

**MEETING
GEORGETOWN PLANNING BOARD
Public Safety Building
Executive Session
February 13, 2002**

Present: Peter Sarno, Chairman; Christopher Hopkins, Vice-Chairman;
Alex Evangelista; Jack Moultrie, Clerk, Dan Kostura,
Tim Gerraughty, Alternate Member
Kathleen Bradley Colwell, Town Planner; Larry Graham, Planning
Board Technical Review Agent & Inspector
Janet Pantano, Administrative Assistant
Charles Brett, Building Inspector (part of session)

Executive Session

Mr. Moultrie made a motion to go into executive session to discuss litigation on Pillsbury Pond. Second by Mr. Evangelista.

Mr. Moultrie-yes

Mr. Evangelista-yes

Mr. Hopkins-yes

Mr. Kostura-yes

Mr. Sarno-yes

Mr. Gerraughty and Mr. Graham are also present.

Mr. Sarno stated that Mr. Zieff is suing the town as to whether he is subject to the 60-permit rate of development bylaw. He stated that under this bylaw he could build 10 homes a year. He stated that Mr. Zieff's lawyer states that the bylaw has a sunset clause and as approved before the bylaw expired they feel they do not fall under any bylaw. He stated Joel Bard of K & P agrees with this and wants to roll over. He stated the Selectman agree. He stated that this board should put a letter together and present it to selectmen on Monday and plead our case that this and other subdivisions would fall under the bylaw. Stated that does not feel it would be in the Towns best interest to roll over on this lawsuit.

Mr. Kostura read the original bylaw (with 60 permits) to members.

Mr. Sarno stated that Mr. Bard is contradicting himself.

Mr. Hopkins stated that this is not his area and that Mr. Sarno makes sense but that he is not sure if it makes legal sense he does not know. He stated that they

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should try to reach a settlement and find a middle ground. He stated that they should take a shot at finding a middle ground.

Mr. Kostura stated that he is afraid that others subdivisions will come forward if they let this go.

Mr. Hopkins stated that Mr. Bard must feel that the town would not win this case.

Ms. Colwell stated that from a legal stance the lawyer might feel that way.

Mr. Evangelista stated that know one has contested this bylaw until now.

Mr. Sarno stated that the outcome of this case would impact other towns also. He stated that do you think K & P should have found issue with the bylaw as they approved the bylaw before it went to Town Meeting.

Ms. Colwell stated that they are just seeking applicability of the bylaw.

Mr. Sarno asked why they would think bylaw unique to this subdivision.

Ms. Colwell stated that each subdivision would have to sue the town individually.

Mr. Hopkins read a section and his interpretation of letter.

Ms. Colwell stated that the chronologically is wrong in the letter.

Mr. Sarno stated that Mr. Zieff's attorney alluding that they are subjecting to 30 permits and the board already felt they fell under the 60 permits.

Mr. Moultrie stated that they should take this to a summary session.

Mr. Gerraughty stated that the Selectmen would be making the decision and they have to convince them how the board feels.

Mr. Sarno stated that an issue is how this would effect other subdivisions.

Mr. Hopkins stated that it would be bad policy to go with this.

Mr. Gerraughty stated that there are no funds to be lost as there is insurance.

Mr. Brett the Building Inspector was invited into the meeting.

Mr. Sarno stated that they should add that K & P reviewed the bylaw before it was approved at town Meeting.

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Mr. Hopkins stated that he disagrees with them rolling over so quickly. He stated that they should at least try to strike a deal.

Mr. Brett stated that Symes not the type to strike a deal.

Mr. Sarno stated that the lawsuit is under the Zieff's. He stated that in their purchase agreement Mr. Zieff would get an increase in funds if they win this suit.

Mr. Brett asked if we fight would this drag out the lawsuit.

Mr. Hopkins stated that it would not drag it out.

Mr. Sarno stated that this lawsuit and its decision would effect Littles Hill and Chaplin Hills.

Littles Hills

Mr. Brett asked if they could discuss Littles Hill lawsuit. He stated that he is meeting with selectmen and that the Spear's have 39 units to be built. He stated that they have a type of condominium and they have agreed to build 13 units a year.

Mr. Hopkins stated he would suggest that they cut a deal.

Mr. Brett stated that this would be a settlement between them.

Mr. Hopkins stated that this would be binding agreement and he should get it in writing.

Mr. Moultrie made a motion to go out of executive session. Second by Mr. Evangelista.

Mr. Moultrie-yes

Mr. Evangelista-yes

Mr. Hopkins-yes

Mr. Kostura-yes

Mr. Sarno-yes

Minutes transcribed by J. Pantano.

Minutes accepted as written February 27, 2002.