

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
August 9, 2006
7:00P.M.**

Present: Mr. Rob Hoover, Chairman; Mr. Hugh Carter; Mr. John Moultrie; Mr. Tim Howard; Mr. Harry LaCortiglia; Ms. Robin MacRae, Recorder

Absent: Sarah Buck, Town Planner

Board Business 7:00 p.m.

Mr. Rob Hoover calls the meeting to order at 7:05.

Minutes – July 26, 2006:

Board members invited to submit their changes to the minutes.

Mr. Moultrie: On page 3, paragraph 2 under Rock Pond Estates. “We will have to take this *under* advisement.”

Mr. Hoover – Page 2 – “We did not have minute *revisions* recorded in the past.”

MOTION to accept the minutes as amended for July 26, 2006 - Mr. LaCortiglia / Mr. Carter / Unam

Correspondence:

Will be presented at the next meeting of the Planning Board.

Vouchers:

MOTION to review the vouchers and correspondence at the next Planning Board meeting - Mr. LaCortiglia / Mr. Howard / Unam

Letter from James Crosby re. Economic Development:

Mr. Hoover - Mr. Crosby called and asked about the business community getting together to fund a study to find the highest & best use of the remaining land. I suggested he bring it to the board so we could partake in that. It’s a great beginning to try to fund a process to try to study that. It is appropriate that it come through the Planning Board as this is the board for the planning of the town. The funding would go into an escrow

account so it wouldn't be one particular group funding and paying for the consultant's opinion of what is the highest & best use. This leads to the Master Plan to determine what is in the best interest of the town in addition to what may or may not be in the best interest of the business community. He said he would write a letter to the board to bring it to the public.

Mr. Moultrie - The concern would be that the idea is great but the economic task force should not be top heavy with all business people. I can understand the concern about huge box stores coming into the community. Many communities have enacted square footage bylaws because sometimes they bring more problems than they solve – traffic, low paying jobs. There are probably better, more prudent uses of land other than making huge retail spaces out of it with miles of paved roads and surfaces. I think this is a great idea but usually there would be a mixture of people from the community so you have a broad base of church and different walks of life. It would concern me if it were top heavy with business people and their best interest instead of the community. This is the free enterprise system and I would not want to infringe on that, but I don't want the character of the community infringed upon. It's a very delicate balance. We developed that road down there for economic development but that doesn't necessarily mean we want 600,000 sq. ft. of retail space down there.

Mr. Hoover – The reason we talked about putting money into an escrow account was to hire an outside consultant. That is the difference. If it's a community task force, the information they generate has their interpretation of it, vs an outside consultant who has the time and wherewithal to do it properly, who is independent and represents everybody. This is a great start to get this going.

Mr. Moultrie: It is great that people are willing to volunteer. However, if you put too big of a task on volunteers with no resources then you know what happens from there. There is a breakdown.

Mr. Howard – An independent consultant might also be better able to predict what tax revenues might be generated.

Mr. LaCortiglia: Perhaps directly supporting a specific task force might not get us the answer to all of the questions that we should be asking on behalf of the town. We could discuss this with Mr. Crosby and maybe ask him if he would consider financially supporting a Master Plan funding. Economic development is part of a Master Plan and could perhaps work towards that.

Mr. Moultrie – This board has adopted a land use plan but we have not adopted a full blown Master Plan.

Mr. Moultrie - One final point, Mr. Crosby has always helped the community. He is always willing to participate even though he is not a resident. I would be interested in talking with him.

Mr. Hoover - We should ask Sarah to contact him to see if he would be willing to come talk to us, to see if he would be willing to support the bigger picture.

Little Hills Correspondence:

Mr. Hoover - We need to speak about the letter to the Selectmen and submission of drawings.

Mr. Moultrie - I found the context in which this was put in to be offensive and disturbing. Having been involved in this project since 1999, he has had all sorts of issues in that time and we have made exceptions so he could avoid them. We have done all kinds of things to make this work. I found this totally offensive. This letter is way out of line and he owes the board an apology.

Mr. Carter - I am less familiar with this situation.

Mr. LaCortiglia - It seems that his is a request to the Selectmen. I am curious as to whether there was a response from them.

Mr. Moultrie - They have no jurisdiction in the matter.

Mr. LaCortiglia - He is asking if the Planning Board has site plan review authority to the level where we are specifying the exact material. We do.

Mr. Hoover - There has been no correspondence from the Selectmen at this point in time.

Mr. LaCortiglia - Perhaps we could have Sarah respond to the Selectmen to give them more information in an informal way to get something in the record as a response to this. Then the ball would be in the Selectmen's court.

Mr. Moultrie - The Selectmen have no land use authority.

Mr. LaCortiglia - It is more a legal question that is being asked.

Mr. Hoover - They may come in to authorize counsel to render legal opinion. That's the only place you go to get a legal opinion, otherwise it's the interpretation of the boards.

Mr. Moultrie - Considering their sensitivity on town counsel they would not want to waste money on that.

Mr. LaCortiglia: I would hope not, it's black and white, like the reading of a bylaw. We just need a brief memo stating the facts, a synopsis of the facts. We dealt with this on the Conservation Commission. The wall was supposed to be made of natural materials. It was poured onto a slab on Con Comm land. They were told they could not re-use

materials from a natural boundary wall (I was on the Con Comm at the time). If there were more communication between him and the boards things would probably be better.

Mr. Hoover - I was hoping at the last meeting that we had taken the high road and this would go to bed. The Planning Board once again bent over backward and kept an eye on the prize – the structural integrity of the sign – and let go of the history. My records are clear. The communications with the Applicant were very clear. The spirit of what happened was that the sign was agreed upon. It had nothing to do with jurisdiction, it was about site plan approval. It was an agreement that the applicant made about the sign. That was where it began and that took jurisdiction out of the issue. He and we agreed what he was going to do.

Mr. LaCortiglia - Was that a verbal or a written agreement?

Mr. Hoover - I have drawings that he submitted, showing the sign with dates. He passed them out to everybody. There is a written record. The Conservation Commission issue came up. The applicant went ahead with his own modification of the site plan without notification to the Board. That happened two different times when he was asked if the sign was consistent with what was approved. The answer was “Yes”. We even said that if he built the sign the way he was talking about it he was doing it at his own risk because it was not what we agreed to. It was very clear. It’s what we talked about, it was in the meeting minutes. That’s when the jurisdiction card got pulled. He said forget the agreement we had, you don’t have jurisdiction over this. That’s where we went separate ways. On the two letters – one addressed to the Chairman of the Selectmen - he says it’s a jurisdiction issue. I don’t believe it is a jurisdiction issue. It goes back to the approved site plan, after he came to us to show us his plans.

Mr. LaCortiglia - Was this a Special Permit?

Mr. Hoover - I don’t recall.

Mr. Moultrie - A planned unit development with an affordable housing component and other restrictions and long list of things were present.

Mr. Hoover - It was a binding agreement with Board. On page 2 of his letter, regarding the gravity wall – it is a type of retaining wall? A gravity wall is not a free-standing wall, a gravity wall is supported by the weight of the ground, ie. gravity is what holds the wall in place. The wall that was built is a free-standing retaining wall. I’m 99.9% sure the uni-block wall that is in place is not the uni-block that the manufacturer allows to be built for free-standing. The uni-block that was used is a one-sided faced block designed for a gravity wall condition and this is not a gravity wall, it is a free-standing wall. There are no shop drawings, nothing convinces me that it is sound. There is nothing here that meets what we asked for – shop drawings and technical documentation. The whole structural issue is still on the table and needs to be addressed.

Mr. LaCortiglia - It says here that the wall does not exceed 4ft in height. Farther down it says the wall is 3.6ft on the ends and 5ft in the middle?

Mr. Moultrie - Mr. Chairman how are we going to proceed with this issue? It's obvious that he is not going to do this willingly. Should we ask the Building Inspector to hold occupancy? Covenants have been released on the lots. That is the only one that would get his attention in a hurry.

Mr. Hoover - How about the extension to the sub-division permit that was contingent on this being resolved?

Mr. LaCortiglia: It was extended to May 18, 2008 contingent on the wall spec sheet being received in 60 days.

Mr. Hoover - That would be 60 days from June 28, 2006. I would like to bring him in here and tell him we're going to hold him to that, whatever the agreement was.

Mr. Moultrie - We need to let him know we will not follow through on the extension vote as he failed to meet the contingency date. And we will notify the Building Inspector not to issue any occupancy permits. We would be within our legal rights to do that.

Mr. LaCortiglia - Whether we speak to him or not, we need details of the spec sheets.

Mr. Moultrie - Mr. Spear is a trained P.E., he could sit down and draw this and make it acceptable. This is not a huge expense item. I believe he is just going to defy this because he just doesn't want to do it. I don't know why, it isn't a big item.

Mr. Hoover - The uni-block that he used and by that manufacturer that block is only to be used as a retaining wall. They do make a 2-sided unit-block wall but it is a different product. He has used the one-sided therefore it would be very hard to show that the wall is structurally sound. Both freestanding and retaining walls have the jointing system and glue. Some use pins some do not. The issue with the freestanding wall is that it is wider and heavier. The block that he used is a less expensive retaining wall block. He is caught between a rock and hard place. We should ask Sarah to send a memo to provide the information that we asked for with a courtesy copy to the Selectmen. He needs to convince us that this is structurally sound.

Mr. LaCortiglia - Contingent upon the 60 days from June 28, 2006.

Mr. Hoover - It needs to be structurally acceptable, and stamped from someone who is taking responsibility for it. From someone who is capable.

Mr. Howard - I would like a copy of the problems he says we presented that caused his delays and expenses. He is the one who ran into problems and we bailed him out.

Mr. Moultrie – He says in the letter that the wall could last for an “extended period” – that could mean anything from 2 days to 2 months. It’s totally unacceptable.

Mr. Hoover - We should have a plan that has been stamped by a registered P.E.

Mr. Moultrie - What is he using for a standard to measure it by? Nothing from nothing is nothing.

Mr. Hoover - We will ask Sarah to draft a memo to restate the deadline and send a copy to the Selectmen.

Mr. Howard - I would like to see some examples of the delays.

Mr. Moultrie - He needs to know that he needs to abide by this or we shall proceed against him.

Mr. Hoover - According to his letter referencing the June 28th meeting, he was granted an extension contingent upon the wall specs which prompted the letter.

MOTION to send a letter to Camelot Realty Trust that what was submitted was not acceptable, he must provide the appropriate shop drawings. Should the conditions not be met from the original vote on taken on June 28, 2006 (to extend the permit contingent upon receipt within 60 days of the shop drawings of the wall) the Board will take whatever action it deems necessary - Mr. Moultrie / Mr. LaCortiglia / Unam

ANR - 19 Heather Road

Mr. Moultrie - I had a discussion with Sarah on this. The endorsement is not a problem but the road is, it’s not on the Official Town Map. No building permit can be issued unless there is a sub-division permit or the lot was pre-existing. We have to send a letter to the Building Inspector informing him that we endorsed it. This will require a hearing before the Zoning Board of Appeals.

Mr. LaCortiglia - The Planning Board is not required to endorse ANRs if there are problems with grades and the conditions of the roads. The curve to get onto Heather Road was treacherous and the grades were pretty steep. The drainage in that area is horrendous. I can’t see endorsing it or approving it, in good faith to say that this is a lot.

Mr. Moultrie - The drainage washes into the pond.

Mr. LaCortiglia - When I saw the small plan it provided Lot A 57,664 sf of lot area. At the bottom it jumps up to 61,000 sf of continuous buildable area.

Mr. Moultrie - We are not endorsing this as a buildable lot, we’re endorsing this that it meets the frontage for the area it is situated in. There are 3 types of roadways – an

official street, a roadway that existed in 1846, or is an approved subdivision. If the roads, widths, grades are not up to standard for emergency vehicles it can be rejected. But the fact is that there are numerous existing homes on this street. Still, with the Official Town Map requirement, they will deal with the contiguous buildable area later on with the Building Inspector.

Mr. Howard - My concern also is the road. There may be additional houses on that road but two wrongs don't make a right.

Mr. Kevin Fleming, Cyprus Engineering - What we are proposing is to take three existing lots – 9, 10 and 11 based on the deeds of record. There is an existing 1-story dwelling that has been there since the 1930s. We are taking these three lots and combining them into two. Based on the zoning requirements for Residential A we do have the frontage and lot depth to create these lots.

Mr. Hoover - Do you want to comment on the concern about the road?

Mr. Kevin Fleming, Cyprus Engineering - Based on the survey it's been around for a long time. It's an existing gravel road. There is no drainage, it's a country drainage system where it rolls off to the side and goes to Rock Pond. The road does end where there is actual gravel on the ground.

Mr. James, Senior Attorney – This roadway was the subject of two prior Form A endorsements by the Planning Board. One was signed on July 17, 1962 by the Georgetown Planning Board, showing Heather Road all the way down to the pond. Another more recent determination was made in 1992. The Board approved this lot. The Planning Board made an acceptance.

Mr. Moultrie - Who owns this road?

Mr. James, Senior Attorney – I haven't researched it but I'm willing to bet it's on the center (inaudible from tape)

Mr. Moultrie – If that is not the case then we have a problem as these people only have the right to pass and re-pass.

Mr. James, Senior Attorney – They have a right to improve it.

Mr. Moultrie – We have a new bylaw that says you can't get frontage by an easement. You can't get frontage simply by pass and re-pass over the way. There could be a problem there.

Mr. James, Senior Attorney – This is more than an easement, it has been shown to be a road on two different occasions.

Mr. Kevin Fleming, Cyprus Engineering – On our deed it does reference the center of the road on one of the parcels.

Mr. James, Senior Attorney – It says to the fee of the road in this 1964 Deed, to James Caldwell III and the Strobikis.

Mr. LaCortiglia: These were the ANR lots pre-approved?

Mr. James, Senior Attorney – No, the road and area were the subject of two previous ANRs.

Mr. LaCortiglia – So there were two other ANR lots created on that road.

Mr. James, Senior Attorney – Yes. One of those properties is for the property across the street but I'm using it to show that the road was considered to be a roadway. The determination on the plan was whether there was enough frontage. That's the same determination that was made in 1962 and 1992. In 1992 it was for the same section just across the street. The 1962 plan created lots 9 & 10. Lot B is not shown on that plan. It did not show lot 11. We are attempting to turn three lots into two here today – three lots that didn't conform to zoning and we're trying to turn them into two lots that do conform to zoning. This road on a similar proceeding in 1962 and 1992 the Planning Board made the same determination and endorsed the plan.

Mr. Hoover – You're just trying to establish the precedent.

Mr. James, Senior Attorney – That's right. I believe the road has existed prior to zoning in Georgetown, 1952.

Mr. Hoover - The health, safety, and welfare of the road are a problem.

Mr. LaCortiglia - Is it safe convenient access for future residences? Can the police and fire department get down there and serve the road? Perhaps prior boards determined that it was an adequate road.

Mr. Moultrie - They made endorsements on sections of the road that were relatively flat. This area has grade that is very steep. It must be 8-10%. Either we endorse it or we don't based on the health, safety and welfare of the road.

Mr. Kevin Fleming - It is proposed to have town water extended down the road. We filed with the Board of Health, Conservation Commission regarding issues with Rock Pond and wetlands. There is an approved plan based on the water extension.

Mr. LaCortiglia - Do you have a date on that approval? Is your permit expired? Water main improvements were approved in 2005.

Mr. Moultrie - That has no bearing on this board. I'm not sure the extension of the water main down that road is legal as it isn't on the official town map.

Mr. LaCortiglia - If this Board was not to approve this ANR?

Mr. Moultrie - I don't think anyone was aware that this wasn't on the official town map, including the applicant. It says no utilities shall be extended without there being a subdivision plan. They can take it to Land Court.

Mr. LaCortiglia - What happens if the board doesn't endorse the Form A on this application?

Mr. Moultrie - We have the time limit (21 days) for our decision. They can withdraw without prejudice, or we can vote to approve or disapprove. We cannot condition this as is.

Mr. LaCortiglia - Would we have time to contact police and fire?

Mr. Hoover - The two issues here are health, safety and welfare. Is our technical reviews part of that process and standard?

Mr. Moultrie - On a Form A lot, if there were a town accepted street that was in terrible condition they are entitled to that endorsement. All you could legally do is put a warning on those lots that they are not up to modern day standards. In reality, if we had to endorse lots on a town accepted street legally they could force the town to bring the road to a decent standard. In this situation it's a completely private way. Essentially, it is a private way. They have been down there digging in the last couple of weeks for the water main.

Mr. LaCortiglia - There's siltation controls down there all the way down.

Mr. Kevin Fleming Cyprus Engineering - There is no digging going on to the best of my knowledge.

Mr. Moultrie - Someone is starting to do something.

Mr. Kevin Fleming, Cyprus Engineering - We began perk testing about 30 days ago.

Mr. Moultrie: There has been a house built there in the last 10 years. A brand new one. Maybe less than 10 years old.

Mr. James, Senior Attorney - The vehicle standard for access is whether it can be accessed or not? It's not whether the grade may be a little bit steep.

Mr. Hoover - Is that definition tied down?

Mr. James, Senior Attorney – It's whether you can reasonably drive through it or not.

Mr. LaCortiglia – The actual law states that if it is in the opinion of the Planning Board.

Mr. Moultrie - You do not have to endorse this unless it is on the official town map.

Mr. James, Senior Attorney – General Law is governed by state law. It is a public way in the opinion of the Planning Board if vehicular traffic is done. (unable to hear ...)

Mr. Moultrie - It says under the official map criteria that “there shall be frontage adequate to serve each lot on a sub-division plan ... on an existing approved public way that is brought before the Planning Board for endorsement or approval.” So it does affect it. This is from the state zoning act. Sarah gave the members a memo regarding 19 Heather Road – look at the second page re. lot frontage.

Mr. James, Senior Attorney – Chapter 40A. Your local bylaw does not supercede the state law.

Mr. Moultrie – We are allowed to go stricter than a state law. Based on this information it cannot be endorsed. Most towns have not adopted official town maps but it gives the town very specific rights in cases like this.

Mr. LaCortiglia – I am going back to 10.40 to say in my opinion that the grades are not adequate.

Mr. Moultrie - They have a right to go to the ZBA. They are trying to put together lots. There were no lots in existence there before zoning and there is no record at the Registry of Deeds. I recommend that we give them the opportunity to withdraw without prejudice until they can come up with something different or we will just refuse it outright.

Mr. Hoover - There are three issues on the table for approval. 1) The health, safety, welfare of the road whether it is suitable width, grade and construction. 2) Jack's question on the water line is down the road – it's a big flag for me right now. 3) The other is the existing public way or subdivision which Jack has been pointing out. When they all come together I'm going to have a hard time approving this.

Mr. Howard - If you read on, the Chiefs and the Fire Chiefs have be satisfied that it is suitable for emergency vehicles.

Mr. Moultrie - Under Subsection 2 this frontage going over the grade is a whole different situation.

Mr. LaCortiglia – I am concerned that with ANR lot after ANR lot you have a de facto approved road. You have an accepted road. We would be approving this road that nobody should be approving at town meeting.

Mr. Hoover - What I am hearing from the Board is not a lot of support for approving this.

Mr. James, Senior Attorney – You are reading from a memo I haven't seen and citing references I am unfamiliar with. Would you consider an extension to your next available time slot to respond to this issue rather than withdrawing?

Mr. Hoover - Our upcoming schedules are slammed after this summer. I am not sure what is to be gained by a continuance rather than withdrawing without prejudice. To re-file without an application fee means you aren't filing twice.

Mr. Moultrie – They may withdraw without prejudice and not pay the fee again but that doesn't mean I am guaranteed to approve this.

Mr. Hoover - That's right. The three big concerns are still on the table. Any further questions?

Mr. Anthony Franciosa - To address some of the concerns you have in the future in the next filing. You say grades are an issue. On Lot B, there is a 3ft slope with 126ft of frontage (3%). Once we get down to the existing house we agree that that does drop off. These are the plans for that area which you haven't seen. What we would be doing is moving the house to a flatter portion of the lot which would discontinue the use of the access to the dwelling at the steep area. Grade and road adequacy I understand are a concern along with materials and construction. From a construction standpoint of the roadway we are not the party extending the water main. I would think the Water Department would be responsible for bringing the road up to a higher standard. That would be something we would be researching.

Mr. Moultrie - Water and utilities would require an easement and a way on the official town map or an approved sub-division plan. There is no deviation from that. It is up to this Board to see if it has adequate frontage, grade, etc. This zoning was enacted in 1983 / 1984. That lot could have been done before zoning. It could have been grandfathered.

Mr. Anthony Franciosa - I think we're in good shape as far as understanding what we need to do to bring this back before the board. I will withdraw without prejudice and come back to the board on this matter.

Mr. Moultrie – We need something in writing as he filed with the Town Clerk.

Mr. Hoover - You do have all of the existing conditions. Could you please resubmit that as another stand-alone document – an existing conditions plan. How do we track down the water line issue?

Mr. Moultrie - It was a remediation situation to do with contamination from the old Connector place on Moulton Street. The official town hap has criteria for extending utilities. I assume the water department is responsible overseeing that.

Mr. Carter - How does anyone get anything done if it is not on the town map?

Mr. Moultrie - It is complicated. I find it hard to believe any public utility would put their lines in without an easement.

Mr. LaCortiglia – As I remember, all the houses on that road had private wells and the water line is to prevent contamination from the plume of contaminants.

Mr. Moultrie - Is that precautionary or a contamination issue?

Mr. LaCortiglia – They did have contamination. Tri-chloride and some other derivatives.

Mr. Anthony Franciosa - I talked to the owners and they said they were not affected but I am not up to speed on that issue.

Mr. Hoover - Let's ask Sarah write a letter to the Water Department regarding waterlines on a private road and easement criteria. Also, ask Sarah to get from the Applicant a copy of the Notice of Intent for the water line. Hold off on the official town map.

MOTION to allow the applicant to withdraw without prejudice and waive the filing fee for the applicant. – Mr. LaCortiglia / Mr. Carter / Unam

Mr. James Fleming, Sr., Esq. signed a copy in front of the Board, to be filed with the Town Clerk. A copy is to be forwarded to Mr. James Fleming, Sr., Esq. by Sarah.

ANR - 142 West Main Street

Rep: Jim McCarthy, Owner

Mr. Hoover – Are there any questions?

Mr. Howard - Why did that plan show so many existing driveways?

Mr. Jim McCarthy – That's the way the original homeowner built it. It allows you to pull off West Main St, through the garage & onto Lakeridge.

Mr. Moultrie - It meets all the criteria. There is good soil through there. Do you plan on building right away?

Mr. Jim McCarthy – It depends on the housing market. I'll wait and see how things go.

MOTION to endorse the Form A lot at 142 Main Street – Mr. LaCortiglia / Mr. Hoover / Unam

Railroad Ave Memo – June 30, 2006

Mr. Howard – He questions whether the Fire Department signed off when the underground storage tanks were removed.

Mr. Moultrie - Underground tanks are under state statute.

Mr. Hoover – This is a letter to Sarah from Symes.

Mr. Moultrie – I have grave concern about this matter, I don't believe he understood what we were saying to him. Traditionally, all railroad beds have a high level of contamination. There is no question that there is contamination there, it's just a matter of what it is.

Mr. Howard - We required an LSP on site for all that excavating. Afterwards he said he never agreed to that.

Mr. Moultrie - We need to call him in to make the position clear.

Mr. LaCortiglia - Most definitely.

Mr. Howard - There better not have been any excavating out there without an LSP.

Mr. LaCortiglia – I walked out there for the pre-construction meeting. I spoke to some of them out there, there were a couple of underground tanks. The test wells that were drilled weren't deep test wells.

Mr. Howard – It raised more questions than it answered, there were no answers from the initial 21E.

Mr. Moultrie - I found it hard to believe there was a 21E site across the street. It was used for heavy industrial railroad use.

Mr. Howard - They are saying the contamination would have flowed into Rock Pond.

Mr. Moultrie - The coal burning engines traditionally have a lot of problem with arsenic from the coal ash. That was used as a car area, the a turntable for the rail cars was over there near where the Light Department is. The car barns were there.

Mr. Howard – That report says what we're saying, a million unanswered questions remain. Where were the samples analyzed? There's no site map to show where the samples were gathered.

Mr. Moultrie - Where is this project at?

Mr. Hoover - I don't know.

Mr. LaCortiglia - When I was at the pre-construction meeting they talking about dismantling the two buildings. They weren't just to be demo-ed, they were to be disassembled. I got that verbally, not in writing.

Mr. Moultrie - With the price of metal those buildings are salvageable. They can sell the scrap metal. Has anyone been there recently?

Mr. Howard - I was there a week ago and nothing has been done.

Mr. LaCortiglia - How much is in the M account? These are questions for Sarah to answer. Is there an LSP on site? Is the LSP the applicant's LSP? Do we have a representative on site?

Mr. Moultrie - Yes, we chose Bill Simons for that. The applicants are paying for that. He is exceptional. He has worked in this area for over 20 years.

Mr. Hoover - Do we need to take any action? Should we issue a memo back to the applicant?

Mr. Howard - Yes.

Mr. Moultrie - It would be more appropriate to ask him for an update of what is transpiring.

Mr. Hoover – We should have an update of what is happening and also remind him of the agreement.

Mr. LaCortiglia - Is the scope of services clear? Is he to be onsite?

Mr. Moultrie – Specific action items are in there – excavation, dismantling the building. He had to be there at the excavation.

Mr. Howard - There is an Order of Conditions.

Mr. Moultrie - He come in and we had a lively discussion. We reviewed the agreed conditions and he doesn't want to adhere to the conditions of the original approval. We were very uncomfortable with that.

Mr. Hoover - Sarah should send a letter to the applicant and LSP asking for an update of where the project is. That will get us all up to speed and remind him of the agreement that we all had. Sarah needs to get copies of the minutes of that meeting and give to the board.

Mr. Howard - We need to read the minutes and the Order of Conditions to proceed.

Mr. LaCortiglia – Is it specified that activities have to be notified to the LSP 24 hours beforehand? That can prevent things from happening accidentally.

Mr. Moultrie - There has been a preconstruction meeting. How was it stated? Mr. Simons did attend. There must have been discussion about how he was to be notified.

Mr. LaCortiglia - I don't remember. We were discussing a tank removal which was a question. He recommends in the letter that an environmental professional should screen the side walls of the tank of the underground tank closure. He was concerned about that.

Mr. Howard - There was just someone from the Fire Department there. If there is a fuel leak it is evident from the soil. Beyond that there is a lot of spillage.

Mr. LaCortiglia - I also spoke to him regarding a floor drain. When the excavation occurred to find out where the floor drain pipes went, no one knew where they went.

Mr. Howard – Bob Grasso's interpretation of that was just that he be there to follow the floor drain. That's all he wanted to pay for.

Mr. Moultrie - That's significant. In those repair garages anything and everything went down those drains including grease, which was a nasty pollutant, oil, which has hydrocarbons. It went into an old dry well to soak into the ground. In those days it wasn't environmentally sound, it was rare that they were ever pumped out. I have to agree with his statement that the tank was to be taken out by the fire department. But they are not contamination experts. They are the licensing authority.

Mr. Howard - He is looking for a site plan to show where those tanks were. I think his idea was to go back and dig through the soil to find where the tanks were. I don't know if there is an easy way to figure that out. I don't think the Fire Department of the time had a sketch to show distances from the building.

Mr. Moultrie - It would have been prudent for them to take pictures.

Mr. Howard - I think I gave Sarah the copies of the three 21Es that were done prior to this.

Mr. Moultrie - This is a concern that he is not remembering the conditions of the original permit.

Mr. Hoover - We are to request Sarah to provide us with information regarding what exactly were the requirements of the permit and conditions. Also to issue a letter to the applicant regarding the same.

MOTION for Sarah to provide requirements of permit of 6 Railroad Ave and the LSP and a letter to the applicant requesting an update regarding the status of the project and reminding him of the requirements of the permit - Mr. Carter / Mr. Moultrie / Unam

EXECUTIVE SESSION

MOTION to close the meeting at 9:30PM – Mr. Hoover/ Mr. Moultrie/ Unam

MOTION to enter Executive Session for purposes of discussing litigation. The Planning Board will adjourn the hearing for the evening -

Mr. LaCortiglia – Aye

Mr. Howard – Aye

Mr. Carter – Aye

Mr. Moultrie - Aye