

Minutes
December 30, 2004
Planning Board

Members present: Jack Moultrie, Chairman
 Tim Gerraughty, Vice Chairman
 Rob Hoover, Clerk
 Timothy Howard
 Jacki Byerley, Town Planner

Absent: Janet Byrne

Mr. Moultrie called the Special Planning Board meeting to order at 11:16 a.m.

Mr. Moultrie announced to the public that this is a business meeting and no public comments will be taken at this time.

Mr. Moultrie called a recess until Mr. Hoover is present.

Mr. Hoover 11:20

Mr. Moultrie reconvenes at 11:20 a.m.

Georgetown Shopping Center Occupancy Permit

Mr. Moultrie stated that this is a bad situation that shouldn't have happened. He explained that the tenant and landlord have an issue when procedures are not followed.

Mr. Moultrie went through the history; on December 8 the board was contacted to make an exception and to go on the agenda the issue was with restaurant needing an occupancy permit as soon as possible. He explained that there should be a list of items to be completed but these items couldn't include any safety issues and at that time the board would review the list and possible come up with a solution. At the December 8 meeting Graham Associates, Inc presented a three page list of deficiencies. No figures of cost of completion were presented that evening. It was explained that the shopping center should complete these items and come back to the Planning Board at their January 12, 2005 meeting. It was explained that if the work was substantially completed the board could approve a temporary occupancy with an appropriate bond in place. After the December 8 meeting Mr. Lappin requested a special meeting of the planning board to review the work completed. The board was unable to get a quorum.

Town Hall was closed on Friday December 24 as an official town holiday. At that time the Building Inspector issued a permanent occupancy. The Building Inspector had taken a check in the amount of \$64,500 to hold in escrow and tried to give the check to the

Town Planner Jacki Byerley. Ms. Byerley refused to accept the check because she had no authorization from the Planning Board to accept it. Mr. Moultrie is not aware of where the check is currently.

Mr. Moultrie as highway surveyor went to Steve on December 27 to talk about a snow issue and was surprised to see the restaurant open. Mr. Moultrie stated that Steve commented that Mr. Moultrie wouldn't help him so Mr. Brett did. Mr. Moultrie informed Steve that he went outside the process.

Steve Delaney was aware of the situation but wasn't sure how it transpired. Paul Thomson, Selectmen was aware of the situation and participated in ceremony. At Mr. Moultrie's home Linda Meiggs tried to hand an envelope over and was told that he doesn't do town business at home. On Tuesday Mr. Moultrie was made aware of another concern of an abutter but didn't feel it was a board issue he just wanted to inform everyone that he was contacted.

Mr. Moultrie read Section 165-83.D.6.a and stated that Mr. Brett made the decision for the Planning Board and he had no right to. He explained that no board member authorized Mr. Brett to issue the occupancy permit or accept a surety for the board. He stated that the situation is unnecessary and that we took an oath to uphold the code. The town can't have other official going beyond their authority; by allowing one business to open but not letting the other two businesses to open as stated in Mr. Brett's memo, it reeks of special treatment. This type of treatment shows the other that they don't get special treatment because they don't know any body. People like this are unfit for public office. Mr. Moultrie explained that he lived here his entire life and that the Planning Board is a good board that he cares deeply about. He sat in meetings over a year so it is done correctly and someone came in and said they don't need to finish.

Mr. Moultrie then explained that he received phone calls starting at 6p.m. to 10p.m. last evening asking him to compromise and do things because their are employees and money invested. He didn't like that he was asked to compromise his integrity. He took an oath to help people within the perimeters of the law.

Mr. Moultrie announced that after this meeting he is tendering his resignation from the planning board.

It was pointed out that the Zoning Board of Appeals issued a decision to allow retail in the 4500SF building.

A letter was drafted by the Town Planner to the Building Inspector requesting an enforcement action to revoke the occupancy permit.

Mr. Gerraughty made a motion to endorse the letter date December 30, 2004 as drafted. Mr. Hoover seconded the motion.

No discussion

The Board voted 4-0 in favor of the motion.

An application for appeal to the Zoning Board of Appeals was drafted to appeal the decision of the Building Inspector for issuance of an occupancy permit to Steve's Family Restaurant.

Mr. Gerraughty motioned to file the appeal to the Zoning Board of Appeals and to authorize Mr. Moultrie to sign for the Planning Board.

Mr. Hoover seconded the motion.

No discussion.

The Planning Board voted 4-0 in favor of the motion.

Mr. Moultrie read his resignation letter to be effective immediately. He also thanked the town's people for their faith and support and explained that he tried to do the best he could but needs to step down. Mr. Moultrie apologized to the board but explained he couldn't do this anymore.

Mr. Hoover explained that he was shocked about Mr. Moultrie leaving; he has been designing for 25 years and has never been involved in a project like this. There have been engineering mistakes and has been told things were going to happen that didn't and he is frustrated with the process. He stated that the issue has nothing to do with the restaurant and has to do with town officials. There is no question in his mind that Mr. Lappin knew what he was doing by getting an occupancy permit and that good faith is out the window. The issue with Mr. Brett, Mr. Lappin and this project bear directly why we are here today.

Mr. Gerraughty motioned to adjourn the meeting.

Mr. Hoover seconded

No discussion.

The board voted 4-0 in favor of the motion.