

Meeting Minutes
GEORGETOWN PLANNING BOARD
August 8, 2007

Present: Mr. Rob Hoover, Chairman; Mr. Tim Howard; Mr. Hugh Carter; Mr. Harry LaCortiglia; Ms. Matilda Evangelista; Mr. Larry Graham, Consulting Engineer; Ms. Sarah Buck, Town Planner; Ms. Michele Kottcamp, Assistant

Absent: None

Board Business 7:00 p.m.

Minutes – May 23, 2007

Mr. Hoover- Opens meeting at 7:05PM.

Mr. LaCortiglia- Motion to approve the Minutes for May 23, 2007 with changes.

Ms. Evangelista- Second

All in favor? 4-0; Unam (1 absent – Mr. Howard)

Master Plan update

Ms. Buck- Our next meeting is devoted to Master Plan and one public hearing - 34 Thurlow Street. We will briefly go over any changes on the sections. For example, the Affordable Housing taskforce has made some changes. The land use section has some changes that I have made. I will go over the economic development section to make sure the strategies are what people have suggested.

Mr. LaCortiglia- CPC update?

Ms. Buck- Yes, I did receive it. I will also email the sections of the Master Plan to the members ahead of time prior to the next meeting.

Mr. Hoover- In summary, the full draft came in on July 11, 2007. Then modifications happened. You can get new information prior to the August 22nd meeting. There will be a presentation of the final version which will be 90% complete. Then there will be one more last shot at final input and the public will have more opportunity to make changes. The last meeting should be in September and needs to be written as the FINAL for an October distribution.

Ms. Buck- The implementation section will not be ready as it is too premature at this time.

Mr. LaCortiglia- I think we can still touch upon the responsible parties for the implementation section even where we don't have the strategies locked down. I think the consultant was a little off on that section of the draft. There are some judgment calls to be made. Will it be open to the public at that point on August 22nd? Will the public then be given until September 22nd (30 days) for comments?

{Board agrees to this schedule}

Downtown update

Ms. Buck- I have been working with Jim Lacey of the Georgetown Business Alliance and he's been looking at creating a downtown business layer overlay that will look at defining the downtown center district and the boundaries and how the hub can be economically strong. I will put some information on what we have been working on in your future meeting packets. I have a questionnaire for the Board that looks at the economic mix and what is spent and where and how we might do that. I have been trying to just be a facilitator when meeting with the Business Alliance Group but I think it is an important function as Town Planner.

Other Business

Ms. Evangelista- Regarding the Bylaw on earth removal - I went searching for information because of the 21E issue. Here is an applicant that is moving soil. We know it is contaminated and we don't know how much is going out. Railroad Avenue is an example of this. What is the procedure for the Planning Board with earth removal? Do we have proof that he filed a 21E? Does the bylaw kick in anywhere?

Ms. Buck- It requires a permit from the Planning Board for earth removal. In the bylaw, it is clear that when it is removed, then we need evidence of water tables, etc. We are the special permit authority for earth removal.

Mr. Howard- It generally refers to large quantities. I think it is a couple hundred yards.

Mr. LaCortiglia- I was under the impression that the Building Inspector issued the permit if it is not already covered by a special permit from the Planning Board.

Mr. Hoover- I would like to see the information put on the agenda for the next meeting. Other Board business is Pulte Homes and the library issue. Regarding Pulte Homes- They have modified the entrance to Parker River Landing and have accepted the modification from the Fire Dept. Regarding the library, the Planning Board wasn't able to advise the committee until the plans were complete. I'd like this not to happen on the potential Park and Ride lot. Can you [Sarah] look into the new satellite parking issue so that we're involved at an earlier point?

Ms. Buck- It has always been talked about as being on state land. I will look into it.

Mr. Hoover- I want to change how town projects happen. There is no coordination with the bigger picture. Then we are put in a very difficult spot and it costs the Town a lot of money when changes have to be made at the construction phase.

Ms. Buck- My annual 2007 Southeastern Planning Conference comes up every fall. The fee is around \$250 with a total of \$500 for the Town including hotel.

Mr. LaCortiglia- Motion to authorize Sarah to attend the 2007 Southeastern Planning Conference in Hyannis.

Mr. Howard- Second

All in favor? 5-0, Unam

Mr. Hoover- Can we put construction reviews from Jack on the agenda to discuss amongst the Board?

Ms. Buck- I did follow up on the projects in the office. Blueberry Lane – I need to call Jack and have him go back out there. I contacted Larry Graham. He said he would look into the detention basin and why it's holding water. Rock Pond- I will check into that. Harris Way- The response from the developer is in your packets and on file. I will put all projects on the agenda for future meetings.

Vouchers & Correspondence

{ Board did not vote on vouchers }

Site Plan Review – Public Hearing

11 Martel Way – request for Modification to approved plan

Ms. Buck- The applicant came before the Board two years ago and received Board approval. Conservation had a problem with the location of the building. Michael Juliano and Constantino Ricci (applicant) are both present. The building has been turned sideways. It was approved with conditions. It started as a 9,500 sq. ft. building and it has now been reduced in size to 7,200 sq. ft. The existing boundaries on the parking lot have remained the same.

Mr. Juliano- After our approval two years ago and our meeting with ConCom, we came up with numerous options. The property is being used by Blandings turtles so the position of the building had to change. It has been moved to the northeast part of the property. The impervious area was reduced by 20%. The wall varies in height throughout the property. This layout has satisfied the Con Com.

Mr. Howard- How is the impervious area diminished?

Mr. Juliano- The area reduced by 24%. We shrunk the amount of development.

Mr. LaCortiglia- Lighting requirements - have they changed?

Mr. Hoover- The bylaw changed. You might want to take a look at that again.

Mr. Ricci- The building materials are the same.

Ms. Buck- The Board asked that the color blend in. From my review, I think this would still come under the old zoning so the new lighting requirements would not apply.

Mr. LaCortiglia- Do you have comments from the Water Dept.?

Mr. Ricci- There is nothing here that is not standard. I have the letter here.

Mr. LaCortiglia- Is external storage allowed?

Mr. Ricci- Steel beams and jersey barriers are what would be stored. You would not be able to see them from I-95 which is wooded 500-600 ft from I-95.

Ms. Buck- They are not looking for a new permit. They're asking for a modification.

Mr. LaCortiglia- I think the Board should consider this.

Mr. Graham- There was a great deal of emphasis on landscaping. No matter the season, you could see the site but not actually discern what is there. Now it looks like you will be able to plant trees along that ridge. The building is lower and landscaping is higher.

Mr. Juliano- There are roughly 9 acres that are under the jurisdiction of conservation. You can not build on it.

Ms. Evangelista- I don't know what was originally voted on.

Mr. Juliano- Shows the Board the original plan that was voted on. We basically pulled in the building and reduced the size of the building because Con Com denied the plan. Also, turtles went on the endangered list.

Ms. Evangelista- Do you have abutters where there might be further development in the future?

Mr. Ricci- It would be impossible to develop.

Mr. Hoover- This property is surrounded by wetlands. Are there any more big trees that you can save? I would want you to locate some of the big trees. Now that the ridge is being exposed, any chance of saving more trees? If there is a large tree one foot from the wall, could it also be saved? We want to know where it is and mark with tape by walking the property. You could take a tape measure and locate any trees that can be saved. We want to know for sure because buffering is a major part of this.

Mr. Graham- I have not been asked to review this.

Mr. LaCortiglia- Water Dept. concerns are considered new conditions and should be attached to the modified permit.

Ms. Buck- I have a suggestion for the modification. They are not allowed to disturb anything off the wall – probably anything less than 5ft off the wall will be lost. Show any trees that can be saved 5ft off the wall (any tree greater than 12” wide) and take appropriate action to save the trees.

Mr. Graham- I would be surprised if we come up with anything negative on this plan.

Mr. LaCortiglia- Motion to grant the modification to the site plan approval for 11 Martel Way with the additional conditions required by the water department and existing trees to be saved greater than 5ft off the proposed wall (any tree greater than 12” diameter) will be preserved.

Mr. Hoover- Per the plans dated May 2nd and May 3rd contingent upon meeting town water requirement and preserving all 12” diameter trees 5ft or greater from the wall.

Ms. Evangelista- How are you going to haul long steel beams?

Mr. Ricci- If you looked at what we use, you would think no one was there based on gas, light and water.

Mr. Carter- Second
All in favor? 5-0; Unam

Mr. LaCortiglia- Motion to close the Public Hearing for 11 Martel Way.
Mr. Carter- Second
All in favor? 5-0; Unam

Continued Preliminary Plan **Pond View**

Kevin Borselli and Scott Green are present. Scott is the current owner of the property. Mr. Borselli (engineer)- I could not be here at the last meeting. The proposal is a 7 lot subdivision on Pond Street. What we have done is designed a 7 lot subdivision meeting all the rules and regulations. General grading and stormwater management is shown. This land is very hilly. We have a general flow for drainage from North to South. The arrows on the plans show the drainage configuration. He points to it on the plans. This is where the majority of runoff will go during a storm. The proposed drainage is to consist of subsurface detention chambers rather than detention basins based on my discussion with the planner. We will run a drainage analysis to understand how well these will operate as well as how large they will need to be. Mr. Graham has made some very good suggestions to reduce impervious surfaces. He suggested we reduce the width of the pavement. All of his comments are doable – we have no problem incorporating them into the plan. Just one item to address is the 100 year storm water overflow that could happen in a 100 year storm. Our intent is to meet that with this design with the incorporation of the subsurface chambers and infiltration. We would like to disperse the overflow from where it is currently going now and not change the flow patterns of the property. Mr.

Graham said over time that if maintained well, over time they will last for many years. We would like to size these systems above and beyond the 100 year storm if the Board deems necessary. My client's concern is that he doesn't have an avenue to pipe the overflow down to. Perhaps we could get an easement to run down to Lake Ave. Perhaps we could have a discussion on the overflow avenue if it needs to be incorporated. We would like conditional approval of the preliminary plan.

Ms. Evangelista- The water is the biggest issue. Do you ask an abutting property to put a drain from their property to yours?

Mr. Borselli- The drain would be fully designed so it would be above a hundred year storm that Mr. Graham would agree to. You could have a 5" in. storm in 24 hours and the pipe would not see any water under the rules and regulations.

Ms. Evangelista- Is there water running to the northern section?

Mr. Borselli- Very little. Our intention is to demonstrate the reduction of the water runoff off-site by implementing stormwater management..

Mr. Carter- No comment.

Mr. Howard- What is the storm water drain? What is involved in maintaining that?

Mr. Borselli- They are upside half moon shape chambers that overlap and maintain a strong structure. It creates a volume underground so the water makes contact with the ground that it is within. The storm water will come through the row of chambers and get trapped by the filter fabric that the chambers are wrapped in. There's a machine that will clean out the chambers on a periodic basis.

Mr. Howard- Who is responsible for maintaining that?

Mr. Borselli- Homeowners Assoc.'s in other towns maintain it once the roadway has been accepted. In the past it's been the DPW or the Town itself.

Mr. Howard- I wouldn't count on the Town maintaining it because they don't dig down deep enough into the basins. I would be concerned if the Town is made responsible.

Mr. Borselli- Is there precedence?

Mr. Howard- I am not convinced that who the Town hires will do a good job. If the overflow is dumped somewhere else, is it possible for the overflow to run in to the wetland without causing a hardship on one of the homes?

Mr. Borselli- We will look at the grading in that area to handle that.

Mr. LaCortiglia- I am looking for the waivers you are looking for.

Mr. Borselli- We are asking for NO waivers.

Mr. LaCortiglia- If the subsurface infiltration basins get to a point where the bottom is impervious, the pipe of the abutter is directly going to take it all.

Mr. Borselli- This plan will change a bit. We will incorporate some changes where that would happen per Larry Graham's comments. He points to the map to show the flow. I have not seen a failure of these systems in other projects over time.

Mr. LaCortiglia- How does the Town police this to make sure the responsible party maintains the pipes?

Mr. Borselli- No one has come up with a law. A letter is typically sent to the Town Planner or Con Com that the maintenance has occurred.

Mr. Howard- It may be that the only way it is handled is that the homeowner contacts the Town when there is a problem. There just needs to be a procedure in place.

Mr. Green- Would it help if I put the burden on the neighborhood association to have annual inspections? I went to see my neighbors.

Mr. Howard- Perhaps you can get an approval for the easement for the overflow.

Mr. Borselli- In the event that we incorporate storm sceptors and cleaning mechanisms there, we would make sure it is acceptable to the abutter. Perhaps we should also talk to Con Com. There is minimal drainage there.

Ms. Evangelista- The only pipe I am aware of is the one that goes across the street to the front yards of the abutters.

Mr. Borselli- We will look at that and incorporate that in the definitive plan that we come back with.

Mr. Hoover- I'm concerned about the cul-de-sac design and landscape that is left over - please look at that. I suggest that you could turn that area into a rain garden. The other issue I have is the rebuilding of the stone wall as part of public road. Use the tax maps to show abutting the homes. Existing vegetation lines are not currently shown on the plan and show what kind of buffers we will have. The street tree requirements were addressed the last time are not on these plans. Design that together with the street lighting. On the new plan Tim has an excellent suggestion and if there is property owner that you get an agreement for a pipe easement, that would be great. What was the reasoning for a subsurface infiltration system?

Mr. Borselli- A subsurface infiltration system has better performance and longevity. It was suggested at the time of the preliminary plan and I agree with the suggestion.

Mr. Graham- I recommend that the subsurface could function just as well. I would agree that as long as you have the first line of defense in the catch basins, then the subsurface would function just as well.

Mr. Hoover- I am leery of the underground approach and the Homeowners Association having to take care of them. I prefer the surface you can see. However, if Larry is in support of this, then I can go with that. The homeowner's covenant would be important. The draft of the Deed should state that there are yearly inspections and there is a letter that is sent back. If it is not, there is a penalty enforced by the Town. There will be no cost to the abutters. He references Larry's letter, Page 1 item 7- I think that would be a good idea just in case there is a trail system and you want to create a sense of neighborhood.

Mr. Green- It is private property and a considerable expense.

Mr. Hoover- Larry, explain item 2 #13.

Mr. Graham- Water resource district- the Planning Board is not the granting board but it is ZBA. You have to leave 30% of that area in its natural state. I want to see that represented on the plan.

Mr. Hoover- [To the applicant] Please highlight it and clarify it.

Mr. Borselli- It will be difficult to define it. It is either 300 or 400ft. off of the pond itself. We'll have to do some investigation to determine that.

Mr. Hoover- What is the material at the eastern contour line?

Mr. Borselli- It is a stone riprap.

Mr. Hoover- I would like to see that with a good buffer.

Public Comment?

144 Pond Street resident- One concern with directing things to the wetlands is that it is a certified vernal pool. I don't think Con Com would approve that. One thing I remember about the existing house at 102 Pond Street is a well that is being used. The Board of Health has recommended on how that is to be sealed. The general consensus by the neighbors is that they were in favor of underground infiltrators rather than surface water. Last comment is that there is a catch basin right near Murray's house on Lake Ave.

Mr. LaCortiglia- Can you check the location and the design of the catch basin?

{Mr. Borselli and Mr. Green agree to do so}

Ms. Buck- Regarding the width of roadway, it is a 26' paved width serving 7 lots. We allow a 20' width for a Lane that serves up to 5 lots. Considering this road will not be extended, the Board could discuss this issue. {Hugh, Rob and Tim would be in favor of the 20' width of the road recommended by Larry Graham.}

Mr. LaCortiglia- I would not be in favor of that width. It is drawn to the regulation and this is what the voters want. I don't see how we can recommend reducing the size.

Ms. Buck- That is a legitimate concern. However, you are elected by the voters to make these decisions. In the Planning Board's opinion, it is not any harder to maintain the 20' rather than a 26' width of road. The Town has to pave the road in 10 years and less pavement means that it will save the Town money. We get the same Chapter 90 money.

Ms. Evangelista- What will the Town gain by narrowing it?

Mr. Graham- 3,000 to 3,500 sq. ft.

Mr. Hoover- Pavement is bad and increasing the landscape is good.

Mr. Borselli- We understand the concerns of the Board regarding the runoff and width of the road.

Mr. LaCortiglia- Wet or dry bottom basins?

Mr. Borselli- Dry bottom basins.

Mr. Graham- This 8 page report is lengthy because enough information was provided to me by the applicant to meet the Board's expectation. I want to make a point that there is a drainage issue until we are all satisfied. I would stay in the process as a preliminary and go to the next level with respect to the drainage. It saves the applicant fees in having to come back. Rather than push for approval tonight, I think the Board would feel more comfortable if you come back.

Mr. Hoover- It would be best to take care of these issues and come back. I agree with Larry.

Ms. Buck- There was notice to abutters but not required by law. We could continue until Sept. 12th.

Mr. Green- Regarding the road width- which way should it go?

Mr. LaCortiglia- A larger surface area would make things better for the abutters.

Ms. Evangelista- I would consider eliminating the lot where you have that drain plan. You are eliminating the full use of the property for that owner.

Mr. Green- I am lessening water going on the property of the abutters by reducing the width of road and adding infiltration chambers to absorb the water.

Mr. Borselli- My understanding then is that we go to a 20' width of road and design chambers for 26'.

Ms. Evangelista- Motion to continue the preliminary plan for Pondview Estates to September 12th, 2007.

Mr. Carter- Second

All in favor? 5-0; Unam

Continued Public Hearings

Stone Row

Mr. Jeff Tucker (landscape architect)- For the most part we are saving most of the trees. We are putting a boulder at the front. We want to dress it up a bit.

Mr. George Agganis- He points to the trees that will remain along the curvature of the road.

Mr. Halleran (engineer) – Changes would include reducing the drive to 16' wide from the cul-de-sac to the first set of driveways. Then it will go to 12' wide. We have curved the road in such a way that the landscaping blocks any view of the pond. There are a lot of evergreens at the entrance to block all year round. The lighter green area shown on the plan will be additional screening landscaping. The darker green area shows existing vegetation that will remain. Sheet 9 of 10 in the packet shows the species of trees. He describes the species of trees to be planted and they are referenced on the plan. The first 50 ft. will be dressed up at the entrance.

Ms. Buck- A large stand of pines was to be planted as a buffer to I-95. That drainage basin is lower than the trees.

Mr. Halleran- If you look at the curvature of the road, I widened it on the right.

Mr. Agganis- We turned the road to pick up the drainage area and protect that tree line.

Mr. Graham- My report is new tonight. There are two major revisions to this plan. Three parcels with no open space parcel are what is shown on the current plan. All the land is individually owned with restrictions. Regarding the landscape plan, my recommendation is that the river birch will have to go away. Use of hay trucks- the radius's need to be increased for the vehicles to get to the horse farms. I also recommend a slight change to the purposed conservation restriction. Prior to the previous plan I suggested the open space should be extended. You would not want fences or pasturing in this area of the wetlands so it's best to include it in the waivers. Bituminous berm is there. {Report on File}

Mr. Halleran- I am afraid of it eroding.

Mr. Graham- If you can put a 2' gravel shoulder on each side instead is what I suggest. We are satisfied with the drainage. Increase Conservation restriction on Lot 2 and change the open space. These items are significant. (Refers to page 7 of technical review that is on file in Planning office)

Mr. LaCortiglia- Could you make it clear on the open space so that someone in the future can see the line on the plan?

Mr. Graham- It can be shown on the plan on sheets 3 and 4. Conservation line comes across Lot 1 and 3. That line can be highlighted.

Mr. LaCortiglia- How do the homeowners know?

Ms. Buck- I spoke to Con Com. They have not had time to decide. They are looking favorably upon holding Conservation restriction. They recommend that every 50 ft they use stone markers except in the wetland. They have to work out the conservation restriction with Con Com. Con Com can specify the bounds.

Mr. LaCortiglia- You might want to consider putting bounds there. Who's holding the CR and who maintains it?

Mr. Conte- I went to the Conservation Committee meeting and they talked about deeded restrictions for areas not covered under conservation areas now from the designated line to the end of the property line. These boundaries will be delineated in the Deed and recorded. They can police it.

Mr. LaCortiglia- The CR is in perpetuity. I need clarification. Who's holding the restrictions?

Mr. Agganis- It is all spelled out in the open space plan. Con Com is favorable on their side. We will do what they want us to do.

Mr. LaCortiglia- I prefer a CR and have bounds that people can see. Is there a Homeowners Association?

Mr. Agganis- We put it in there with the attorney. The covenants will roll over into the homeowner's association covenants. The only thing I thought would be better is that Con Com would be stewards of this property.

Mr. Howard- My concern is if the homeowners are satisfied with this and if they have been adequately communicated with? Regarding the horse farm exclusion from the covenants, are the residents okay with that?

Mr. Agganis- I was away but did try to call residents or the liaisons of the neighborhood. We exempted the 4 acre lot as a horse farm.

Ms. Buck- Points to the yellow on the plan which is conservation restriction area. The concern was the 7 acre parcel and the developer wanting to sell it as a horse farm.

Mr. Howard- I think the owners would like to have a limitation on the number of horses on the farms and the addition of the knoll. I feel there has been a break in the communication.

Ms. Buck- Last comment – I would like the flagging of the detention basin. Within 50 ft of right way you could have the construction review agent flag trees that could be written into the permit.

9 Stone Row Lane resident- There has been a breakdown in communication. It was agreed to be 3 lots. The open space was to be deeded to The Essex Green Belt Association for a one horse lot with restrictions on the number of horses. The lot sizes have increased since then. Mr. Agganis said he would meet with us and that has not happened.

Mr. Tim Ruh, resident- I think they made an effort. I received the plans on Saturday but couldn't meet with the neighbors. We had trouble reading the plans. We talked about a homeowner's association. We would like this group to approve the house plans, not the developer.

3 Stone Row resident- Regarding the knoll – as I walk down the end of the street, there is significant noise there. What is the knoll? Will it be a buffer?

Mr. Halleran- If you can't see it, you can't hear it. There is a high point on the road, you would hear some noise only. Vegetation acts as a barrier. The knoll provides a noise shadow.

2 Stone Row resident- One of the concerns is the horses and cutting more trees.

Mr. Hoover- you need to get it together. It is important that you get on the same page. I suggest you get together one time to get on the same page and just hammer out the details.

Mr. Agganis- We have done everything that the Board and the neighbors have asked. They got the plans too late and the abutters did not review the plans.

Mr. LaCortiglia- I make a motion to extend the Public Hearing to the second September meeting.

Mr. Hoover- Regarding the approval of the house plans- Does the Homeowner's Association review them or the developer?

Mr. Tim Ruh- We are thinking the homeowners should be able to review the house plans on the 3 lots.

Mr. Agganis- We just mirrored the original covenants.

Mr. LaCortiglia- Motion to continue the Public Hearing for Stone Row to September 26th, 2007 with the understanding that this list [following] will be generated and provided to the neighbors of Stone Row for their approval.

Mr. Carter- Second

All in favor? 5-0; Unam

Mr. Graham- Lists the points:

16' paved road with 2' shoulder

Fire Dept letter has not been received with comments – Sarah agrees to obtain the letter

Location of hydrant and flares on the driveway to be indicated by Marty Halleran

Draft of conservation restriction - the applicant is responsible for getting the CR and then having it reviewed by the Board.

Revised conservation lines- moving the line extends it along the wetlands to protect it
16' width of road needs to be approved by Board

Relocate Birch tree

Mr. Hoover- The one thing you have not done is get together with the neighbors and be on the same page. You need to get a majority approval from the neighborhood.

Mr. Graham- Reads Deed – you (the applicant) would still own Stone Row as it states. You should fix that as you do not want to own the extension.

Mr. Hoover- Lastly, the driveway for the abutter is to be buffered.

Blarney Court

Mr. Halleran- Distributes a memo to the Board to be reviewed for the next Hearing.

Mr. Moylan (applicant)- At the last meeting there were two questions. One was from the Fire Dept and one from the Water Dept- both of which have been resolved and are reflected on the new plans. Larry Graham's comments were not given to us until the night of the original hearing. This is a huge financial hardship and penalty to us.

Ms. Buck- Larry will get plans tonight from us.

Mr. Hoover- The revised drawings were submitted Monday, August 6th. What is Larry's expected time frame?

Ms. Buck- Usually one additional week prior to the Board receiving their packets.

Mr. Graham- I presume I will not have a lot to say in my next report and you will have ample time to review my comments.

Mr. Moylan- The sight distance issue was brought up. I want to be sure the current regulation for clear sight distance (365-37H) is used. I met with my lawyer and he informed me that we should be using the amendments in the Regulations adopted October 25, 2000. Minimum sight distance for a Court is 120' @ 20 mph.

Mr. Graham admitted there was an error. 120 ft within 20mph is standard, but that this intersection is at a higher speed.

Ms. Moylan- we are willing to cut the hill back to 250ft. on the drive. At some point we have to be reasonable. We are not fighting neighbors on this.

Mr. Howard- I don't see the cutback as the only issue.

Mr. Moylan- I met with John Durkee who said he had not problem with the plan. I saw the fire chief and he said he would send the approval letter to Sarah.

Ms. Buck- It is a big deal to cut back one of the major roads in town.

Mr. Hoover- I am sorry you have to go through the financial hardship. We are trying to do what is in the best interest of everybody.

Mr. LaCortiglia- Motion to continue the Public Hearing for Blarney Court to September 26, 2007.

Mr. Howard- Second
All in favor? 5-0; Unam

Executive Session: {Executive Session meeting minutes are filed in a confidential file in the planning office}

Mr. LaCortiglia- Motion to go into executive session to discuss litigation stipulating that the Board will not return to public session.

Mr. Howard- Second

Mr. LaCortiglia- Yes

Mr. Howard- Yes

Mr. Carter- Yes

Ms. Evangelista- Yes

Mr. Hoover- Yes

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Mr. Howard- Second

Mr. LaCortiglia- Yes

Mr. Howard- Yes

Mr. Carter- Yes

Ms. Evangelista-Yes

Mr. Hoover- Yes

Ms. Buck- 83 Baldpate Road would like a zoning freeze for 8 years. Kopelman & Paige needs to respond tomorrow. He thinks we acted properly. Ms. Buck indicates that she could not see any way to compromise. Are you [Planning Board] comfortable with compromising? And what about compromising 8 years from today? They are creating hardship.

{The Board rejected the offer of a compromise from the applicant.}

Mr. LaCortiglia- Motion to adjourn at 10:55PM

Mr. Howard- Second

All in favor? 5-0; Unam