law enforcement in  
257 the past have been that the roadway is under the control of DCR. Signage confirms that no  
258 motor traffic is allowed in the area and is confirmed by posts and a cable blocking the access.  
259 Calls about motorized vehicles would be referred to the DCR or the environmental police due  
260 to the inability of the Georgetown police units having access. Does anyone feel as though  
261 they want to make a motion to endorse the ANR because we are out of time now right? The  
262 28 days are up?

263

264 Mr. Snyder - The 28 days will be up before the next Planning Board meeting.

265

266 Mr. Rich - Don't get me wrong I love our police department and I think they do a great job  
267 but as far as I know from all of my legal training, if there is nothing on record at the registry  
268 of deeds that says a way is not private then it is public. The further proof to me is the map  
269 from the 1800's. I am going to ask the board to think about the cow path that we approved  
270 from historical photos.

271

272 {Mr. Howard arrives at 7:40 PM.}

273

274 Ms. Evangelista - There was more to that ANR as there were homes on that street.

275

276 Mr. Rich - We have a deed that says this property fronts on a road. There is nothing that says  
277 it's not a public road. In the 1800's it obviously was a road and I don't think they had a  
278 difference back then between public or private as it was a road. Historically it was used as  
279 the "highway".

280  
281 Mr. Watts - There were toll roads as well.

282  
283 Mr. LaCortiglia - This was Woods Road in the deed correct?

284  
285 Attorney Laura Tilaro - I saw it called out as Pingree Road.

286  
287 Mr. LaCortiglia - I thought one of the deed said Wood Road.

288  
289 Mr. Rich - Then whether or not DCR owns it or not - which if they owned it there would be  
290 something on record at the registry. If it's not on record at the registry then they don't own it  
291 in the Commonwealth of Mass. They may own to the middle. Attorney Laura Tilaro has  
292 done a title search and that would have divulged a cloud on that section of road that he is  
293 laying claim to. If you front on a road and if it's an unaccepted private road you own to the  
294 middle of the street. If it were owned by the Town it would appear in the registry of deeds as  
295 owned by the town. So if you're not on record at the registry of deeds then you don't own it,  
296 period until there is something at the registry of deed that says you do own it.

297  
298 Mr. Howard - What did the registry of deeds say about Pingree Road?

299  
300 Mr. Rich - According to a deed it exists. How old was that deed that you showed me?

301  
302 Attorney Laura Tilaro - Early 1800's - late 1700's.

303  
304 Mr. Rich - I wanted to see a deed that did not share the Tolman name and the more I hear the  
305 less of an issue I have. Whether it is adequate - it is still a way and I would say the property  
306 owner has a right to bring it up to snuff to pass muster for an adequate way. Especially if it is  
307 wide enough and according to Mr. Ogdren it runs from the beginning it runs from East Main  
308 Street...is that the widest section?

309  
310 Mr. Ogdren - It is the most consistent section and I'd say the widest section. I think it is  
311 about 33 feet wall to wall - it is very consistent between the walls

312  
313 Mr. Rich - As much as I see in front of me, I am going to move that we endorse the ANR.  
314 Subsequent fights come with the building inspector and the police and fire departments that  
315 these folks have to deal with.

316  
317 Mr. Howard - Is it a public or private way?

318  
319 Mr. LaCortiglia - There is nothing saying it is a private way. By endorsing this plan we are  
320 saying it is public.

321

322 Mr. Rich - **Motion** to endorse the ANR.  
323 **The Motion to endorse the plan dies for lack of a Second.**  
324  
325 Mr. Rich - I can't think of anything even the most intensions that a motion has not been  
326 seconded for discussion and let's all be fortuitous and have the guts to say no when it comes  
327 to a vote.  
328  
329 Mr. LaCortiglia - With all due respect I think they just did.  
330  
331 Mr. Rich - The man is entitled to have a vote on it for discussion purposes.  
332  
333 Mr. Rich - **Motion** to endorse the ANR.  
334 Ms. Evangelista - **Second** for discussion but I give you fifteen minutes.  
335  
336 Mr. Rich - I have nothing else to say.  
337  
338 Ms. Evangelista - When you mentioned to fix the road up to snuff you are talking about  
339 subdivision. That is our responsibility. When you approve a road you have to do certain  
340 things based on our subdivision regulations. I don't have a problem with a subdivision but  
341 with an ANR it seems like he can do whatever he wants.  
342  
343 Mr. LaCortiglia - Essentially an ANR means a Form A lot that is not a subdivision and it  
344 does not require it.  
345  
346 Ms. Evangelista - Right, there are so many things that come into play. I would like to see it  
347 continued to see if they come up with something form the state.  
348  
349 Mr. LaCortiglia - I think an ANR goes for 28 days.  
350  
351 Attorney Laura Tilaro - It is actually 21 days, which was up Friday.  
352  
353 Mr. LaCortiglia - In that case, I believe Mr. Tolman has the right to go to the Town Clerk and  
354 ask her to endorse.  
355  
356 Attorney Laura Tilaro - Well actually the board is required to endorse and if you don't  
357 endorse then we have to go get a certificate from the Town Clerk so we are asking you to  
358 endorse.  
359  
360 Mr. Snyder - I apologize, I thought it was 28 days.  
361  
362 Mr. LaCortiglia - Looks like we didn't act in time. I would think the town clerk will take it  
363 from here.  
364  
365 Attorney Laura Tilaro - So you will not endorse without the Town Clerk?  
366  
367 Mr. LaCortiglia - There is a motion on the floor and so let's clear this motion up.



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Mr. Rich - If my colleague that seconded the motion will go with me, I withdraw that motion.

**Motion is withdrawn.**

Mr. Rich - **Motion** for us to sign the mylar pursuant to MA Chapter 41 Section 81P.

Ms. Evangelista - **Second.**

**Motion Fails: 0-5; Unam.**

Mr. Rich - All this does is that they take a copy of the vote to the town clerk and say here's the law and they said they won't sign it and now it is up to what the statute says.

Ms. Evangelista - I would like, before a vote is done, to check that it was stamped the 17<sup>th</sup> and to make sure how many days it is.

Attorney Laura Tilaro - It is 21 calendar days. You may check with town counsel.

Mr. LaCortiglia - Onto the town clerk for you. Thank you.

**New Business:**

**1. ANR: Swanton Way #1 - Essex County Greenbelt.**

{Plan shown on the screen.}

Mr. Snyder - The Planning Office received an ANR application for 1 Swanton Way in regards to a lot line alteration. Parcel X is being removed from Lot 1B and being given to the owners of Lot 1A.

Ms. Johnson (Essex County Greenbelt) - This was a property that was donated to Greenbelt by George and Winnie Swanton and we elected to give the barn and the land under it to the owner so that he may use the barn and it would not go to waste.

Mr. LaCortiglia - And the side setbacks and the rear setbacks have no problem?

Mr. Snyder - They are all over 20 feet.

Mr. Rich - **Motion** to endorse the ANR and sign the mylar.

Ms. Evangelista - **Second.**

**Motion Carries: 5-0; Unam.**

**2. Harmony Lane: Request for Partial Release of Deposit - Form J.**

Mr. Snyder - We received a request from the developer of Harmony Lane for partial release of deposit. I have a letter from BSC Group that outlines the amount of money for release. All work has been performed and approved and it suitable for acceptance as a public way. So this release of partial funds represents is a reduction of the bond with money being held over until the street is accepted.

Ms. Evangelista - How much is held over?

416 Mr. Snyder - the current balance on the account is approximately \$20,670. According to the  
417 BSC Group calculations, \$19,697.67 can be released. The appropriate amount needs to be  
418 determined by the Planning Board and BSC recommend holding the remaining amount and  
419 releasing the \$19,000.00.  
420  
421 Ms. Evangelista - So we are just holding \$1000 dollars?  
422  
423 Mr. Snyder - No, it would be less than that.  
424  
425 Mr. LaCortiglia - Online regulations say \$1.00 per linear foot of roadway is to be held, but I  
426 always remember \$5.00 in our printed regs.  
427  
428 Mr. Snyder - The site inspection engineer from BSC sites Chapter §365-32 Article 4, release of  
429 lots for security as not less than a dollar. That means that approximately \$341 would remain but  
430 the Board may determine to have more.  
431  
432 Mr. LaCortiglia - What does the Board feel comfortable with?  
433  
434 Mr. Rich - \$1000 dollars?  
435  
436 Mr. Rich - **Motion** to return all funds withholding \$1000 dollars.  
437 Mr. Howard - **Second.**  
438 **Motion Carries: 5-0; Unam.**  
439  
440 Mr. Howard - How long do we hold it for?  
441  
442 Mr. LaCortiglia - Up to a year or until such time as it is accepted by the town.  
443  
444 Mr. Snyder - Up to a year after the acceptance. Frank provided the original Form J. I request  
445 the board sign this without an exact number so that I can confirm with the Town Accountant an  
446 exact number tomorrow.  
447  
448 Mr. Gatchell - Does the m-account money get released?  
449  
450 Mr. Snyder - There may be about \$1,400 dollars in that separate account.  
451  
452 Mr. Gatchell - I thought it was more like \$2,000 in there.  
453  
454 Mr. Snyder - I recommend that the escrow account held by the board for use to pay any sub-  
455 consultants in their review when it comes time for street acceptance. There may only be a final  
456 street inspection.  
457  
458 Mr. LaCortiglia - Are you planning on going for street acceptance?  
459  
460 Mr. Gatchell - Yes.  
461  
462 Mr. Snyder - The selectmen have acted on the letter from Mr. Gatchell but the minutes have not  
463 been approved to make that referral from the selectmen to the Planning Board official. We will  
464 have that probably at the next meeting. Then the Planning Board will need to investigate and  
465 report back to the selectmen.

466  
467 Mr. LaCortiglia - Sounds like we may need that for review. Mr. Gatchell, at some point if the  
468 road gets accepted then that will be returned to you. I believe you get interest on it as well.  
469

470 Mr. Rich - **Motion** to continue this matter to the meeting.

471 Mr. Watts - **Second.**

472 **Motion Carries: 5-0; Unam.**  
473

474

**Public Hearing::**

475 **1. Bylaw Amendment: Solar Energy Generation - Continued.**

476 Mr. Rich - **Motion** to open the Solar Energy Generation Bylaw public hearing.

477 Mr. Howard - **Second.**  
478

479 Mr. Snyder - I'd like to note that this is the only meeting in November with there will be only  
480 one in December on the 11<sup>th</sup>.  
481

482 Mr. LaCortiglia - What I would really like to do is to push this out to a date when we can really  
483 focus on it and finalize it before the May town meeting if that is all right with the board. How  
484 does the 22<sup>nd</sup> sound to everyone?  
485

486

Mr. Rich - **Motion** to continue this hearing to the January 22, 2014 meeting.

487 Mr. Watts - **Second.**

488 **Motion Carries: 5-0; Unam.**  
489

490 Mr. Snyder - On that topic, I would like to be able to advertise for the first public hearing for the  
491 Wind Generation bylaw so you can carry the solar and wind and possibly get them discussed and  
492 completed. The goal of the Planning Office is after the bylaws are referred to the selectmen that  
493 there also be one pushed by the Planning Board to review other items of zoning regulations  
494 having to do with things such as definitions, land use schedule, and those things so that when  
495 they go to town meeting all that is cleared up and you don't have to hold that out. So if you can  
496 carry the solar and wind together then you can move right into definitions. You do have to aim  
497 for May and it goes pretty fast.  
498

499

Mr. LaCortiglia - So we will need a bylaw night. That is OK with everybody and gives Mr.  
500 Snyder the OK to advertise and make notice. {Agreed to by Unanimous Consent.}  
501

502

**2. Special Permit: Georgetown Park and Recreation - East Main Street Athletic Facilities.**

503 Mr. Rich - I move to reopen the continuation of the public hearing for the Georgetown Park  
504 and Recreation athletic facility on East Main Street.  
505

506

Mr. Snyder - The Planning Board has received a three page letter that summarizes what the  
507 Planning Office and Planning Board believed to be six outstanding items.  
508

509

Mr. Rich - These are the six that we discussed at the last meeting?  
510

511

Mr. Mammolette - Yes there were six items.  
512

513 Mr. LaCortiglia - At the last continuation, I had asked everyone to review the responses that  
514 were made by Mr. Mammolette. I think we all walked away with the idea that we would  
515 review them and make our minds up ourselves or we would send them off to Mr. Graham.  
516

517 Mr. Howard - I am comfortable with it. I didn't totally understand about the electrical  
518 conduits in item number four. (Mr. Graham's item number 21.)  
519

520 Mr. Mammolette - They said why not locate underground conduits in the shoulder. I have  
521 said that they would be under the shoulder. I think they always were in the gravel shoulder.  
522 You have to zoom in a little close to see that there really is a line underneath an area that is  
523 shaded. I think it may have been not clear as to where the line was and where it was  
524 suggested it should be.  
525

526 Mr. LaCortiglia - Bottom line it is not underneath the guardrail it is off to the side of the  
527 guardrail. Anything else from the Board?  
528

529 Mr. Watts - I have no issues.  
530

531 Ms. Evangelista - I do have comments most of which I repeated at the last meeting. I feel that  
532 this process has not been the way it should have been from day one. For a special permit you  
533 need to follow the site approval process and you didn't do that. It's the eleventh hour and I am  
534 still asking to look at deeds.  
535

536 Mr. Snyder - The deeds were provided from day one.  
537

538 Ms. Evangelista - The only deed I got was the printout of what you got from the assessor. There  
539 is a deed that I finally got that has agreement terms with the church when they sold the road or  
540 access way to the town. We have to pay attention to that so that we are not in conflict over it  
541 with the conditions we set in regards to maintenance issues and we should look at that. I felt that  
542 this is the only project since I've been on the Planning Board or viewed when I wasn't on the  
543 Planning Board where storm calculations were not required. This is going to be a well-used  
544 facility. It is off a major road and the nearest drain is across the street near the cemetery and  
545 another drain the far side of United Foam on Rt. 133 in front of their parking lot. Based on Mr.  
546 Graham's review, which he observed it at a bad rain, all the water was running over to United  
547 Foam.  
548

549 Mr. Howard - It is an existing problem and they are not making it worse. It is not up to Park and  
550 Recreation to solve an existing problem.  
551

552 Ms. Evangelista - They are putting in a sidewalk so you have a division from the road where  
553 water is going to run down the road. Then there is drainage. They are removing trees between  
554 the Foam company and the access way and those trees are going to be down. There is a lot of  
555 development on the access way. Therefore I feel it is important that our consultant review that.  
556 This applicant should have done storm drain calculations for that area.  
557

558 Mr. Howard - He did - it shows that it's less.  
559

560 Ms. Evangelista - He didn't do any for that area.  
561

562 Mr. LaCortiglia - May I interrupt. You are making some good points but I don't want them to all  
563 run. I'd like to hear from other members of the board.  
564

565 Ms. Evangelista - I'd like to finish them all. I want it said once and for all. I am not pleased  
566 with it. When an applicant asks for a waiver from our storm drainage bylaw he must explain in  
567 writing with his signature. There is an area there that says for any waiver it has to be in writing  
568 from the PI or the applicant, saying why they feel it is not necessary. That is something we  
569 should have - we should have his name on this saying we want a waiver. We haven't gotten that,  
570 only a lot of verbage. Other applicants have gone to the ConCom before, during and after our  
571 decision. I think that they want to go to the ConCom and other applicants have not gone without  
572 us making a decision first. What I heard last meeting is that they want to wait for us before they  
573 go to ConCom. If the board decides to go along with it and not have the calculations, they will  
574 go to ConCom and say that the PB said we don't have to do calculations. We've gotten the final  
575 plans and we've always sent them to the town consultant so that these plans will be able to go to  
576 the registry and be recorded. So many times we've heard from this applicant that the computer  
577 messed up things, we've gotten innuendo changes, and upside down markings- whatever it may  
578 be. How do we know that things like that are not occurring on these plans? My final concern is  
579 that once this project is done who is going to supervise the project being built? We always have  
580 a consultant for that as well. Who is going to watch that the work is set to the plan? When we  
581 have a consultant for the town he follows along with the project. Where you said there was a  
582 difference of opinion between the applicant and our town consultant - I feel that since we have  
583 another consultant (Mr. Varga) why don't we ask him his opinion if it is necessary for the  
584 calculations? Right now we have one word against another word. I want it to be a safe and  
585 good facility. Issues like no calculations for water running down the sidewalk and access way  
586 going across Rt.133 an icing up you are going to have issue here.  
587

588 Mr. LaCortiglia - Let's try to address the existing runoff.  
589

590 Mr. Mammolette - That already happens now every time it rains. The grading shows that the  
591 grading is going down to the back - it will be less not more. You keep talking about calculations  
592 -you can calculate anything you want and it will say to build something. Are you expecting this  
593 applicant to build storm drains on Rt. 133 - land they don't own? The amount of money to build  
594 this project will virtually go to the front end and none left for the project. DEP's only concern on  
595 the project was the skateboard park. Storm water while it can be handled by the PB, also gets  
596 handled by the ConCom who is also double checked by DEP so there is no running away. If you  
597 want to make it more restrictive I guess that is within your purview. I guess I looked at the way  
598 this was - looked at input form ConCom, input form DEP, looked at the budget of the job, looked  
599 at what the real impact is here and I don't see it. If you are talking about doing storm drain  
600 improvements then you should ask Peter to look at every other driveway on East Main Street and  
601 make recommendations for improvements for the town to take upon themselves to build storm  
602 drains. That is how I look at it.  
603

604 Ms. Evangelista - About the DEP, they could not confirm what you said.  
605

606 Mr. Mammolette - The woman's name is Pam Merrow. I spoke to her and her boss.  
607

608 Ms. Evangelista - Like Mr. Graham had asked and I asked - get it in writing.  
609

610 Mr. Mammolette - Here's the thing - it is going back before ConCom which means it's going  
611 back before DEP. So if they want something more they will ask for it but they hadn't in the first

612 submittal and my guess is that they will only be interested in what they asked for - which I have  
613 done. In the narrative in that letter I gave you some calculations that show how you size a rain  
614 garden. That's about it for calculations. This is not a road where we are paving everything with  
615 gutters. It is not a road, we are not collecting water. It would mean paving the road if you want  
616 more. I am not even sure where the money is coming from to build the baseball park. I am  
617 hoping that CPC would be a funding for that moving forward. We need something conducive  
618 here and that's what we are trying to do. I have tried to respond to the issues that have been  
619 raised. If there is more that needs to be addressed - that's why I keep coming back.

620  
621 Mr. LaCortiglia - I'd like to call everyone's attention to the front page of the plan. On it per  
622 regulations are all the requested waivers are right there for everyone to see for approval. There  
623 are four requested waivers. I think we can clarify a lot of what we will and won't be doing by  
624 taking the vote.

625  
626 Mr. Rich - Can I see the bylaw that states they have to be accompanied by a letter?

627  
628 Ms. Evangelista - That's the storm water one.

629  
630 Mr. Howard - **Motion** to approve the waivers requested on the title page.

631 Mr. Watts - **Second.**

632  
633 Mr. Rich - {Mr. Rich reads the bylaw.} My colleague is correct. The rules state that any request  
634 from an applicant for a waiver should be submitted in writing at the time of submission. I would  
635 say the cover sheet fulfills that.

636  
637 Mr. LaCortiglia - And the narrative dealt with all them in the original application.

638  
639 Mr. Snyder - I would say that the request for the waiver is fulfilled with the title page but there is  
640 not an explanation as to why the waiver is being requested.

641  
642 Mr. Mammolette - Isn't the explanation under the description or are you looking for something  
643 more detailed?

644  
645 Mr. LaCortiglia - What kind of narrative are we looking for here?

646  
647 Ms. Evangelista - Just what it says - an explanation.

648  
649 Mr. Snyder - There's a description there under the waiver and it is up to the board if that's  
650 satisfactory.

651  
652 Ms. Evangelista - I think if that is what he said then that should be in writing.

653  
654 Mr. Mammolette - Does the narrative specify writing?

655  
656 Mr. Rich - It says it shall be submitted in writing to the permit granting authority and should  
657 clearly identify the provisions to the rule and be accompanied by a statement with the reasons  
658 why in the applicants opinion.

659  
660 Mr. Howard - Isn't that what this is?

661

662 Mr. Rich - No, these are responses to the engineer. I am going to be the bad guy - if this goes  
663 before the BOH, it would not fly. We have the same rules. We get a statement from the  
664 engineer telling us why or why not it should be granted.  
665

666 Mr. Mammolette - Are you referring specifically to these four?  
667

668 Mr. Rich - It can be a one page paragraph. It is right in there and it is clear as day.  
669

670 Mr. Mammolette - The point is if you are requesting a narrative aren't the four things listed here?  
671 I would be happy to provide whatever because it seems very simple to do. The question is, in  
672 reading the description do you agree with the description - that it is applicable as a waiver?  
673 Because if you don't, I don't know what more I can write. In some ways I have pointed out that  
674 there are some things in the bylaws that kind of take precedence over another. So I am pointing  
675 out that because the bylaws state one thing over another then I can't do both things. I don't have  
676 to do one because I did it in another. I am trying to follow my way thru the bylaws. Take the  
677 last one - property setback lines is not show because there are no permanent structures shown. I  
678 don't know how much more I could say there.  
679

680 Mr. Rich - Then why do you need a waiver?  
681

682 Mr. Mammolette - I don't know. I couldn't find any waiver that applied to this project and I  
683 went thru all the town bylaws and I tried to stick this project into the bylaw and find out if there  
684 was something more I have to do. I tried to describe why this project didn't need to do  
685 something based upon the way the regulations or the bylaws read.  
686

687 Mr. Rich - Maybe I can help you. Under the special permit, let's go to what you think the  
688 request for waiver is. Earth removal and importation. If it doesn't fall within the parameters of  
689 the max and minimum and it is just within the guidelines of the special permit then you don't  
690 need a waiver.  
691

692 Mr. LaCortiglia - I looked and the original filing did have a narrative.  
693

694 Mr. Rich - Can you let me finish? I am trying to have him snatch victory rather than defeat.  
695 Erosion and storm water control, you don't need a waiver.  
696

697 Mr. Mammolette - I was identifying it as a waiver of town bylaws not Planning Board's bylaws.  
698

699 Mr. Rich - Planning Board operates under the towns bylaws - you don't need a waiver.  
700

701 Mr. Mammolette - Chapter 43 which is not a planning board bylaw so it's a waiver I need for  
702 some permitting.  
703

704 Mr. Rich - You don't need a waiver.  
705

706 Mr. LaCortiglia - For which one?  
707

708 Mr. Rich - For erosion and storm water control.  
709

710 Mr. LaCortiglia - Yes he does.  
711

712 Ms. Evangelista - Why are you saying that? Sure he does!  
713  
714 Mr. Rich - He addressed storm water.  
715  
716 Ms. Evangelista - No he didn't. Not for the access road. He did for the skate park.  
717  
718 Mr. LaCortiglia - I think this would be a great deal cleaner if we just follow the motion that was  
719 made to grant the four waivers from the first page.  
720  
721 Mr. Rich - You're going to lose me on them. You are not granting waivers that are not  
722 necessary.  
723  
724 Mr. LaCortiglia - I believe the second one is.  
725  
726 Mr. Rich - Tell me the first one is.  
727  
728 Mr. LaCortiglia - Yes, it is. We are waiving that we are not handling that. Are we issuing that  
729 right now?  
730  
731 Mr. Rich - Tell me what you mean by that.  
732  
733 Mr. Snyder - Are you issuing an earth removal permit?  
734  
735 Mr. LaCortiglia - Are we issuing an earth removal permit? A separate permit over and above  
736 this?  
737  
738 Ms. Evangelista - We really didn't go into it to tell the truth. We have not talked about how  
739 much earth is being removed or brought it.  
740  
741 Mr. Mammolette - The plan is not to take any out or bring any in. It will just be moved around  
742 for grade differentials.  
743  
744 Mr. LaCortiglia - That is why we have to issue a waiver as when they go for their permit the  
745 building inspector is going to ask "Where is your soil importation permit?"  
746  
747 Mr. Rich - He just said he is not bringing any in. So I need a permit to paint my house even if  
748 I'm not going to paint my house? Follow that logic. You're losing me.  
749  
750 Mr. LaCortiglia - It's going to be looked for by the building inspector. Sorry but that is one of  
751 the things he will look for.  
752  
753 Mr. Watts - If he doesn't see him importing or exporting soil?  
754  
755 Mr. Rich - He just said he is not importing or exporting soil, so what do you have to waive it for!  
756  
757 Mr. LaCortiglia - To make it clear that you don't need it.  
758  
759 Mr. Rich - I disagree.  
760



761 Mr. LaCortiglia - Do you want to change your motion Mr. Howard because it doesn't sound like  
762 we are going to approve any of these.  
763  
764 Mr. Watts - Are any of these required? If no soil is being removed or brought in then there is  
765 nothing to waive.  
766  
767 Mr. Snyder - You can request the applicant to revise this to reflect the waivers you do or do not  
768 vote on tonight.  
769  
770 Mr. Rich - The applicant can withdraw the request for the waiver right now.  
771  
772 Mr. LaCortiglia - Go back and revise the first page.  
773  
774 Mr. Rich - No, just cross it off and we initial it.  
775  
776 Mr. Snyder - The final sheet that you sign will need to be accurate to waivers requested.  
777  
778 Mr. Rich - I am not going along with something that shouldn't be approved just because the room  
779 is full of people and everybody is in a hurry to get something done and that is the impression that  
780 I am getting from you Mr. Chairman.  
781  
782 Mr. LaCortiglia - No, I am looking at it as property setback lines are not shown which not our  
783 jurisdiction. I think if you look at site review that it calls for setback lines.  
784  
785 Ms. Evangelista - For zoning we can't even address. If they put something in there and it's  
786 encroaching on the boundary line we don't do that the building inspector would deny it.  
787  
788 Mr. LaCortiglia - It is not a question that we are waiving the setback. What we are waiving is a  
789 dotted line on the plan.  
790  
791 Mr. Rich - That, I have the least amount of problem with.  
792  
793 Mr. LaCortiglia - So can we all be alright with that one? What we are actually waiving there is a  
794 dotted line. Is everyone good with that? Good, that's one.  
795  
796 Mr. LaCortiglia - Going to go back to earth removal and importation. When you go to get a  
797 permit and you're looking for a building permit. Park and Recreation goes before the building  
798 inspector, he will go down the list on the blue sheet for check offs. On that blue sheet is soil  
799 removal and importation and he will either look for a soil importation permit or he will need to  
800 look at the decision from the special permit.  
801  
802 Mr. Rich - So in the decision if it is written that the applicant has represented to the board that  
803 there is not going to be any importation or removal of soil from the site therefore the permit is  
804 not required.  
805  
806 Mr. LaCortiglia - Right, it is exempt. Right?  
807  
808 Mr. Rich - The project by definition is not exempt. The fact that the applicant has said there's  
809 not going to be any import or removal because neither is going to happen no ruling on that issue  
810 needs to be made by this Board. There is a difference in saying it is exempt. Our decision is

811 going to say that because you've represented to us that neither is going to happen you are not  
812 getting a ruling from this board on it. No ruling is necessary from this board.

813  
814 Mr. Mammolette - In Chapter 43, under circumstances where the applicant isn't looking for a  
815 special permit from the Planning Board, would a permit for earth removal and importation be  
816 required and by what board?

817  
818 Mr. LaCortiglia - By the building inspector. However when you go under special permit or  
819 subdivision it is recognized that you don't need a soil importation permit.

820  
821 Mr. Mammolette - If I were to open that (49-3C) and read it, it leads them to believe that if they  
822 were applying for a special permit from the Planning board, that they would not have to comply  
823 with the requirements for earth removal and importation permit as defined in that section. It  
824 throws you and those requirements into the Planning Board's purview under the special permit  
825 process. So I think the way I wrote it is correct.

826  
827 Mr. Snyder - I also see earth removal and importation as if the board waives that requirement, if  
828 it needs to occur in the future, it can't be.

829  
830 Mr. LaCortiglia - One person at a time please.

831  
832 Mr. Rich - Hold on! Wait a minute I am a member of this board and he's not!

833  
834 Mr. LaCortiglia - I am the chair and I have to keep it controlled so Ms. Beaumont can follow  
835 along. If you feel as though you need to go for it then go, rock and roll but Mr. Snyder has the  
836 floor and then you will have the floor.

837  
838 Mr. Snyder - As I understand it the earth removal and importation has a limit to it. There is a  
839 limit to how much can be exported and imported. If operations start occurring on the site and  
840 they say they need to bring in 50 and the limit is 20 then they will have to get a permit.

841  
842 Mr. Rich - Really, is that how you read that? Let me give you an analogy. If the speed limit is  
843 50 miles an hour and it is waived, how fast can you go? Sky's the limit right? If I waive the rule  
844 then it's not effective and why am I explaining this to you? Mr. Chairman if a rule is waived,  
845 then the rule is not in effect.

846  
847 Mr. LaCortiglia - Let's jump over this one and move to another one. I think we have decided  
848 that we are pretty good on the bottom one. How are we on the third one?

849  
850 Mr. Rich - Why are you shutting me off? I want to hear from my colleagues on it.

851  
852 Mr. LaCortiglia - I am not shutting you off. I have come to the conclusion that we will stop that  
853 one and pull it out of the requested waivers. I would like to find where we do have agreement.

854  
855 Mr. Rich - If that's the reason why you're doing it then ok.

856  
857 Ms. Evangelista - He asked about colleagues and I feel that what he is explaining is accurate. I  
858 would rather not have it here because who knows what the building inspector is going to  
859 interpret that to mean. As far as I'm concerned I would rather it not be there at all so that he can  
860 never say oh look we can do whatever we want.

861  
862 Mr. LaCortiglia - How about this - I know there is a motion on the floor to approve the four  
863 requested waivers. Perhaps we could approve the three bottom requested waivers and strike the  
864 first of the requested waivers so that we all have consensus.  
865  
866 Mr. Howard – I withdraw my first motion.  
867  
868 Mr. LaCortiglia - Let the records show that Mr. Howard withdraws his initial motion.  
869  
870 Mr. Howard - **Motion** that the board approve three waivers on the title page; two referring to  
871 Chapter 57 and one to Chapter 165 and removing the waiver request of Chapter 43  
872 requirements.  
873 Mr. Watts - **Second.**  
874  
875 Mr. LaCortiglia - How do we feel about that? It is not an actual revision to the plan it is a  
876 sharpie on a mylar.  
877  
878 Mr. Snyder - Waivers will be written into the decision as well.  
879  
880 Mr. Rich - It is all in the written decision and that prevails.  
881  
882 Mr. LaCortiglia - Before signing it I would cross that out.  
883  
884 Mr. Rich - Mr. Chairman, where this is a public hearing I would like to know if there are any  
885 comments from the public.  
886  
887 Mr. LaCortiglia - Absolutely. Are there any public comments about the three listed waivers?  
888  
889 {The waivers at the bottom of the cover sheet are shown on the screen.}  
890  
891 Mr. Rich - Mr. Hoover, correct me if I am wrong, but I was under the impression that you had  
892 some comments to make.  
893  
894 Rob Hoover - I do but I didn't want the board to get sidetracked. If you want me to respond to  
895 storm water management I would be happy to.  
896  
897 Mr. Rich - Well yes, because once it is waived then anything you say is irrelevant.  
898  
899 Mr. LaCortiglia - Yes please if you have a comment Mr. Hoover.  
900  
901 Mr. Hoover - Why I am here tonight is after the last Planning Board meeting it raised a flag for  
902 me. Being on the school committee and the building committee for the Penn Brook School and  
903 being on the Planning Board for seven years. I care deeply about planning and this is all very  
904 important to me. I looked into this project and it has brought me here. In a broader picture the  
905 current process for how town projects are reviewed and designed and approved in my opinion is  
906 broken and it has been for some time. As a result of that it ends up being the taxpayer's problem.  
907 All you have to do is go back to the history of these projects; a guardrail placed in front of a  
908 hydrant, public works building having to replace the roof, the library with drainage and Penn  
909 Brook with the soil issues where someone dropped the ball. I know everyone is working in the  
910 best interest of the town and this isn't against the project and I hope people don't look at it that

911 way as bad guys and good guys. I hope it is about doing the project right. On the storm water  
912 management issue, I reviewed Mr. Graham's letter from July 16<sup>th</sup> and in it he clearly states that  
913 there will be an increase of storm water runoff to Elm Street. He is your technical review agent  
914 and he works for you. I then called him and asked if I understood his letter correct and he said  
915 yes. I then looked at the drawings myself and what I concluded is that I 100 percent agree with  
916 Larry that there is going to be more water going down to Elm Street. I am aware that the high  
917 point has been taken down and reduced but what has not changed is the water shed. The water  
918 shed division line that sends water to Elm Street is in the same spot with the proposed contours  
919 as it is with the existing contours. That is what the drawing says. Then the existing road is  
920 eighteen feet wide and the proposed road is twenty feet wide plus an additional five feet of  
921 concrete for a sidewalk. That is an additional seven feet of pavement that is not there now. Over  
922 250 lineal feet of road from Elm Street to the high point of the ridge line - that's about a  
923 difference of two thousand square feet or almost a forty percent increase in surface area. So with  
924 regards to storm water, I agree with Larry's technical review letter and I respectively disagree  
925 with the applicant interpretation of the drawings. So I think that is an issue. By adding more  
926 water to East Main Street, the issue that it is a town problem - if what was being designed did not  
927 increase the storm water I tend to agree with you that this is the towns problem but when a new  
928 project comes in and is increasing the storm water flow to East Main Street, then is the applicants  
929 project making the situation worse, that then it is necessary to address. I have more but that is  
930 about storm water.

931  
932 Mr. LaCortiglia - I'd like to focus just on storm water at this point.

933  
934 Mr. Watts - You refer to this as pavement, my understanding is that this is gravel.

935  
936 Mr. Mammolette - That section is paved. I think what he is missing is that upper end of the  
937 parking lot and behind the church most of that will wind up in the back where the way it is  
938 bermed and graded and may not be show perfectly on the plan but if you walk up there - and I  
939 have done it five hundred times is all going to go to the back where it currently goes. I think  
940 what he is saying is that he is worried about a five foot wide sidewalk. I respectively disagree  
941 and have been out there a ridiculous amount of times and I think what I am saying is accurate. If  
942 in fact you want storm water management the question I have is where are you putting it and is  
943 that what really is going to happen. You are going to step beyond ConCom and DEP on storm  
944 water management so that you can propose to put storm water management on something that  
945 already sheds. Granted there are no sidewalks there right now but when it rains on that footprint  
946 some of the water that lands there also lands there as well so it's kind of inaccurate to say that it  
947 will be going there where currently it is not.

948  
949 Ms. Evangelista - But the thing is we've heard this and have told you this too. The burden of  
950 proof is on you. We are not engineers, we rely on our engineers and if what you are saying is  
951 correct then your calculations will prove it. Just do it is what I've been preaching.

952  
953 {Shows on the screen the area she wants calculations for.}

954  
955 Mr. LaCortiglia - I think what I rest assured with is that that's water that is already going there  
956 now. And that will all drain to the back.

957  
958 Mr. Mammolette - It is wrapped around in such a way that the water will go to the front. I think  
959 what we are talking about is enormously small in terms of the change and I contend that more of  
960 it goes to the back now than does presently. The question still is - if you are going to require -

961 what are you asking this applicant to do beyond that? Are you saying we need to put in some  
962 kind of infiltration system at the bottom?  
963  
964 Ms. Evangelista - We won't know until the calculation is done.  
965  
966 Mr. Mammolette - You are saying to capture it and keep it on this applicant's site where  
967 presently it does not. Then what's the point of doing the calculations if it is still going to the  
968 same water shed? It goes down the street to a catch basin or it goes into a brook... I am not  
969 opposed to doing calculation what I am trying to so here is to say...  
970  
971 Ms. Evangelista - Then do it.  
972  
973 Mr. Mammolette - It's not going to show anything that's the whole point! I think you are in love  
974 with the word calculation but you don't know why you're calculating - that is the issue because it  
975 is going to land into what you build from it.  
976  
977 Mr. LaCortiglia - I am going to respectively shut it off. This horse is laying there and has been  
978 beaten so many times.  
979  
980 Ms. Evangelista - Like I said when there's two different opinions then I think you should get  
981 someone else's opinion - maybe Mr. Varga. What's the harm?  
982  
983 Mr. LaCortiglia - There is a motion on the floor and that motion will decide. One of these is to  
984 exempt the drainage calculations with the exception of the gravel and natural surface.  
985  
986 Mr. Howard - **Motion** the board approve three waivers on the title page; two referring to  
987 Chapter 57 and one to Chapter 165 and removing the waiver request of Chapter 43  
988 requirements.  
989 Mr. Watts - **Second.**  
990 **Vote: 2-3: Motion fails.**  
991  
992 Mr. Snyder - To clarify for the public, the super majority vote was needed as this is a special  
993 permit application.  
994  
995 Mr. LaCortiglia - None of the waivers passed.  
996  
997 Mr. Mammolette - What does that mean?  
998  
999 Mr. LaCortiglia - That means you will need to revise these plans to show the setback lines and  
1000 do drainage calculations for all the gravel and natural surfaces.  
1001  
1002 Mr. Rich - I thought we were voting on three waivers.  
1003  
1004 Mr. LaCortiglia - Were we not clear on what we were voting on? You are not going to grant a  
1005 waiver for the setlines being shown, you are not going to grant a waiver about the drainage  
1006 calculations and this is what happened right?  
1007  
1008 Mr. Rich - You put it in a bundle, not me.  
1009  
1010 Ms. Evangelista - You should have done one at a time.

1011  
1012 Mr. Rich - I would move that we reconsider the last motion and reword.  
1013  
1014 Mr. LaCortiglia - Want to make a new clearer one?  
1015  
1016 Ms. Evangelista - You have to take back the previous one.  
1017  
1018 Mr. LaCortiglia - So which ones would you like to approve the waiver of?  
1019  
1020 Mr. Rich - I don't have a problem with the zoning waiver.  
1021  
1022 Mr. Rich - **Motion** to approve the waiver requested referencing §165C under zoning.  
1023 Mr. Watts - **Second.**  
1024 **Motion Carries: 5-0; Unam.**  
1025  
1026 Mr. LaCortiglia - Do we want Mr. Mammolette to revise the plans and show the property setback  
1027 lines?  
1028  
1029 Mr. Howard - No.  
1030  
1031 Mr. LaCortiglia - All in favor of granting the waiver for that say aye.  
1032 **Motion Carries: 5-0; Unam.**  
1033  
1034 Ms. Evangelista - **Motion** to strike the first waiver request from the title sheet.  
1035 Mr. Howard - **Second.**  
1036 **Motion Carries: 5-0; Unam.**  
1037  
1038 Mr. LaCortiglia - Sounds to me Mr. Mammolette that you will have to do storm water  
1039 management and provide drainage calculations for the gravel and natural surfaces. There is only  
1040 about 400 acres there so fire up the computer.  
1041  
1042 Mr. Watts - I thought the issue was from the paved areas, not the natural surfaces.  
1043  
1044 Mr. LaCortiglia - We're talking the whole shebang.  
1045  
1046 Mr. Rich - **Motion** that the site be granted a waiver under storm water management for all  
1047 areas except for those areas on sheet C-3.1 as submitted by the applicant.  
1048 Ms. Evangelista - **Second.**  
1049  
1050 Mr. DiMento - Like American Legion Park you have flow from a parking lot that goes into a  
1051 certain area. There are so many square feet to the road but you have 20,000 square feet of  
1052 impervious soil in the parking lot. Lou just needs to prove water from the parking lot that goes  
1053 down the road is now being diverted to the back section. Wouldn't that say that there is less flow  
1054 - the amount of water in the parking lot is a hundred times more that the amount that is in the  
1055 road? So really all he has to do is show grading.  
1056  
1057 Ms. Evangelista - As you heard it will be different - whether it will be good or not it will be  
1058 different because of putting in a sidewalk and grading on the side.  
1059

1060 Mr. Mammolette - The question is when you look at this is it not clear that the parking lot now  
1061 goes to the back as opposed to the front. Then the question becomes is the park lot smaller than  
1062 the sidewalk? I am trying to be respectful here. I'll do whatever calculations you want.  
1063  
1064 Ms. Evangelista - Then do them!  
1065  
1066 Mr. Mammolette - For the record I am doing it for free. The reason why I don't want to do them  
1067 is because they are not necessary. I'm afraid they're going to show that it's ridiculous to talk  
1068 about the sidewalk. I'm trying to make this clear, the calculations are not relevant! I don't  
1069 understand, it clearly shows that it goes to the back! You know what the calculations are? I'm  
1070 going to measure the area and I'm going to point it this way!  
1071  
1072 Mr. LaCortiglia - So there is a motion on the floor.  
1073  
1074 Mr. Mammolette - Please, I was talking...  
1075  
1076 Mr. LaCortiglia - There is a motion on the floor and it will go whatever way it goes regardless of  
1077 what anybody says.  
1078  
1079 Mr. Watts - Will the calculations show a delta between the current flow on the parking lot?  
1080  
1081 Mr. LaCortiglia - It will show pre and post development and the sub water sheds.  
1082  
1083 Mr. Mammolette - How far back are we talking?  
1084  
1085 Mr. LaCortiglia - The extent of the drawing.  
1086  
1087 Mr. Mammolette - For the purposes of trying simplify this because what you are asking for is  
1088 going to lead to a flow rate which is used to size something you expect to be built. Because if  
1089 it's not then all you really need to do is look at the difference in area that is tributary to East  
1090 Main Street now as existing versus proposed and that is nothing more than drawing the shape. It  
1091 is not the velocity of water; it's not the runoff intensity. That only comes into play when you  
1092 start talking about runoff for the purpose of sizing. Improvements to the storm water drainage  
1093 system which this applicant does not have the money to do so if that is what we are saying then I  
1094 need to know that I need to know that now. Now they may need to request additional funding  
1095 from the town because it's not within the budget. I am not trying to get away from doing it. I  
1096 am trying to show that I want to know if that's really the end position of what you want to do.  
1097  
1098 Mr. LaCortiglia - It sounds like we're moving in that direction. Call DOT for permission.  
1099  
1100 Mr. Rich - I don't think anyone is looking to see what needs to be built. I think we are looking to  
1101 see if something has to be built. It not that you have to go back for more money but if it's the  
1102 right thing to do then yes go back and get more money. Because if there is going to be water  
1103 and if it comes down that hill and if it's going to be a danger to every citizen that goes down that  
1104 street - it's just not right!  
1105  
1106 Mr. LaCortiglia - Let's move to the question. The question is to calculate drainage for this sheet,  
1107 say nay or aye, and granting a waiver for the rest of the property.  
1108

1109 Ms. Evangelista - I think a little amendment should be there that the Conservation Board is going  
1110 to take care of those sheets.  
1111  
1112 Mr. Mammolette - That's what the waiver says on the form on the front page.  
1113  
1114 Mr. Rich - I think the Conservation Board has jurisdiction on the issue. We are giving them a  
1115 Planning Board waiver. We cannot speak for the ConCom. That's why I have no problem with  
1116 it.  
1117  
1118 Mr. Howard - Mr. Hoover, why is it that you agree with Mr. Graham? Why do you think that  
1119 taking away the parking lot is not off setting adding a sidewalk?  
1120  
1121 Mr. Hoover - It is not taking it away from the parking lot. I am looking at the ridge line that  
1122 divides the water shed of the existing conditions and it lines up roughly with the ridge being  
1123 created by those contours.  
1124  
1125 Mr. Mammolette - Would it help to modify the grading?  
1126  
1127 {Mr. Hoover describes where the water will flow on the sides of the ridge line. Shows on the  
1128 screen the high point of existing conditions and the ridge line.}  
1129  
1130 Mr. Mammolette - Which it doesn't do now.  
1131  
1132 Mr. Hoover - Which it does do now.  
1133  
1134 Mr. Mammolette - I think what you are doing now is putting absolute faith in the way the  
1135 contours are drawn right now.  
1136  
1137 Mr. Hoover - Well, I would hope so.  
1138  
1139 Mr. Mammolette - As you know it's not going to be absolute and perfect.  
1140  
1141 Mr. Hoover - It's not surveyed?  
1142  
1143 Mr. Mammolette - It was handed to me as a base survey for when we started the job.  
1144  
1145 Mr. Hoover - Well if you don't have survey information that is accurate then you've got a  
1146 problem.  
1147  
1148 Mr. Mammolette - Come on now. Have you ever been out there? A surveyor surveyed it and  
1149 prepared a base drawing...  
1150  
1151 Ms. Evangelista - I have been out there more times than you fella! I have seven children, three  
1152 grandchildren and we've all been down there!  
1153  
1154 Mr. Mammolette - The other thing is that it can be re-graded anyway you want. If what he is  
1155 saying is true - maybe the ridge line goes that way. I can redraw the thing and move it  
1156 whatever - five feet and get it to go wherever you want. The intent is to have it drain to the back.  
1157 That's what going to happen. If it is not drawn as clear as you would like, I can redraw it. But I  
1158 think what you're doing here it that you are trying to suggest somehow that the desired effect is



1159 not to have it go to the back. If you've been out there the water goes to the front and now it's  
1160 going to go to the back! It's simple!

1161

1162 Mr. Howard - But we need to see it on a plan. Maybe that's why Larry and Bob are both...

1163

1164 Mr. Snyder - Mr. Mammolette, maybe if you were to add arrows with a high point to the ridge  
1165 line, it would help explain everything.

1166

1167 Mr. DiMento - So he could lower the three contours and the ridge lines. The concern was when  
1168 a car comes down you don't want too much of a down slope in the winter. So he could change  
1169 that slope - he can make adjustments. They want to make a gentle grade. We don't own the  
1170 parking lot. We are re-paving the churches parcel and will try to grade the churches parking lot.

1171

1172 Mr. Mammolette - I think what you should do is skip the sidewalk all together and don't do  
1173 anything in that regard and that solves the problem.

1174

1175 Mr. Rich - They can design their project and do what they damn well please.

1176

1177 Mr. LaCortiglia - Ok. We have a motion here. Wendy please read back the motion.

1178

1179 Ms. Beaumont - Motion is that the site be granted a waiver under storm water management for  
1180 all areas except for those areas on sheet C-3.1 as submitted by the applicant.

1181

1182 Mr. Watts - Can the calculations be done on a modified drawing that shows a ridgeline that will  
1183 force water to the back of the property?

1184

1185 Mr. LaCortiglia - We can do anything but that is not in the motion right now.

1186

1187 Mr. Howard - It's probably easier to work with this one.

1188

1189 Mr. Mammolette - We will redraw the proposed contours to make it more clear that the intent is  
1190 for the water to go to the back. I will then do calculations showing pre and post conditions.

1191

1192 Mr. Watts - Would that be acceptable?

1193

1194 Mr. LaCortiglia - It sounds like the board wants calculations done for this sheet. And we could  
1195 ask Lou to revise the sheet before the does the calculations.

1196

1197 Mr. Rich - Before the revises the sheet I would expect he has to do the calculations anyways. If  
1198 he decides at that point and wants to substitute a sheet and put in new grading. If he changes the  
1199 grading then he will have to do the calculations for that. He is arguing in front of us right now  
1200 that this plan is sufficient and if I heard him correctly he's telling us not to have faith in his plan.

1201

1202 Mr. Rich - **Motion** that the site be granted a waiver under storm water management for all  
1203 areas except for those areas on sheet C-3.1 as submitted by the applicant.

1204 Ms. Evangelista - **Second.**

1205 **Motion Carries: 4-1.**

1206

1207 Mr. LaCortiglia - Does anyone want to make a motion to have Mr. Mammolette revise the sheet  
1208 prior to doing the calculations?

1209  
1210 Mr. Howard - That kind of goes hand in hand doesn't it?  
1211  
1212 Mr. Watts - We just asked for calculations on sheet C-3.1. If he provides us with a modified  
1213 sheet C-3.1, that's sufficient isn't it?  
1214  
1215 Mr. Rich - I only made the motion as a courtesy to the applicant.  
1216  
1217 Mr. Snyder - A result of the last meeting was the Planning Board and the applicant agreed six  
1218 issues remained outstanding. Of those six, one of them pertained to the storm water  
1219 calculations. I suggest to the Board that this is the only issue remaining and that the other five  
1220 have been resolved. The issue of storm water management is the only outstanding issue.  
1221  
1222 Ms. Evangelista - Number six (Mr. Grahams point #29) though - isn't that part of storm water  
1223 calculations? Mr. Graham was asking for proposed BMP's for that area.  
1224  
1225 Mr. LaCortiglia - I can show you that on the plan Ms. Evangelista.  
1226  
1227 Mr. Rich - That would be inconsistent with the motion that's already been adopted by the board.  
1228  
1229 Mr. LaCortiglia - It sounds like the motion exempted that.  
1230  
1231 Mr. Rich - No it didn't at all. That has to be addressed.  
1232  
1233 Mr. LaCortiglia - Am I missing something here?  
1234  
1235 Mr. Rich - Is it a calculation on sheet C-3.1?  
1236  
1237 Mr. LaCortiglia - No, it is nowhere near it.  
1238  
1239 Mr. Rich - Mr. Hoover, wouldn't the storm water calculations include any proposed runoff?  
1240  
1241 Mr. Hoover - I believe the way to do it is to find where the water shed divides and I believe it is  
1242 shown on this plan.  
1243  
1244 Mr. LaCortiglia - So we have resolved that it is not on this page.  
1245  
1246 Ms. Rec - I am only speaking as one person on Park and Rec but I cannot believe that this late in  
1247 the game, a year and a half into permitting and spent a lot of time and taxpayers money, that at  
1248 the very end we have to go back and do drainage calculations. I am personally so frustrated.  
1249 Why was this not addressed to Lou to do this? I hear you Ms. Evangelista that you're saying  
1250 what you said before. But why wasn't it made clear? Now we have to go back to the drawing  
1251 board and do all these calculations and pay Mr. Graham again. Why weren't we told and had  
1252 our engineer been told a year and a half into this and we are now just finding out that we have to  
1253 do storm water management?  
1254  
1255 Ms. Evangelista - You should be asking your engineer.  
1256  
1257 Mr. Mammolette - The waivers have been on the drawing for the last four submissions.  
1258

1259 Mr. Rich - Whether the waivers have been on the plan or not, I think Mr. Graham raised all these  
1260 issues on his first review didn't he? So I think Ms. Rec your question should go to your engineer  
1261 and why he didn't do what our consulting engineer told him to do. We already told him long ago  
1262 that this had to be addressed so don't...  
1263  
1264 Ms. Rec - First of all don't make this vicious and don't...  
1265  
1266 Mr. LaCortiglia - Excuse me - let's calm down.  
1267  
1268 Mr. Rich - I am not the least bit upset.  
1269  
1270 Mr. LaCortiglia - I think I have the right to say something I am the chair. There is no profit in  
1271 pointing fingers asking the why and how. The board has made a decision - let's move forward.  
1272 Mr. Mammolette I think you know what you have to do to move forward. I am sure that  
1273 everyone wishes it had gone a little faster but we will move forward with the process and with  
1274 that being said I will now accept a motion to continue.  
1275  
1276 Mr. Hoover - To help this process move forward can I finish my additional comments? I share  
1277 these comments because if they are not addressed now two things are going to happen. We will  
1278 go thru the same process again and if they are not addressed, the town and taxpayers will be on  
1279 the hook for the resolution. The handicap spaces shown are non-compliant with the ADA, the  
1280 row of 21 parking spaces are noncompliance with parking standards, the parking stalls shown  
1281 where guardrails are shown separating the spaces are non-compliant.  
1282  
1283 Mr. Snyder - I will enter Mr. Hoover's bullet points as an exhibit.  
1284  
1285 Mr. Hoover - The handicap stalls the way they are currently marked will need to be signed to be  
1286 compliant.  
1287  
1288 Mr. Rich - This is only designating where they are going to be - signage is not in the purview of  
1289 the Planning Board. It is with the ADA coordinator along with the building inspector.  
1290  
1291 Mr. Hoover - I don't know how you are interpreting the bylaws but they are dimensionally not  
1292 accurate. You are supposed to have one van accessible and an eight foot travel lane. None of  
1293 those reflect that and they are shown as sixteen feet.  
1294  
1295 Mr. LaCortiglia - Lou, what ADA standards did you go by?  
1296  
1297 Mr. Rich - There is only one.  
1298  
1299 Mr. Mammolette - I used standard details from jobs I did in the past and those are the dimensions  
1300 that are on there.  
1301  
1302 Mr. LaCortiglia - Can that be rectified Lou?  
1303  
1304 Mr. Mammolette - There is one point that is an error that needs to be fixed. They didn't shift the  
1305 parking lines - the entire parking lot design needs to be snapped up. I will probably loose or  
1306 modify some of those spaces. We are trying to maintain getting money from the Park grant.  
1307

1308 Mr. LaCortiglia - If you lose a couple of parking spaces and go under 100 then don't we  
1309 disqualify ourselves from a park grant and we would lose the money?  
1310  
1311 Mr. Mammolette - Correct but I still have to change that on the drawing.  
1312  
1313 Mr. LaCortiglia - I would hope we don't drop below that meaning the funding could not come  
1314 from the state.  
1315  
1316 Mr. Mammolette - The changes may not sit well with ConCom. So those 17 spaces may be  
1317 going away because ConCom says you are starting to encroach on the wetlands. I started this  
1318 process by going to the ConCom so they understood the extent of the project so I could get some  
1319 consensus of what we could put and where we could put it.  
1320  
1321 Mr. LaCortiglia - Sounds like we will not satisfy the 100 car thing to get the money?  
1322  
1323 Mr. Mammolette - I can make some of the spaces compact which is not a big deal.  
1324  
1325 Mr. LaCortiglia - I would hope we would do everything we could to maintain that 100 car  
1326 minimum to receive state funding.  
1327  
1328 Mr. Hoover - I've talked with Lou prior to tonight's meeting, this is not about blindsiding  
1329 anyone. The rest of the parking spaces show a guardrail system and it is double sided. This  
1330 means that the cars bumpers comes up to the guardrail and if it is an oversized vehicle, the tail  
1331 will stick out into the travel road and that is a safety issue that needs to be looked at.  
1332  
1333 Mr. Mammolette - We can add a few oversized spaces. That is not a problem.  
1334  
1335 Mr. Hoover - The walk that comes to a handicap ramp ends and it is dumping out into the  
1336 driveway. You can't do that it is a design problem. I would strongly urge you to complete the  
1337 sidewalk system so that it is safe.  
1338  
1339 Mr. LaCortiglia - Is there a curb that we could complete? That's a state highway. Sounds like  
1340 we are doing drainage on the state highway so get ready for five or six years of permitting.  
1341  
1342 Mr. Hoover - The property line against the abutter and the sidewalk - the existing trees along that  
1343 way you will be taking out those big trees and you are going to lose that buffer. For the  
1344 protection of the town you would want on the documents some written understanding that this  
1345 has been approved or you run the risk of the town getting sued. When you look at it closely you  
1346 see that you will be grading on the property line, onto the abutters property and you may need an  
1347 agreement with the property owner.  
1348  
1349 Mr. Mammolette - We had one established - we will get another.  
1350  
1351 Ms. Evangelista - I didn't see the United Foam deed at all.  
1352  
1353 Mr. Mammolette - They gave us the piece of land - a quarter acre.  
1354  
1355 Mr. Mammolette - It went thru town counsel and the selectmen.  
1356

1357 Ms. Wade - We just paid a ton of money for your board to have Mr. Graham, your engineer and  
1358 you looked at all this and none of this was mentioned. I have sat here for an hour listening to a  
1359 citizen go thru this step by step and Mr. Graham already reviewed this. We looked at all this and  
1360 none of this was brought up. Why are we listening to a citizen when we've already paid Mr.  
1361 Graham to do his job and report back to you? There were six final items that needed addressing  
1362 which we did.  
1363  
1364 Mr. LaCortiglia - The reason we are listening to this is because this is a public hearing and every  
1365 citizen has the right to be heard.  
1366  
1367 Ms. Wade - So will all these changes need to go back to Larry again?  
1368  
1369 Mr. LaCortiglia - I would presume that that is for the board to decide. Sounds like Lou will  
1370 make some changes to the plan and provide us some calculations.  
1371  
1372 Mr. Hoover - Not wanting to be perceived as shooting the messenger - these comments I have  
1373 come up with except for the handicap parking, are from Mr. Grahams original letter. There is  
1374 nothing new in what I have put forth.  
1375  
1376 Mr. LaCortiglia - Any other comments from the audience or the board? Perhaps we could  
1377 continue this to another meeting?  
1378  
1379 Mr. Snyder - Next meeting of the board is on December 11<sup>th</sup>.  
1380  
1381 Mr. LaCortiglia - I think we are going to need more time probably.  
1382  
1383 Mr. Rich - How much time does the applicant need to do the calculations?  
1384  
1385 Mr. LaCortiglia - Lou I understand that now you are the water department manager. Will you be  
1386 stepping away from this project?  
1387  
1388 Mr. Mammolette - On a for-pay basis, yes. I have offered to continue this for a not-for-pay basis  
1389 given the fact that no one would touch this - it is my concept, my design and my fight.  
1390  
1391 Mr. LaCortiglia - So you are here on a freebie right now. I presume you would be on a freebie  
1392 when you bring it to the ZBA and the ConCom?  
1393  
1394 Mr. Mammolette - Yes. I am doing it as a volunteer.  
1395  
1396 Mr. Rich - Welcome to the club.  
1397  
1398 Mr. LaCortiglia - How long do you think you'll need Lou?  
1399  
1400 Mr. Snyder - January 8<sup>th</sup> is the first meeting in January which means you can have it to us  
1401 January 2<sup>nd</sup> or 3<sup>rd</sup> and I will get it to the board.  
1402  
1403 Mr. Mammolette - January 8<sup>th</sup> is fine.  
1404  
1405 Mr. Watts - **Motion** to continue this hearing to the January 8th, 2014 meeting.  
1406 Ms. Evangelista - **Second**.

1407 **Motion Carries: 5-0; Unam.**

1408

1409 **Public Hearing:**

1410 **3. Special Permit: Turning Leaf: Definitive Subdivision Plan - First Hearing.**

1411 Mr. LaCortiglia - This is a definitive subdivision hearing. Does anyone need to hear the  
1412 public notice?

1413

1414 Ms. Mann - We are here with a definitive subdivision plan and are seeking approval for the  
1415 property as it is proposed to be subdivided into 24 lots. We have appeared before the  
1416 ConCom to receive our order of resource so we have the properly shown with wetlands and  
1417 those were approved. We have filed for an ORAD. So basically we appeared before you  
1418 previously with preliminary plans that showed 26 lots and this plan has 24 lots. As part of  
1419 this approval we are seeking a waiver for one part of the roadway. We are taking Lisa Lane  
1420 and extending it out to Searle Street. I realize that the time is late and the board probably  
1421 interested in getting to the meat of the matter. We know that we are going to need to fund an  
1422 escrow account for review by the engineer. In addition, we would love to set up a site walk  
1423 to show the storm water management areas that have been incorporated. Ms. Evangelista I  
1424 know you are concerned that we had not provided the proposed drainage locations but now  
1425 we have done so because it is part of the definitive subdivision process. There have been  
1426 some concerns about abutter's access. It is worthy to discuss it at this point. I know you  
1427 received a couple of letters from abutters voicing concerns that we provide a connection. I  
1428 assume the board is familiar with the US Supreme Court decision that you cannot force a  
1429 property to provide a private land owner with a private right. There has to be an impact  
1430 created by that subdivision. You can't give something to an abutter because they want it.  
1431 You have to have impact from the subdivision to create it. There can be none as it provides  
1432 no benefit to the subject property. Even though your bylaws state it, you still have to provide  
1433 sufficient nexus and that doesn't exist with regards to these properties or the allegations  
1434 made. We did review your comments and tomorrow evening we have our first Conservation  
1435 Commission meeting for the notice of intent to show the impact. We are going to ask if it is  
1436 ok with this board, that the ConCom to join you in the site walk so we can address all issues.  
1437 If you could establish a date and time for the site walk we can do that as well.

1438

1439 Mr. Snyder - I coordinated with ConCom and they usually do site walks on Saturday  
1440 mornings. That is something for the board to consider. The Planning Office has received  
1441 some department head comments such as the light department and ConCom. Nothing yet  
1442 from police or fire departments. I did receive an email from the water department that came  
1443 in after the board's packet was distributed.

1444

1445 Ms. Mann - Obviously we weren't able to consider any of those concerns but we intend to do  
1446 so with our next plan. Hopefully we will have heard from the other boards as well. Maybe  
1447 we will reach out ourselves to fire and police so that we can have a more meaningful plan  
1448 because our goal is to get as much information back to you and to be as responsive and  
1449 expeditious as possible. I don't know if you want to go thru the plan at this stage of the  
1450 evening or if you want to set up a site walk or create our engineering review fund.

1451

1452 Mr. LaCortiglia - Perhaps that is where we should start - setting up the 53 G account.

1453  
1454 Mr. Rich - Can we have the town planner, for the record, that all notices were sent out to the  
1455 certified abutters list?  
1456  
1457 Mr. Snyder - Yes they were sent by US mail. Special permit requires a 300 foot abutters list  
1458 and a definitive requires a 100 foot abutters list.  
1459  
1460 Mr. Jeff Litch - I didn't get one and I got one the first time.  
1461  
1462 Mr. Snyder - So you are somewhere between 100 and 300 feet from the property?  
1463  
1464 Mr. Jeff Litch - No, I am closer than that. I live at 13 Lisa Lane.  
1465  
1466 Mr. Rich - The fact that the gentleman is here, we can fix that in our records so that he does  
1467 get future notices. But the fact that he is here shows that he got notice of the meeting.  
1468  
1469 Ms. Mann - The statutory requirement is 300 feet for special permit. He did not comply with  
1470 the subdivision requirement.  
1471  
1472 Mr. Williams - He is outside the 100 feet that is why.  
1473  
1474 Mr. LaCortiglia - Does that explain what occurred there sir?  
1475  
1476 Mr. Jeff Litch - I guess so.  
1477  
1478 Ms. Evangelista - We don't normally send out notices of continuations either, so you have to  
1479 keep in touch with neighbors.  
1480  
1481 Mr. LaCortiglia - At the end of tonight we will continue to a certain date and you will be  
1482 responsible at that point to take note of that so that you can participate at the continuations.  
1483  
1484 Mr. Rich - It is on the website as well.  
1485  
1486 Mr. Rich - **Motion** to establish a 53G account of \$4,000.  
1487 Ms. Evangelista - **Second.**  
1488 **Motion Carries: 5-0; Unam.**  
1489  
1490 Mr. Snyder - From a planning office administrative standpoint there is a 53G account set up  
1491 for the preliminary. So once this is established for the definitive the applicant will request  
1492 those funds to be released.  
1493  
1494 Mr. LaCortiglia - Yes, we will do that once all the bills have been paid for. There is one  
1495 thing that I noticed when I opened the plans. I don't see the list of waivers on the title page.  
1496 In the narrative I see a sheet of waivers.  
1497

1498 Mr. Williams - Yes, we put the list in our application. If you would like it on the plan I can  
1499 add it on the next one.  
1500  
1501 Mr. LaCortiglia - I thought there was something in our regulations that says it must be on the  
1502 front page.  
1503  
1504 Mr. Snyder - As the front page is in the least the one plan that gets recorded.  
1505  
1506 Ms. Mann - We will put it on the front page.  
1507  
1508 Mr. Snyder - Mr. Williams, I think you will have to add in a block area for the registry as  
1509 well.  
1510  
1511 Mr. Williams - Yes, the definitive plans get recorded at the registry. Whatever sheets you  
1512 think will be recorded we will add the block area in.  
1513  
1514 Mr. LaCortiglia - Normally at this point I would ask the board to make comments but it is  
1515 very late at night and you folks have been extremely patient. I am going to ask for public  
1516 comment right now.  
1517  
1518 Ms. Stead - Can someone read the list of waivers they are asking for?  
1519  
1520 Mr. Snyder - It is in the formal application I can send a copy to you as well.  
1521  
1522 {Mr. LaCortiglia reads the requested waivers.}  
1523  
1524 Ms. Stead - Those are to the design itself. One of the things I am concerned about that I  
1525 think I mentioned at the very first meeting is that Georgetown has it's own subdivision  
1526 bylaws and design standards. One of the things that is most concerning to me is it says there  
1527 should be a minimum offset of 125 feet and it goes on to say and this is the part that is of  
1528 concern to me - suitable to the opinion of the planning board as to width and condition in  
1529 running both directions. We are specifically talking about exiting the subdivision onto Searle  
1530 Street - this generally would be an accepted street with a 50 foot right-of-way and a 26 foot  
1531 pavement. Prior to that it says; width and condition running in both directions. Will they be  
1532 going for a waiver for that because Searle Street doesn't run in both directions and is not that  
1533 wide - it is a one-way so I am confused?  
1534  
1535 Mr. LaCortiglia - It sounds like it would be a waiver. We have a technical review engineer  
1536 and he reviews the plans and he frequently points out the points that he sees that require  
1537 waivers and things that the engineer may have missed.  
1538  
1539 Ms. Stead - So a potential safety concern would still be considered for a waiver?  
1540  
1541 Ms. Evangelista - Absolutely.  
1542



1543 Mr. LaCortiglia - That is something that would be brought up by the technical review agent  
1544 and then would be added to this list of waivers that this board would have to consider.  
1545

1546 Ms. Evangelista - He would recommend if it was a good waiver or not and recommend  
1547 alternatives.  
1548

1549 Mr. Snyder - What section are you talking about?  
1550

1551 Ms. Stead - It is section 365-36 (A) design standards - pretty much the second half of it.  
1552

1553 Mr. LaCortiglia - I think what she is referencing is the design standard where a road comes  
1554 out, it must meet an existing road. It sounds as though as it is being read that the existing  
1555 road needs to be the one that is traveled in both directions.  
1556

1557 Ms. Stead - A certain width as well.  
1558

1559 Mr. LaCortiglia - We will need to read that in its entirety and I am sure Mr. Graham will  
1560 point it out.  
1561

1562 Ms. Stead - It is a huge safety concern for the kids and the people who live on the street.  
1563

1564 Mr. Egenberg - I would hope that this board gives as much, if not more scrutiny to this  
1565 project as they have to this last project we just saw and heard.  
1566

1567 Mr. LaCortiglia - I can assure you that we take a great deal of scrutiny to every project that  
1568 comes before us.  
1569

1570 Mr. Egenberg - We don't want this rushed and I would appreciate it if there were enough of a  
1571 look on it so that everyone is satisfied. I know it's late and we appreciate your time and  
1572 thank you for serving.  
1573

1574 Mr. LaCortiglia - I have found that this board feels very little compunction about continuing  
1575 and making sure that every "T" is crossed.  
1576

1577 Mr. Egenberg - There are a lot of concerns with the street and the water loop in town. There  
1578 are four or five big things that are tied into this that goes beyond what we see on paper.  
1579

1580 Ms. Evangelista - Thank you for coming and I hope you attend the rest of the meetings.  
1581

1582 Mr. Egenberg - I do normally watch them. We have a busy little town.  
1583

1584 Mr. Rich - Mr. Snyder, what was the date on the formal application of the East Main Street  
1585 project?  
1586

1587 Mr. LaCortiglia - Perhaps this is not the time.

1588 Mr. Rich - Something was stated and now is the time to nip it in the bud. It was stated that it  
1589 has been three years before this board and it has not been before this board for three years.  
1590  
1591 Mr. Egenberg - That is not what I was implying.  
1592  
1593 Mr. Rich - You know me and no matter whose project it is, it is going to be done and it will  
1594 be done right no matter how long it takes. I don't think anything gets rushed through here.  
1595  
1596 Mr. Snyder - The date was April 2, 2012.  
1597  
1598 Mr. Grosslein - We have a very strong concern as abutters. We live near the cul-de-sac on  
1599 Lisa Lane and we have a beautiful back yard and one of the biggest factors is its privacy so  
1600 we have not been a huge fan of development but understand they have every right. We see a  
1601 house and a driveway that is closer to our property line than our pool is so we have great  
1602 concerns about privacy and potentially losing property value. We will be requesting this  
1603 house to be moved further from our property line. I just wanted to get that on the record.  
1604  
1605 Mr. Snyder - Are you referring to Lot 1 in the Turning Leaf subdivision?  
1606  
1607 Mr. LaCortiglia - Could you show us on the plan where your house is?  
1608  
1609 Mr. Grosslein - {Shows the area on the plan.} They would be jumping from their cars right  
1610 into our pool. Therefore we request them to move it.  
1611  
1612 Ms. Evangelista - Probably that house would be tough to sell too.  
1613  
1614 Mr. Grosslein - Maybe we can discuss with the builder for the proposed moving of that house  
1615 on Lot 1.  
1616  
1617 Mr. LaCortiglia - I can tell you this sir. The planning board has certain authority as there are  
1618 certain building setbacks. It looks to me that the building does meet the setback. It's  
1619 probably something that the planning board cannot order the applicant to do. One of the  
1620 ways that I hope these proceedings go for is the hope that there is spirit of cooperation and  
1621 we can certainly ask the applicant if they could possibly relocate that house. I would ask the  
1622 engineer and the applicant's representative if it is at all possible to move it a little further  
1623 away that they endeavor to do so.  
1624  
1625 Mr. Grosslein - I wanted to have it stated in public record.  
1626  
1627 Mr. Rich - Is it the driveway you are concerned about or the location of the house?  
1628  
1629 Mr. Grosslein - Combination of both. It seems like the house on Lot 1 could be put further  
1630 from our property without it impacting it. Right now it is right on top of our pool area and in  
1631 our very private back yard.  
1632  
1633 Mr. Rich - Have you taken the opportunity to reach out to Artisan Development?

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Mr. Grosslein - Yes, we have spoken to him.

Mr. O'Connell (Artisan Development) - After the public hearing tonight, I will take all these comments and will try to address all these concerns and the changes made will be on the next plan with whatever we are able to accommodate.

Mr. Snyder - For the record the whole application is in the planning office for anyone to look at. Come in and review the full size plans as they are there for anyone to look at.

Ms. Grosslein - I have talked with some of the neighbors in the cul-de-sac and we are a little concerned about the cul-de-sacs and the way the roads coming in and whether it will stay as a cul-de-sac. What is it going to look like as years go by? Property values may go down. I think we need to look at it and address it. Do we leave it like that or add a stop sign? We have children playing out there and there will be cars coming out...what is going to happen?

Mr. LaCortiglia - My understanding is that Lisa Lane is an accepted town road so that cul-de-sac would be an accepted cul-de-sac and that would technically be town property. Would it be possible to have that pavement removed and planted if the applicant so desired and was willing to do that?

Ms. Mann - It is not up to the applicant it is up to the Board of Selectmen to make that decision because the Town owns the property.

Mr. LaCortiglia - Yes of course the Board of Selectmen would have to make that decision to tear up the existing pavement.

Mr. Snyder - Board of Selectmen would also be required as it may re-establishment of the roadway alignment. {Shows on the screen the current and potentially new alignment.}

Mr. LaCortiglia - One of the concerns is that it would go into disrepair. Something to look at is to possibly tear it up which the board of selectmen would have to vote on.

Mr. Egenberg - There is a paving priority in town and it would depend on that as if and when it would fit in. So I don't know what priority Lisa Lane would be.

Mr. Snyder - It would be up to the people on Lisa Lane if to petition the selectmen to remove the pavement from the area and re-seed it. Beyond that I think it would take an action of town meeting if talking about re-aligning layout of the road.

Mr. Williams - Changing the alignment of the road way is not something I think we could do because you would make those lots on the cul-de-sac nonconforming.

Mr. Rich - I've seen this before when it was eliminated only for travel flow but portions remained open for the residents who lived on it. That may solve the problem.

1680 Ms. Mann - Right you measure from the right of way not the pavement.  
1681  
1682 Mr. Williams - Again, it is not up to us. It is for the selectmen to decide.  
1683  
1684 Ms. Evangelista - But it would improve your project as well. I don't think it's a big deal for  
1685 a developer to tear out that little section...  
1686  
1687 Mr. Williams - It is a matter of opinion as to whether it is better or not and I think the  
1688 residents in that area would need to weigh in on that.  
1689  
1690 Ms. Mann - We are not going to say what will improve our value. I understand your point  
1691 but the residents would all have to petition. I don't believe you can make that change  
1692 without all residents agreeing because subdivision approval requires consent from anybody  
1693 affected.  
1694  
1695 Ms. Evangelista - There you go Ms. Grosslein. You've got a job there. Get the neighbors  
1696 together.  
1697  
1698 Mr. LaCortiglia - Sounds like you need to petition the board of selectmen for that.  
1699  
1700 Ms. Grosslein - I just want to make it safe. At this point of time it is not going to be safe  
1701 with the cul-de-sac and then the turning. I disagree if you think it is safe.  
1702  
1703 Ms. Evangelista - Write it up and ask for support from the selectmen. Ask the town to  
1704 request the developer to do it because quite frankly, the town does not have the money. It  
1705 would spruce up your entrance way.  
1706  
1707 Ms. Mann - Again, my point is that the process has to be done.  
1708  
1709 Mr. LaCortiglia - It is very much in the hands of the residents.  
1710  
1711 Mr. Egenberg - I have had a number of residents in that section of Town ask me about Searle  
1712 Street. It is one way now and they have concerns about the traffic coming down the on-way  
1713 and is there a possibility of either widening it or putting in a sidewalk? There is one way that  
1714 is very twisty and turny and hilly and there are kids on bikes etc... going to and from school.  
1715 The question is would the developer consider putting a sidewalk in for that sector? Would  
1716 they consider widening the road a little bit? There are some considerations there that I think  
1717 they need to think about. Those concerns have been brought up to me on a number of  
1718 occasions. Also, the added traffic, traffic noise and quality of life as well.  
1719  
1720 Ms. Evangelista - You can ask for a traffic consultant to evaluate that can't we?  
1721  
1722 Mr. LaCortiglia - We could certainly ask for a traffic study to be done. I think the first thing  
1723 we would want to ask is to ask the applicant if they would be amenable to something such as  
1724 that. There may be some spots with limited visibility as a safety concern. I do remember in

1725 the preliminary a number of traffic and safety concerns raised by the residents. It certainly  
1726 sounds like something we need to focus on.

1727  
1728 Mr. Williams - There were many concerns raised and we would entertain a traffic study but  
1729 it probably would not go that far up the road and it is not something that this subdivision has  
1730 caused. Those conditions exist. Searle Street is a one way and it is windy but it is fairly  
1731 wide for a one way street. It is 18 feet wide so it is not overly narrow, however for our  
1732 impacted areas and areas affected by this project, we would entertain traffic study.

1733  
1734 Mr. Snyder - Are you recommending that the applicant provide a traffic study and the  
1735 planning board review that or are you entertaining the thought of setting up an escrow  
1736 account for that?

1737  
1738 Mr. LaCortiglia - I think it would be less expensive for the applicant if the planning board  
1739 just did the traffic study. As opposed to you having to do a traffic study and then having us  
1740 do another one in the peer review. It sounds like something we will deal with when we  
1741 address traffic issues. I am reluctant to call for it this evening. Maybe that is something we  
1742 should hold off on. Let's hear what Mr. Graham has to say about it and he may recommend  
1743 one.

1744  
1745 Mr. Rich - If I remember right there are supreme court cases that say you cannot make a  
1746 developer improve any of the towns infrastructure other than that which is directly...  
1747 Streets you take them as you find them.

1748  
1749 Ms. Mann - We are going to commission a traffic study. We understand you would use 53G  
1750 to have a review done of that. We will provide you with the response for review.

1751  
1752 Mr. LaCortiglia - Bear in mind that nothing suggested tonight is a demand. I would hope  
1753 that there will be give and take.

1754  
1755 Ms. Mann- There definitely will be.

1756  
1757 Ms. LaPlaca (9 Rosemarie Lane) - My main concern is the water because my neighborhood  
1758 has a lot of water because of Pillsbury Lane subdivision and we are downhill from this.  
1759 What if a year after this and the water doesn't stay on the property in the catch basins? Is  
1760 there any recourse to add more catch basins or a mote or something so I don't loose my  
1761 home?

1762  
1763 Mr. LaCortiglia - I can tell you the state law and regulations allow us to look at a 100 year  
1764 storm event for the project. It has to be able to hold a hundred year storm event. That is the  
1765 maximum storm water retention that we can require. There has been some discussion about  
1766 changing these numbers but by the time these folks file they would be grandfathered.

1767  
1768 Mr. Williams - About our design - we have done a detailed drainage study which compares  
1769 the runoff to the proposed and have shown that we have gotten reduction in runoff from the  
1770 property. The Pillsbury thing has come up a couple of times. There has been a lot of beaver

1771 activity in the wetland area and I know the water levels come up due to the beavers. In  
1772 relation to this project I don't expect that there will be an issue caused by this project and we  
1773 have done a study to show that.

1774  
1775 Mr. Rizza - My concern is the noise pollution. In the winter time with the foliage off the  
1776 trees I can hear the highway and in the summer I can't hear Rt. 95 at all. With them  
1777 developing that whole area that changes the quality of life for us as I will hear the highway  
1778 all the time. It doesn't come up there in the summertime cause of the leaves. Can there be  
1779 some kind of noise pollution study done and if it shows it will increase the noise, can they be  
1780 responsible for putting noise barriers on the highway?

1781  
1782 Ms. Evangelista - I think that is the state puts those barriers up. Mr. Durkee may be able to  
1783 give you a number to call.

1784  
1785 Audience Member - He is correct about the noise.

1786  
1787 Mr. Williams - I am not denying you can hear the noise from Rt. 95 this is not going to - we  
1788 are not cutting any trees between here and Rt. 95 so I don't know how it could affect it. I  
1789 have a vicinity map in the package.

1790  
1791 Mr. LaCortiglia - That would show is where Rt. 95 is located in regards to your house.

1792  
1793 {Map is shown on the screen.}

1794  
1795 Mr. Rizza - My concern is about the noise coming off the power lines.

1796  
1797 Mr. Duncan (46 Searle Street) - Can they explain how these storm drains work. The current  
1798 situation in the stream now goes down my driveway and down Searle Street and wipes out  
1799 her driveway and I am not sure if this will make it better or worse.

1800  
1801 Mr. Williams - It is a hole in the ground that is a detention pond which is designed to  
1802 mitigate the effects of the pavement so instead of the water running off the property it is run  
1803 through the storm water management which cleans it and then it is back into the groundwater  
1804 where it was before.

1805  
1806 Ms. Stead - Does that take into consideration the ledge? Because I noticed that sometimes if  
1807 it hits ledge it does not go into the hole.

1808  
1809 Mr. Williams - We have done test pits in every drain.

1810  
1811 Mr. LaCortiglia - And you are not dealing with ledge?

1812  
1813 Mr. William - That is correct. There is adequate distance between the pond and the bedrock  
1814 and it meets storm water management standards.

1815  
1816 Mr. Grosslein - I know we've talked about traffic studies. To reiterate...

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Mr. LaCortiglia - Let's bring them up anew as this is where it really counts.

Mr. Grosslein - Wanted to bring up the concern of the speed of cars on Lisa Lane and on Searle. We have two of the worst intersections leading into this development on the corner of Tenney and Marlboro and Tenney and Searle. I understand it is not the developers that need to fix the roadways do the work but when will the town take action? We are citizens that are driving through unsafe intersections that will only get worse. Hopefully Mr. Graham will take this into consideration. At some point we as human beings will make some right decisions for safety concerns.

Mr. LaCortiglia - Sounds like we need some very reasonable speed limits to be enforced. The traffic study will look into that.

Ms. Mann- It will not go down there.

Mr. Williams - We talked about Marlboro and Tenney before there is a site issue. I think some of that may be in the right-of-way. It is not something we would anticipate looking at.

Mr. LaCortiglia - Bear in mind that you are creating a new traffic pattern. Due to the fact that Searle Street is a one-way that creates a unique situation. I would be in favor of widening the view of that traffic study so that we could incorporate that one-way and some of the other issues.

Mr. Williams - If you look at Marlboro where it comes out to Tenney - people aren't changing their traffic patterns.

Mr. Ferrazza (50 Searle Street) - Everyone coming out this new shunt will be forced to come down... Everyone else will be forced to come down Lisa Lane across White Pine because it's a one-way and have to go out Tenney. I don't understand how this subdivision doesn't affect that area and it wouldn't be in their purview to do anything in that area because any house that is built there will be going down those roads. Those are the only two options.

Mr. LaCortiglia - I hope the traffic study will take that into consideration because there are a limited number of exits from this.

Mr. Williams - I don't think we will go as far afield as the intersection Searle and Tenney or Searle and Marlboro. I don't think that those are preexisting issues that - they are not going to change.

Mr. LaCortiglia - But we want to look at pre and also post conditions. We would want to look at Searle up to Lisa as well.

Ms. Mann - We look at where the impact is going to be with regard to the subdivision. So you look at whether or not there is safe entrance and exiting and make sure you are going to provide - what kind of impact on the traffic. But we are not creating the issues that exist and

1863 the traffic engineer is going to say if you add cars from 24 homes in a town this size the  
1864 impact is negligible and has absolutely no effect.  
1865  
1866 Ms. Stead - How can you say that when you're adding 50 more cars on it every day?!

1867  
1868 Ms. Mann - Fifty more cars is negligible.  
1869  
1870 Ms. Stead - Not if you live on Seale Street.  
1871  
1872 Ms. Mann - I just don't want expectation that we're...  
1873  
1874 Mr. LaCortiglia - Let's see what the traffic consultant says before we...  
1875  
1876 Ms. Evangelista - It is a suburban area and not a Boston one.  
1877  
1878 Ms. Mann - I don't disagree that we'll look at it but...  
1879  
1880 Mr. LaCortiglia - That will come in the future. It is getting very late I am going to have to  
1881 shut you folks off - this will be the last comment taken.  
1882  
1883 Mr. Rizza - Someone commentated about not rushing us out of here for this part of the  
1884 meeting so I don't think you should rush us out for this part.  
1885  
1886 Mr. LaCortiglia - Sir, I am not rushing you out. What I am doing is...  
1887  
1888 Mr. Rizza - That is what you just said.  
1889  
1890 Mr. LaCortiglia - I am limiting it. It is a quarter after 11:00 PM. I assure you that no  
1891 decision is going to be made tonight.  
1892  
1893 Mr. Rizza - I would like to add about the intersections of Marlboro and Tenney and Searle  
1894 and Tenney. The town has acknowledged those as dangerous intersections. They put up  
1895 dangerous intersection signs. When you pull out on some of those streets you take your life  
1896 into your hands. By adding 75 to 100 cars per day on two roads that have three bus stops on  
1897 it - with potential future development on it if someone buys 18, 19 or 20 they are still going  
1898 to dump onto Searle Street and onto Marlboro. What price is put on the safety of our  
1899 children on Searle Street? At what point does the Planning Board say alright this street is  
1900 going to be a safety issue? We understand the developer is not responsible for outside the  
1901 scope but at what point do we say alright enough is enough? Because there's going to be  
1902 future development off of this development and it will all dump onto the same street.  
1903  
1904 Mr. LaCortiglia - One thing I don't believe is that there would be a point that the Planning  
1905 Board of any community would say enough is enough. I believe that Planning Boards are  
1906 required to look at private land and lay the developers plan against the regulations that are  
1907 already in place. At that point they say whether it does or does not meet the regulations.  
1908 One thing they don't say is this is not a special permit. We can't deny something like that



1909 sir. I know it is difficult to understand and that it is frustrating. This board is not in a  
1910 position to deny too much of anything with respect to something like this because it is  
1911 compliant. Don't get your hopes up that the Planning Board would be able to say "no, go  
1912 away".

1913  
1914 Mr. Rizza - I am not expecting that. But I am kind of insulted when someone says that is not  
1915 a big factor when my kids go to those bus stops.

1916  
1917 Mr. LaCortiglia - Absolutely. Everything that we get - when we get the information from the  
1918 traffic study there will be things that can be done to mitigate any additional hazards.

1919  
1920 Mr. Rizza - When is the Public Safety Board meeting?

1921  
1922 Mr. LaCortiglia - I didn't know we had one. We look at that when we look at the design of  
1923 the road.

1924  
1925 Mr. Rizza - What happens if they decide to sell one of the lots for future development and  
1926 make another cul-de-sac?

1927  
1928 Mr. LaCortiglia - That's how this game is played. That's how it works.

1929  
1930 Mr. Rich - Something that might help - one side of me agrees with you - the other side says  
1931 you are preaching to the wrong choir. You need to take that argument and go to the people  
1932 that set the priorities of where to spend the money in this town that if a road needs to be  
1933 upgraded for public safety you should be sitting at their meeting and say that this road needs  
1934 to be upgraded. We are spending a ton of money on all these projects in town - at some point  
1935 we have to take responsibility for the roads and make them conducive for the life that we are  
1936 bringing into the town. They are building million dollars things in town and you still have a  
1937 street that needs to be widened. The priority of those two projects have been set - they are  
1938 more important than your street. They were not set by this board - they were set by the  
1939 voters of the town. I think to put that responsibility on someone who's trying to do  
1940 something that as the chairman said; as long as they are in compliance they have the right to  
1941 do it. I'd be leading the charge with you that something has to be done. But I would be at  
1942 the next selectmen's hearing saying what are you going to do for us?

1943  
1944 Mr. LaCortiglia - I just wanted to make sure that the applicant had a copy of this from the  
1945 water department. (Communication received this evening from the Water Department  
1946 Superintendent)

1947  
1948 Mr. Rich - As a member of the BOH I can tell you that and this may shock a lot of people.  
1949 Mr. Mammolette and I are on the same page. I am insistent when someone comes in that the  
1950 water has to be looped because something has to help clean up the water in this town.  
1951 Correct if I am wrong but all the dead ends are causing the water in the town to get darker  
1952 and darker and dirty.

1953

1954 Mr. LaCortiglia - I am not sure if everyone understands what Mr. Mammolette was  
1955 recommending. It is a loop that would come out somewhere around 15, 17 or 18 - a stub that  
1956 would come off of the road with an easement that would lead to town owned land and that  
1957 parcel would potentially go to Bayberry so that you would get a flow between North Street  
1958 and East Main. Something to think about. Something I would really, really like to see.  
1959  
1960 Mr. Rich - That is a water quality issue. It would enhance the quality of water.  
1961  
1962 Ms. Evangelista - Can I make motion to continue this hearing?  
1963  
1964 Ms. Mann - Did we talk about the site walk at all?  
1965  
1966 Mr. Snyder - You did not define a date.  
1967  
1968 Ms. Evangelista - I went on the last site walk and they took us up and down and it was so  
1969 rustic.  
1970  
1971 Mr. LaCortiglia - I'd be happy to take a walk but I hope to look at is that you have stakes up  
1972 for the center line.  
1973  
1974 Ms. Mann - We will have it staked, yes.  
1975  
1976 Mr. LaCortiglia - Good then it will be worth the walk.  
1977  
1978 Mr. Mammolette - The question of having the applicant do traffic studies - my experience  
1979 says that often times their evaluations of issues - and there is a question that a lot of people  
1980 have - is there an end point as to where those studies go in terms of making recommendations  
1981 for improvements and will they have access to that or whether they are improvements that  
1982 the applicant is responsible for constructing or whether the town would take those  
1983 improvements. I think that if they understand the process it is important to have the scope  
1984 valuable enough where if someone else and to make the improvements for the town that at  
1985 least the scope is big enough to address that.  
1986  
1987 Mr. LaCortiglia - You are talking about the traffic study?  
1988  
1989 Mr. Mammolette - Yes, so that the study means something.  
1990  
1991 Mr. Watts - More of an integrated study of the traffic flow.  
1992  
1993 Mr. LaCortiglia - I think this board would define the scope of this study and I would hope  
1994 the applicant wouldn't rush out and get their own study done only because I'd hate to see  
1995 them pay for it twice. We would ask for something with a greater scope if the board felt they  
1996 needed it. So I hope you will hold off until we can discuss that type of a study. I would ask  
1997 before we close out to have the board consent to have these plans sent to Mr. Graham upon  
1998 receipt of the 53G account.  
1999

2000 Mr. Snyder - He already has the plan and is waiting for authorization to review it.  
2001  
2002 Mr. Rich - Would my colleagues like to do a site walk as if we continue it might be past  
2003 snow time.  
2004  
2005 {Discussion held in regards to when the stakes are going to be put in.}  
2006  
2007 Mr. Rich - How about on Saturday, November 23<sup>rd</sup> at 8:00 AM?  
2008  
2009 Mr. Snyder - We will confirm with ConCom.  
2010  
2011 Ms. Mann - We will invite them tomorrow night at our meeting. We think we can be ready  
2012 with the revised plan by the next meeting.  
2013  
2014 Mr. Rich - Where are we meeting for the site walk - cul-de-sac on Lisa Lane?  
2015  
2016 Ms. Mann - Yes. Town people can go but have to sign a waiver to walk the site.  
2017  
2018 Mr. Rich - **Motion** to continue this public hearing to December 11th, 2013.  
2019 Ms. Evangelista - **Second.**  
2020 **Motion Carries: 5-0; Unam.**  
2021  
2022 Ms. Evangelista - **Motion** to adjourn.  
2023 Mr. Rich - **Second.**  
2024 **Motion Carries: 5-0; Unam.**  
2025  
2026 **Meeting adjourned at 11:32 PM.**