

**MEETING  
GEORGETOWN PLANNING BOARD  
Executive Session  
Town Hall Basement Meeting Room  
August 14, 2002**

**Present:** Jack Moultrie, Chairman; Christopher Hopkins, Vice-Chairman;  
Dan Kostura, Clerk; Alex Evangelista; Peter Sarno;  
Tim Gerraughty, Alternate Member; John Cashell, Town Planner;  
Larry Graham, Planning Board Technical Review Agent &  
Inspector; Janet Pantano, Administrative Assistant

Mr. Hopkins made a motion to go into Executive Session to discuss litigation on Little Hill. Second by Mr. Kostura.

Roll call

Mr. Sarno-yes

Mr. Hopkins-yes

Mr. Evangelista-abstained

Mr. Gerraughty-yes

Mr. Moultrie-yes

Mr. Kostura-yes

Mr. Moultrie explained the issue of the Little Hill lawsuit by Mr. King an abutter. He stated that the Bank has stopped financing and that the Spears have a proposal to alleviate the situation.

Mr. Speicher thanked the board for seeing them and explained that this is a dire situation. He stated that he has talked to Joel Bard on the issue. He explained King's history of the property. He stated that there is a statute in the past that land was deeded to the center of the road. He stated that the landowner is in a position to say that no one can go over his land and Mr. King is stating this. He is making this claim and his attorney has stated that they do not care but want a lot of money. He stated that other abutters could also make this claim. He stated that the lawsuit could be won or lost but the Spears would go under before this is ended. He stated that all buyers have walked away. Mr. Speicher explained that sales have been lost. He stated that they can not promise buyer that they can get title insurance. He stated that if they settle with King there are two other abutters that could make the same claim. He stated that they feel they have found a way to go around this.

Mr. Spear showed the board what they want to do. He stated that they have a 50ft right of way with 24 ft of pavement and that what they plan to do is to stay in

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the right of way and widen the pavement by 12ft and have 36ft of pavement. He stated that this way they would not have to drive or cross Mr. King's alleged property.

Mr. Speicher stated that they do not have to tell Mr. King that they are doing this and the Title Insurance Company has said that they would go with this. He stated that they are asking for the boards approval to do this and he stated that they may not have to do this but want the option. He stated that they can go to Mr. King and the Anatasi's and offer them something similar to what it would cost them to do this. He stated that it would not be the megabucks that Mr. King is asking for.

Mr. Sarno asked about Canterbury Drive.

Mr. Speicher stated that Mr. King's lawyer has been frank with them that they want money. He stated that they probably would have paid him if he was the only one. He stated that they have to be in a position to say that they can build.

Mr. Moultrie stated that even though not a town road would they have to take the land.

Mr. Spear stated that they have addressed this issue and explained. Mr. Spear explained where the utilities are and stated that the water shut off may have to be moved.

Mr. Moultrie asked about utilities and if Mr. King states that they should not be on his property.

Mr. Speicher stated that you could put utilities under a road. He stated that they have not asked.

Mr. Spear stated that if they have to move the utilities they would.

Mr. Moultrie asked about the sidewalk.

Mr. Speicher stated that he has not said they could not use the sidewalk and they would deal with this if he does.

Hopkins stated what they would do if they say you can not walk across.

Chris Sprague of Hayes Engineering stated that there are 42 homes and Hillside drive has existed all along. He stated that they would argue that they have a right to pass and how would you distinguish who could pass and who could not. He stated that they would have a hard time to prove this.

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Mr. Hopkins stated that as long as the Board does not loose anything he is okay with this.

Mr. Kostura asked how this would effect the town's lawsuit.

Mr. Hopkins stated that abutters would be upset if Canterbury were opened.

Mr. Speicher stated that by doing this and keeping Canterbury closed it would help the town's lawsuit.

Mr. Sarno stated if Mr. King prevails and Canterbury was opened it would be the main entrance to the subdivision and the abutters would be upset.

Mr. Kostura stated that if they have to do this could they do this and move the sidewalk.

Mr. Speicher stated that they do not want to do this.

Mr. Cashell asked if he could fence this in.

Mr. Speicher stated that Mr. King feels his neighbors can cross but he feels new subdivision people could not use.

Mr. Graham stated that under the circumstances he feels that they should look favorable on the plan. He stated that they should have a continuous sidewalk and wants to see sidewalk extended.

Mr. Sarno made a motion to go out of Executive Session. Second by Mr. Hopkins.

Roll call

Mr. Sarno-yes

Mr. Hopkins-yes

Mr. Evangelista-abstained

Mr. Gerraughty-yes

Mr. Moultrie-yes

Mr. Kostura-yes

Board came out of executive session.

Minutes transcribed by J. Pantano.

Minutes accepted as amended September 11, 2002.