

GEORGETOWN PLANNING BOARD MEETING
Meeting Minutes
March 28, 2007

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

Absent: none.

Mr. Hoover opens meeting at 7:05 PM.

Board Business 7:00 p.m.

1. Minutes: 2/21/07 (special meeting)

Mr. LaCortiglia- Move to accept the Minutes from 2/21/07 with corrections.

Mr. Hoover- Second

All in favor?

3-0; 2 abstentions (Mr. Moultrie and Mr. Carter)

2. Blueberry Lane – release of covenants

Ms. Buck- Applicant is looking for a release of a single lot from a 5 lot subdivision. Fred Thompson is here representing the owners of Blueberry Lane. There are a couple of releases from old covenants from previous projects dated 1980 and 1987. They want to clean up the old covenants. They are looking for 3 releases. My main concerns are: At what point does the Board want to take a tripartite agreement or performance bond and the other is that we are asking for a tree restriction on one of the Deeds that is part of the original permitting of the lots. You also have an estimate for the completion of work to be done on this subdivision.

Mr. Fred Thompson, Applicant– We are looking for the Board to release the one lot as a sale is pending. The project is substantially complete. In the fall, we will put the finish coat of asphalt. Curbing and sidewalks are in. Water service and sewer and drainage are done. We are asking for the release of just one lot tonight. The Board will have the security of the 4 additional lots moving forward ensuring our completion for the balance of the work. The covenant covers the entire project.

Mr. Hoover- I have a couple questions. Are the trees consistent with drawing C-8?

Mr. Thompson- Yes. Lot #1 is the lot we are asking you to release tonight and that is the Deed for Lot 1. The addresses will be the same as the Lot #1. Blueberry Lane will be Lot 1. I have the plans here. Do you need help with the old covenants? There is a blemish on the title of the 1987 covenant. There were no improvements or utilities or the road to be built. No one ever asked for the Form K to release the lot and they have been hanging out there for 20 years.

Mr. Moultrie- Bill Ingraham was the original owner of Blueberry Lane.

Mr. Hoover- Bill Ingraham thought they had an agreement with the original owner that would be given right of way to their property. It was all verbal.

Mr. Moultrie- It is strictly between the owner of Parcel A and Parcel B.

Mr. LaCortiglia- If the Board required access into a new subdivision to back land which did not have existing access, we could not compel an easement?

Mr. Moultrie- No. This Board could require that it be put in there during consideration of the approval. You have to leave a 50 ft. access strip. It would be granted by the developer and he still retains title to it. He is granting access to the property. The length of road would be exceeded. Jack references the example with the Pillsbury Pond subdivision. They found a different way to configure the 50 ft. access strip. It becomes a private business deal between the developers.

Ms. Buck- It could also be permitted as part of a public way easement.

Mr. Moultrie- They typically shorten up the road so it's not part of the right of way but it is a private deal between the two parties.

Mr. Thompson- I did have conversations with Mr. Ingraham and we came to an impasse.

Mr. Hoover- Did he [Mr.Ingraham] talk to you [Mr. Thompson] that he had an agreement with Mr. Ford on the Blueberry Lane Subdivision that he would be provided access to his property?

Mr. Thompson- No, he did not.

Ms. Buck- Are you comfortable releasing one lot without a tripartite? We still have 4 lots.

Mr. Moultrie- Lots are valued at \$100,000 per lot. There's plenty of security there.

Ms. Buck- Estimated outstanding work to be done is approximately \$38,000.

Mr. Hoover- I want to make sure that this tree protection wording will go on the other deeds as well.

Mr. Moultrie- I move that we approve Form K Release of Covenant and that the Planning Board certifies that all lots are hereby released from the restrictions to sale specified in a covenant dated December 3, 1980 and recorded in Essex South District Registry of Deeds, Book 6796, page 662. Jack reads entire document. {Copy of Form K is on file}

Mr. Carter- Second

Mr. Hoover- It s been motioned and seconded . It is hereby certified and recorded in the Essex South Registry of Deeds entitled, Vineyard Lane.

All in favor?

4-0; Mr. LaCortiglia abstains

Mr. Moultrie- I move that we approve the Form K Release of Covenant and that the Planning Board certifies that the one (1) lot is hereby released from the restrictions to sale specified in a covenant dated October 29, 1987 and recorded in Essex South District Registry of Deeds, Book 9257, Page 95. Lot on Plan is entitled, Blueberry Lane.

Mr. Carter- Second

All in favor?

4-0; Mr. LaCortiglia abstains

Mr. Moultrie- I move that we approve the Partial Release of Covenant specified June 14, 2006 hereby certifying that the following lots are hereby released from the restrictions to sale of Deeds, Book 26016, page 131. Owner of Lot 1 of the Blueberry Lane Subdivision is William and Maureen Ford.

Mr. Carter- Second

All in favor?

4-0; Mr. LaCortiglia abstains

Ms. Buck- I would like authorization for a notary to authorize these Form K's.

Mr. LaCortiglia- I motion to authorize Sarah as a representative to obtain notarization on the 3 Form K's approved by the Planning Board.

Mr. Carter- Second

All in favor?

5-0; Unam

Whispering Pines (affordable housing, plowing)

Ms. Buck- Mr. Longo left me a voicemail message that he would not be here tonight. You all have the minutes from the Whispering Pines Subdivision conversation. There was a long discussion on the completion schedule for Whispering Pines. Part of that schedule was the completion of that duplex in July. There is no foundation on Lot 14. Several weeks ago he stopped by the office. It is not going as planned even though he spent a lot of time thinking about it. We have nothing in writing from him. The same

issues keep coming up. The last time we had an agreement and if that agreement is not honored, the Board needs to take action.

Mr. Hoover- He reads from the meeting minutes dated, October 25, 2006. (Copy of Minutes on file). Mr. Longo says in the minutes that no time table was initially set. The Minutes then state that Mr. Longo commits that he will complete by July 1, 2007. While it wasn't put in writing, everyone was on the same page at the meeting.

Mr. Moultrie- It is my opinion that we send a message that we will not tolerate this. We shut this whole thing down. He has left the road in terrible condition with plowing. I am disgusted and we need to take strong action. He assured us he would take care of it. I need to get a release of liability so that we can take care of the plowing and have him pay out of his account. I will consult with Town Counsel at this point. We can't leave people hanging like this.

Ms. Buck- There are several lots there that still need permits. We could send a letter to the Building Inspector that no more building and/or occupancy permits can be issued on the subdivision and a copy will be sent to the applicant that we have been as fair as we can.

Mr. LaCortiglia- Who owns the lots?

Ms. Buck- The developer. We are not hurting a buyer by doing this.

Mr. Howard- Has he paid the Town for road improvements?

Mr. Moultrie- Yes, he has complied with that.

Mr. LaCortiglia- The last time I spoke with the Affordable Housing task force, they were against the developer buying a lot off site as the Affordable Housing unit.

Mr. LaCortiglia- I motion to have Sarah issue a memo to the Building Inspector to withhold the building and/or occupancy permits on any remaining lots for Whispering Pines.

Mr. Moultrie- Second

All in favor?

5-0; Unam

Ms. Buck- One last comment. Mr. Longo should not be allowed to comment on old issues. He should put in writing all of his future agenda items. I will put that in writing and send a letter to him.

Public Hearings

8:00 p.m. Pine Meadows

Ms. Buck- Sarah reads the Pine Meadows Public Hearing notice for an Open Space Residential Concept Plan and Preliminary Subdivision Plan.

Mr. Theo Kindermans of Geller DeVellis Associates and John Kiely of Hawthorne Development(applicant) are present for the Pine Meadows Public Hearing. Representing the applicant is Mr. Sean Boulger of Wilmer Hale in Boston.

Mr. Boulger – The site is at North Street and Wells Avenue. I will walk through the plan and discussions we had with neighbors. We submitted a yield plan in the application. There are 26 lots. There are 2 bank crossings. The yield plan represents good planning and would result in an open space plan which is 21 lots. Wells Avenue constitutes a dead end. With 21 lots, our interest is to get neighbors' approval after talking to them. We are still having discussions with neighbors and are now looking at a lower density using 15 lots. We have also submitted an 18 lot subdivision for the Board's consideration. It does not have the road connecting Wells and North Street. We have submitted it because it has two cul-de-sacs. There is no crossing of the banks or the wetlands. This is an alternative plan and it requires a waiver because of the length of the road. The first 400ft. will have no houses on that side of the street. In order to proceed, we ask that the Board consider the yield plan we submitted and the project will contain no more than 15 lots. There is a public benefit. We had discussions with the school department and want to contribute funds to the schools. This project will have a positive impact on the schools. And there is a substantial area of open space. This plan would not have any wetland crossings.

Mr. Hoover- We will open to the public for questions then go to the Board.

Elaine McCann and husband, 24 Wells Avenue resident- We have not had any conversations with a representative.

Mr. Theo Kindermans- Scott Cohen has had discussions with the Wells Avenue representative who lives at 7 Wells Avenue. He is now in Alabama but was to disseminate the information to the neighbors. He is not an abutter.

22 Wells Avenue resident- I have not heard anything. This is the first I heard of a meeting for the last year. I would like to know what's going here?

569 North Street resident- They didn't talk to us here or at our homes.

23 Wells Avenue resident- I have not heard anything or talked to anyone. Making Wells Avenue a connector road is unacceptable. It's like a one way road now. That kind of traffic would not fit the character of the neighborhood. The traffic would be detrimental and out of character for the street.

Byfield resident (425 ft. of resident's land abuts with this land)– We have serious concerns. We would like to be informed more than by the paper. It has been open space for us. There are concerns regarding conservation. I have concerns about disturbing the wetlands. Crossing the wetlands is not an option. We would like to be better informed.

24 Wells Avenue resident- There is a serious water issue. On Mothers Day everyone got flooded over their basement heights. They will flood everyone's basements with the road they are talking about. There is a lot of traffic now. If they open that up, I can't imagine what it would be like.

568 North Street resident- 2 comments – 8 months ago, we were here for an open space residential plan by the same developer – it ranged from 21-28 lots. I was at that Public Hearing. The Board was very uncomfortable. This developer said they would have to go back to the drawing board. Tonight I see there is very little difference. It goes from 18 – 24 lots. My concern is that I live on North St. That section contains 3 lots. They want to put an access road in the center second lot by knocking down that house. We have a beautiful landscaped lot. This proposed road would have serious impact on my privacy. We also have safety concerns because the road would be so close to my property line. If a waiver is asked for, this project is going from 8 lots to 12 lots on the north side. That is at least 8 additional cars. My concern is this Board has discretion as far as waivers are concerned. There will be too many cars on this road within feet of my property.

560 North Street resident- I echo the same concerns- They are showing a detention basin right off my driveway. The traffic problem and lack of privacy are a concern of mine. We are opposed to this plan. We are hoping that the next proposal will look different than this plan.

22 Wells Avenue resident- I would appreciate it if the Board could clarify what laws could be created. What are the bylaws related to the proposed plan?

Ms. Buck- This is an RB district with houses are required to be 1 acre. We believe that the terrain of the land of that through-road is not permissible by Conservation laws. What is permit able is an 800 ft dead end road from North Street. The length of a dead end street is 800 ft. and they are over that. The idea about waivers is that it is always in the public interest. It is an endangered species habitat and wellhead district.

25 Wells Avenue resident (direct abutter) - He points to the cul-de-sac of his lot on the plan. If they start blasting, I am concerned with all the wetlands.

Mr. Hoover- We will address the technical issues later if we get that far with this project.

Ms. Alice Denly, 12 Web Road resident- When they started building on Wells Avenue, it affected houses on Web Road. I want everyone to be aware that water is a big problem.

19 Wells Avenue resident- Wells is essentially a one-way street. Has there been a traffic study done on how much traffic would come down Wells Avenue?

Mr. Kindermans of Geller DeVellis- Wells Avenue would see a decrease in traffic.

6 Wells Avenue resident- Our street does not have a side walk and the road is very narrow. Safety would be a huge issue to the children. What is the legal width of a road?

Ms. Buck- 26 ft. paved width with a 50 ft. right of way.

554 Wells Street resident- Has the Town done a cost analysis of what it would cost the Town to tear down the light poles and widen the street?

Ms. Buck- We have a review from the Light Department to service this. There is not a cost estimate but the developer would be responsible for any costs.

20 Wells Avenue resident- If the road is widened what is that width?

Mr. Hoover- The road would stay within the 50ft. right of way.

20 Wells Avenue resident- Would the zoning change the existing lots?

Mr. Hoover- No

6 Wells Avenue resident- Regarding the stone walls down the road, who would pay to move those? Would they cut down the Pine trees?

Mr. Hoover- They will be answered later on in the process. Sarah may now add any comments.

Ms. Buck- No further comment. There have been 12 – 20 people that have come into the office to review the plans.

Mr. Larry Graham- I reviewed the plans back in January. I looked at the OSRD and Yield plan. I was doubtful they could receive approval. I looked at the 18 Lot Preliminary Plan that was recently submitted. In my review based on the length of cul-de-sac as shown – if it were to be waived, my recommendation would be 15-16 lots for this plan.

Mr. Boulger - I want to respond. We intended to communicate with the neighbors. We will work with a broader group. Regarding the 800ft length of road - there are numerous instances where the town has granted waivers in the past. We feel we could be entitled to the same waivers as granted with previous projects with no wetlands crossings. There is a similar cul-de-sac down the road. We feel strongly that we had a plan that is permissible for the Board to consider where we have no other alternative. That is not in our interest. We looked at what we can do – this necessitates a certain price. We could reduce the density to 15 lots and meet with the neighbors in order to meet their concerns. By proceeding with the plan, we could protect the wetlands forever.

Mr. Moultrie- I respectfully disagree with you. We can grant or not grant waivers but it must be in the best interest of the Town. Because we granted waivers on previous

subdivisions, there is no precedence. Wells Avenue will never be widened. That option is out. The other option to extend the length of road is not in the best interest of the Town. None of these plans are acceptable in my opinion. I would deny this whole thing.

Mr. Carter- Nothing further.

Mr. Howard- Nothing to add.

Mr. LaCortiglia- How do you feel about 8 lots?

Mr. Boulger- No, that is not an option.

Mr. Hoover- I agree with Jack completely.

Mr. LaCortiglia- Asks Sarah if 8 is a reasonable number?

Ms. Buck- It appears that an 800' road as allowed by regulations would provide about that many. I can guess at it, but I am not an engineer.

Mr. Boulger- We are starting with a Yield Plan of 26 that we don't intend to pursue. The final development would not contain more than 15 units.

Mr. Moultrie- I move that we deny the Pine Meadows preliminary subdivision plan as submitted.

Mr. LaCortiglia- Second

All in favor?

5-0; Unam

Ms. Buck- We also have a submission for a Pine Meadows OSRD Special Permit Concept Plan. We need a motion.

Mr. LaCortiglia- I can't see it going by Con Com because they are far more strict. I would like to see you come back with 8 on the Yield Plan if the Board agrees.

Mr. Hoover- I don't understand. He addresses the applicant. I thought guidance was provided to you previously.

Ms. Buck- The land they have is a long narrow strip. There is not much clustering they could do. Their best approach is to go with 8 lots.

Mr. Hoover- The message last time was very clear. You're talking no waiver with an 8 lot subdivision.

Mr. LaCortiglia- If an OSRD is brought in with a yield plan of 8, I think they would have more flexibility. I just wanted to give them the opportunity to come back with different options.

Mr. Hoover- Because of the nature of the project and the site being so narrow, it is difficult to take advantage of the OSRD.

Mr. Moultrie- What is the decision date of the OSRD?

Ms. Buck- June 30th, 2007.

Mr. Hoover- We have gone over it once before. It is not in anyone's best interest.

Mr. Moultrie- I move to deny the OSRD concept plan for Pine Meadows.

Mr. LaCortiglia- Second. Are we then saying to bring in a preliminary subdivision plan?

Mr. Hoover- Yes.

Mr. Moultrie- I will not accept this. It will take some creativity to design something that can be developed there.

All in favor?

5-0; Unam

8:45 p.m. Twisdenwood Farms

Mr. Hoover- It will have to be re-scheduled due to improper notification to abutters.

Continued Public Hearings

9:30 p.m. Harmony Lane

Bob Grasso of Professional Land Services, LC is present and is representing the applicant, Mr. Frank Gatchell, Sr. – The site is located across from the cemetery on Central Street. The site is 1.79 acres. It consists of a single family dwelling. There is a gravel driveway throughout the property. He shows proposed lots and 100 ft. buffer on the map. There are large trees on the site. It is pretty flat up to the railroad. We are proposing to create Harmony Lane to be a 40 ft. right of way. We reconfigured Lot 1 to meet the Zoning bylaws after the first submission. There are 3 proposed lots. We are proposing private septic on each lot. The Board of Health will do soil testing on Lot 1. We are proposing a single family dwelling with 4 bedrooms on Lot 2. The drainage system is designed for a 100 year storm. It would be serviced by Town water. It will have a T-turnaround to accommodate a tractor trailer truck.

Mr. Dick Paganelli- Rail Trail Development Committee- We are now meeting with Mass. Highway. I want to ensure that you are aware of this project showing the properties very close to the Rail Trail. I would like to see everything resolved here. I hope that the Board understands that the trail will be built there. It looks like the setbacks are okay there.

Mr. Grasso- The grading will be kept low.

Mr. Paganelli- Reads Mass. General Law, Chapter 40, section 54a – it says that you have to get permission from the Secretary of Mass. Transportation if anyone wants to do something along the railroad.

Mr. Dimento of the Park and Recreation Department- My only concern is what rights I would lose. I want to make sure that we can cross the Rail Trail to the small park we are putting there. I want to make sure we don't lose anything in doing that. Our intention is to add some parking, approximately 3-4 spots. I just wanted the Board to be aware of this when looking at this plan.

Ms. Buck- I have just a few comments/concerns. We do not usually approve a Cape Cod berm. You should connect the right of way to the trail. I will also copy the comments from Larry Graham for the applicant and the Board for the next meeting.

Mr. Moultrie- What they [the applicants] are saying is that you would have to change the landscaping in order to do this.

Gatchell Realty Trust Representatives (2) are present to answer questions.

Ms. Buck- Is there a retaining wall?

Mr. Graham- Lots 1 and 3.

Gatchell Realty Trust representative- It's a 4 ft. high retaining wall.

Mr. Larry Graham- I recommended taking the retaining wall out. It's a 2% grade going to a 4% grade.

Ms. Buck-Will the existing Maple tree stay?

Mr. Hoover- It can't be saved. You are taking away 50% of the roots, so it will most likely die.

Gatchell representative- There is a 3ft. grade from the roots to the driveway.

Mr. Hoover- If the survey is accurate, you will lose the tree.

Mr. Graham- Parcel A- run the underground utilities along the property line, and then they won't interfere with the tree roots.

Mr. Hoover- There should be root pruning and a tree limit line fence.

Mr. Graham- The drainage could be routed across town property to a swale rather than a pipe. You will need a drainage easement from the town. (All Technical Review comments are on file).

Mr. LaCortiglia- Can you get together with Mr. Dimento of Park and Rec. to make any improvements?

Mr. Dimento- If we could work out together the buffer zone, that would be all that I ask.

Mr. LaCortiglia- It sounds like you are looking for waivers. It sounds like you could flatten out some land, install a culvert there, and install a small parking area for the Park & Rec., which would be a benefit to the Town.

Mr. Graham- I have no issues with the waivers they have requested on the plans. He references Page 10 of his report. I would recommend sloped granite and moving the fire hydrant back. My drainage questions are highlighted in my report. They need waivers from the lane provisions – the right of way radius should be 30.

Ms. Buck- If they do the drainage easement across the Park and Rec. land, the access road [to the conservation parcel] will be given and built at the same time, and the potential homeowners will see it right away prior to moving in.

Mr. LaCortiglia- Has the wetland line been approved?

Mr. Grasso- Not yet.

Mr. LaCortiglia- I would be willing to grant the waivers as long as you come up with a benefit to the Town.

Mr. Graham- The houses could go back to the setback line, another 10 or 15ft.

Mr. Howard- How far are they from the slope?

Mr. Grasso- 20 ft. from the setback.

Mr. Carter- No comment.

Mr. Moultrie- The sidewalk needs to be replaced. Who controls the land right now?

Mr. Dimento of Park and Rec.- Park and Rec. controls the land.

Mr. Hoover- The tree protection fence for the existing tree needs to be addressed and protected. Use the same language as was used for Blueberry Lane tree protection. (Root pruning and a tree fence need to be addressed)

Mr. Graham- Refers to top of Page 9 of his Technical Review document (on File)

Ms. Buck agrees to send the information to the Applicant regarding the tree planting requirement of a new road as was done for Blueberry Lane per Mr. Hoover's request.

Mr. Hoover- I look at Larry's report and I will need time to go over it. It contains a lot of revisions. Before I comment, I would like to see Larry's changes and would like a whole new set of plans. I would like to see all that cleaned up in the new set of plans.

Mr. LaCortiglia- Can I make a motion for a continuance?

Mr. Graham- I can work with Bob [Grasso] and Park and Rec. I would like to see a new set of plans after Bob works with Park & Rec. on the drainage easement.

Mr. Hoover- Is anyone from the public concerned with 3 lots vs. possibly 2 lots?

Mr. LaCortiglia- The Town voted to add more density here.

Mr. Moultrie- It went from RC to RA.

Mr. Hoover- It may not be consistent with the intent of what the Town implied.

Mr. Graham- It is barren land. I don't think it has features whereby it should not be able to adapt to current zoning.

Mr. Hoover- The system does not have to sit where it is? You could move the infiltration system back off the road. What I think is the reason is that by having 3 lots, it is too much for the configuration of the land.

Mr. Moultrie- To the applicant - How much of a distance are you talking where Rob would like to see landscaping? Rob, what would you like to see there?

Mr. Hoover- I would like it to hold on to the character of Central Street. I care about the main roads that come into Georgetown.

Gatchell representative- How about a stone wall there?

Mr. Hoover- Yes, the stone wall could be 30" high.

Mr. LaCortiglia- I would like to motion to continue the Public Hearing to May 23rd, 2007.

Mr. Carter- Second

All in favor?
5-0; Unam

Ms. Buck- Could the applicant grant an extension of time to June 30th , 2007?

Mr. Carter- I motion to grant an extension of time to June 30, 2007.
Mr. Moultrie- Second
All in favor?
5-0; Unam

Continued Board Business 10:00 p.m.

Master Plan – economic development meeting – Minutes 3/13/07

Ms. Buck- It was posted as a public meeting. Minutes are posted on the website. I will bring the land use issue to Erika's attention.

Status of Master Plan

Ms. Buck- We had the meeting last night for the economic section. The Draft has been reviewed. Next Master Plan meeting is Wednesday, April 11th.

Scope and cost for economic study

Mr. Hoover- We asked for a price to do this study.

Ms. Buck- The Board asked Daylor to specifically look at Big Box retail. How do you know if it is Lowes, Target, etc.?

Mr. Hoover- It would be important to include site-specific feasibility studies with this. What they have looked at is Big Box and Hotel. If we want something different than that, then we can suggest that. It won't change the fee.

Mr. Hoover- Feasibility studies don't use any waivers or variances. They [Daylor] probably have a gut response as to what might be the best land use already.

Ms. Buck- The State is trying to get some developments on a fast track. The Town can look at how to develop something quickly there. The State of Mass. has given money to the regional planning agencies to provide services for priority development sites that have been selected by the Town. It has to be a substantial site. March 30th is the deadline for MVPC.

Mr. Moultrie- Do we have the resources for this?

Mr. Hoover- If a letter to MVPC is not too difficult, then let's make the inquiry.

Mr. Moultrie- I think as one member, it is worth pursuing. Is there any possibility of that land off of Tenney Street worth looking into?

Mr. Hoover- It seems that if there is way to do the study of this land, then that would be the first action.

Mr. La Cortiglia- Can we give thought to discuss with MVPC that we not only look at the Tenney Street parcels but also the other entirely zoning industrial areas?

Mr. Hoover- They look at the immediate need of National Avenue but long term they could look at the other industrial zoned parcels.

Vouchers

The Board voted to approve vouchers totaling \$8,566.35.

Moultrie/Carter: 5-0; Unam

3. Other Business

The Planning Board voted to approve the release of \$10,000 held by Georgetown Savings Bank for the installation of the final paving at 1 Dennison Court to the Town of Georgetown's specifications. The letter from Sarah Buck to Mr. Robert Rivard of Georgetown Savings Bank is on file.

Moultrie/Carter: 4-0-1 (Mr. LaCortiglia abstains)

Meeting adjourned at 10:20PM