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**MEETING MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, October 23<sup>rd</sup>, 2013**  
**Memorial Town Hall – 3<sup>rd</sup> Floor**  
**7:00 p.m.**

**Present:** Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Tillie Evangelista; Mr. Tim Howard (arrived at 7:40 PM); Mr. Bob Watts (arrived at 7:19 PM); Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

**Meeting Opens at 7:18 PM.**

**Approval of Minutes:**

**1. Minutes of September 18, 2013.**

Mr. Rich - **Motion** to accept the minutes of September 18<sup>th</sup>, 2013 as amended and subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

**Motion Carries: 3-0; Unam.. (1 Abstention)**

{Mr. Watts arrives at 7:19 PM.}

**Vouchers:**

**1. North of Boston Media Group: Medical Marijuana Legal Ad.**

**2. GateHouse Media: Legal Notice.**

Mr. Rich - **Motion** to pay the vouchers as presented.

Ms. Evangelista - **Second.**

**Motion Carries: 4-0; Unam.**

**Correspondence:**

**1. Town of Newbury: Zoning Board of Appeals – Special Permit / Finding.**

**2. Hayes Engineering: Lisa Lane Development and Abutter's Request for layout to property.**

**3. BSC Group: Review letter report of Harmony Lane plans.**

**4. Definitive Subdivision Plan Application: Turning Leaf (Lisa Lane).**

Mr. Snyder - I want to note that the second item is a letter from Hayes Engineering regarding the Lisa Lane development which is now referred to as Turning Leaf. Item number four is the definitive subdivision plan application from the developer for the definitive plan. These items are presented here but they will be brought up at the first public hearing at the November 13<sup>th</sup> meeting. The third item is from BSC Group which is a review letter on Harmony Lane and that will be placed on the agenda as well with the additional correspondence received today on Harmony Lane and the release of some of the bond money. These will be put on the agenda for the November 13<sup>th</sup> meeting.

**Old Business:**

**1. Special Permit: 124 Tenney Street: Decision of Approval.**

46 Mr. Snyder - This is the decision of approval that has been written up and sent out to the  
47 board. I did not receive any comments back. We have received the mylars from the engineer  
48 so it is all ready for signatures.

49  
50 Mr. LaCortiglia - This was previously voted on correct?

51  
52 Mr. Snyder - Yes and approved.

53  
54 Mr. LaCortiglia - Is everybody good with signing the mylars and the decision?

55  
56 Ms. Evangelista - I had a question about the decision regarding the water resource and I was  
57 surprised that we made a recommendation. We had never done that before.

58  
59 Mr. Snyder - It was not a recommendation it was a notation that he has not made an  
60 application to the zoning board as part of the water resource district. None of the uses he has  
61 proposed trigger a review.

62  
63 Ms. Evangelista - I was surprised that that is not the Planning board decision; it is really the  
64 building inspector to make that determination.

65  
66 Mr. LaCortiglia - I thought we had that in the response regarding the special permit and the  
67 jurisdiction for the ZBA? Because it was two buildings on one lot which requires a special  
68 permit and also it was in a water resource district. And he wrote us a letter back and that is in  
69 the file.

70  
71 {Mr. Snyder reads the letter.}

72  
73 Ms. Evangelista - I was surprised that you felt it necessary to put it in because...

74  
75 Mr. Snyder - I put it in because it shows that the Planning board didn't consider any of it.

76  
77 Mr. LaCortiglia - So we are not permitting it, we are disclaiming it. It is a disclaimer.

78  
79 Ms. Evangelista - I think it is safer to take it out myself because I am taking it differently  
80 than you are. We have never addressed what another board has to make their jurisdiction we  
81 just leave it out or the building inspector has to make that clarity.

82  
83 Mr. Rich - That is a good point. I don't know whose jurisdiction it is. I don't believe it is  
84 ours. I like what Mr. Snyder has written in there. Can I see it please Mr. Snyder as there is  
85 one thing I would like to add to it?

86  
87 Mr. Snyder - Usually we write in the order of conditions from ConCom and everything in  
88 incorporated into our decision and because we hadn't received anything from the ZBA I  
89 wanted to recognize that fact that we hadn't received anything.

90

91 Mr. Rich - Here's what I would put in there: At the time of this decision the Planning board  
92 has not received any correspondence from the ZBA and to the Planning Boards knowledge  
93 the ZBA has not reviewed the application in respect to the special permit for a facility within  
94 a water resource. And the Planning Board is not ruling in any part on a facility nor is it part  
95 of this decision concerning any issues in that respect.

96  
97 Mr. Rich - **Motion** to sign the decision with the changes made this evening.

98 Mr. Watts - **Second.**

99 **Motion Carries: 4-0; Unam.**

100  
101 **New Business:**

102 **1. ANR: Map 10 Lot 63 Tolman property on Pingree Farm Road.**

103 Mr. Snyder - The Planning Board received an ANR application for the Tolman property off of  
104 Pingree Road which is off of East Main Street. The information provided is in your packet.

105  
106 Mr. LaCortiglia - Has the filing fee been paid?

107  
108 Mr. Snyder - Yes.

109  
110 Mr. Tolman - Well, it is an old woods road and it should qualify for ANR approval. I've owned  
111 the land for 40 odd years and I think we can meet all the requirements. Mr. Snyder was out there  
112 looking at it today. The fire chief gave us an idea of what to do because we intend on drilling  
113 wells instead of bringing a water main up there and he would like some fire protection and he  
114 would like to see a twenty thousand gallon reservoir of water there which I agreed with. Other  
115 than that you people have some paperwork on it.

116  
117 Mr. Snyder - Everything that we've received as part of the application is in the packet. We did a  
118 site walk out there with Mr. Tolman and I invited the police and fire chiefs to go and look at it  
119 too. Those reports will be forthcoming.

120  
121 Mr. LaCortiglia - Do we have an overview?

122  
123 Mr. Snyder - Yes. {Shows it on the screen and describes the different areas.}

124  
125 Mr. Rich - Is there housing on that side? I am thinking about a complaint once brought to the  
126 BOH about odors from the horse farm.

127  
128 Mr. Tolman - They were trying to put a senior development in there a couple of years ago.

129  
130 {Mr. Howard arrives at 7:40 PM.}

131  
132 Ms. Evangelista - From what I remember that is just supposed to be a fire lane to get to the state  
133 forest and that's why I think maybe they ought to be notified that there is a request like this. It is  
134 a fire road to get to the property in the back.

135  
136 Mr. Tolman - May I address that? It is not considered a fire road. It was the main road in the  
137 1800's from Georgetown to Rowley which merged with Pingree Farm Road. That was a main  
138 thoroughfare at that point. I have documentation from the forestry department that says we share  
139 the road with the fire department. I can give you more documentation.

140  
141 Mr. Rich - Can you get that to us?  
142  
143 Mr. Tolman - Yes.  
144  
145 Mr. Snyder - From a planning standpoint I just want to make sure everybody is careful of using  
146 the words road and way because you will need to be consider the adequacy of the way and the  
147 frontage of the way that the ANR application is considering.  
148  
149 Mr. Rich - As I see it, a Road is a Way and a Lane is a Way and a Court is a Way. And that's  
150 why it reads the adequacy of the Way.  
151  
152 Mr. LaCortiglia - The Form A, you have circled C here which says the private way in existence  
153 on October 7, 1954 but the stamped plan you submitted states that Pingree Road is a public way.  
154  
155 Mr. Tolman - In 1984 when they came up with the official town map, they erased that road right  
156 off the map. And you people turned around and put it on as a private way part way up the road  
157 to the forest.  
158  
159 Mr. Snyder - On the official town map this area is shown as a private way. {Shows the map on  
160 the screen and the area in question.}  
161  
162 Mr. LaCortiglia - We have a professional land surveyor saying it is public.  
163  
164 Mr. Rich - Do you have any pictures of the old road like an aerial view of the old road showing it  
165 going all the way through that property from back then?  
166  
167 Mr. Tolman - Yes I have a map from 1830.  
168  
169 Mr. LaCortiglia - Did you have a chance of looking up any USGS maps?  
170  
171 Mr. Snyder - No.  
172  
173 Mr. LaCortiglia - Maybe we could check that out.  
174  
175 Ms. Evangelista - I have a question. Why is this plan you are presenting to us not recorded?  
176  
177 Mr. Tolman - It is recorded at the registry of deeds.  
178  
179 Ms. Evangelista - It says right on it "unrecorded plan by S & W Landscape December 5, 1997."  
180  
181 Mr., Tolman - This piece of land was surveyed three times because we were ready to bring it to  
182 the board a couple of times.  
183  
184 Mr. Rich - Right on the plan under current ownership – it is recorded. The engineer may be  
185 saying that this plan that he drew is not the exact plan that has been recorded at the registry but  
186 he's taken his information from that plan. Mr. Tolman, would you get us a copy please of plan  
187 book 423, plan 81?  
188

189 Mr. LaCortiglia - It might be helpful to ask your land surveyor who drew this plan to get us  
190 copies of the four references. That would be helpful.  
191  
192 Ms. Evangelista - So have you ever come to the Planning Board for an ANR for this subdivision  
193 before?  
194  
195 Mr. Tolman - No.  
196  
197 Ms. Evangelista - So the only thing recorded is that you own the property.  
198  
199 Mr. Tolman - With engineered plans.  
200  
201 Ms. Evangelista - And there were no divisions of land or anything?  
202  
203 Mr. Tolman - No.  
204  
205 Mr. Howard - You came before the Planning Board maybe six years ago about a potential  
206 subdivision next to the horse farm.  
207  
208 Mr. Tolman - I was only here as an abutter.  
209  
210 Mr. Howard - You expressed an interest to develop that land.  
211  
212 Mr. Tolman - Not officially.  
213  
214 Ms. Evangelista - I still would like the department of environmental management to review this  
215 plan and give us a heads up as to whether they are supportive of it or not. He said they are  
216 sharing the road and what does that mean, sharing the road?  
217  
218 Mr. Snyder - I think it needs to be shown as either a private way or public way. It is shown as a  
219 public way on the plan of land submitted by the applicant. It is written on the application as a  
220 private way. If it's a private way the drawings need to be changed and if it's a public way the  
221 drawings need to be certified by the clerk that it is maintained and used as a public way.  
222  
223 Mr. Tolman - You people submitted the information to the MVPC board to make it a private way  
224 on part of it.  
225  
226 Mr. LaCortiglia - We have just gone through seven or eight months of trying to correct one of  
227 the mistakes that were made on that plan. Unfortunately we are human and make mistakes.  
228  
229 Mr. Tolman - I went to see them and they said they just take the information from you and put it  
230 on the map.  
231  
232 Mr. LaCortiglia - They take it from the assessor's office and that is something we may want to  
233 check out.  
234  
235 Mr. Tolman - The other mistake made is that this is RC which is 80 thousand and they had it  
236 down as one acre. We corrected that. On the horse farm it was spot zoning they just took Red's  
237 and made him one acre and left everyone else as two acre.  
238

239 Ms. Evangelista - I remember that, he was away and the Planning Board at the time went up put  
240 it on the town meeting and he came back from vacation and said, "What happened. They cut my  
241 property value in half." When that came to light they went back to town meeting but they only  
242 changed Red's not anybody else.  
243  
244 Mr. Tolman - And they didn't do the front part of his lot where the house is because that zoning  
245 comes back 275 feet. You just tell me what you want and I'll bring it.  
246  
247 Mr. LaCortiglia - It would be really helpful if you could get us those four sources. Mr. Snyder  
248 you said you took a walk out there, did you take any pictures? {Shows pictures on the screen.}  
249  
250 Mr. Rich - What does that sign say?  
251  
252 Mr. Tolman - No motor vehicles.  
253  
254 Mr. LaCortiglia - Whose sign is it?  
255  
256 Mr. Tolman - The forestry department.  
257  
258 Mr. Howard - The state.  
259  
260 Ms. Evangelista - As far as I know, it is only a fire lane.  
261  
262 Mr. Rich - Mr. Tolman, do you have written notation from the state saying that you can drive  
263 motor vehicles on that road?  
264  
265 Mr. Tolman - The only thing the state and I have talked many times and the only thing they made  
266 loud and clear is if you cut trees do not pile them within 50 feet of the lot line. The reason those  
267 gates were put there is that people were throwing tires in the forest so they gated it off and they  
268 gave me a key to the gate. A couple years ago a kid got hurt down there and they could not get  
269 into the road so since then they took the cable down. We have the documentation to bring in to  
270 you.  
271  
272 Mr. LaCortiglia - Yes, please bring in anything you can.  
273  
274 Mr. Snyder - During that time I'd encourage the board to go out to the site.  
275  
276 Mr. Howard - I've walked on that road a hundred times.  
277  
278 Mr. LaCortiglia - I have never.  
279  
280 Mr. Rich - Can you drive in there now?  
281  
282 Mr. Tolman - Definitely. There is enough for two cars to pass. What I did was clean the road  
283 up.  
284  
285 Mr. Rich - Is the gate open?  
286  
287 Mr. Tolman - All you have to do is move it to the side. I would be glad to meet you and go on a  
288 site walk anytime.

289  
290 Mr. Rich - As a start I would like to see all the documentation.  
291  
292 Mr. LaCortiglia - Absolutely, you will provide all of that right Mr. Tolman?  
293  
294 Mr. Tolman - Yes.  
295  
296 Mr. Rich - Do we need a time period for that documentation because we are under a time frame.  
297  
298 Mr. Snyder - It is 28 days.  
299  
300 Mr. Rich - It is 28 days for us to say yes or no. How soon can you get that information to us?  
301  
302 Mr. Tolman - At the next meeting.  
303  
304 Mr. Rich - I'd like to see it before that.  
305  
306 Ms. Evangelista - It might take longer to get any comment from the state and to notify the  
307 environmental management that this is the proposal so that they know that this is going on.  
308  
309 Mr. Howard - Mr. Snyder can do that- whoever put that sign up.  
310  
311 Mr. Snyder - I will check it out and notify whoever is applicable.  
312  
313 Mr. Howard - Further down there are other signs.  
314  
315 Mr. Snyder - There is plenty of time to get the information to the planning office for the boards  
316 review.  
317  
318 Mr. Howard - What I remember from eight years ago is that this was not workable and I don't  
319 remember why. He needed that access from the left side of this property. I can't remember the  
320 details but if you go back in the planning records Mr. Snyder you may find that.  
321  
322 Ms. Evangelista - Was that Bussing's proposal?  
323  
324 Mr. Howard - I don't think so. I think it was Mr. Tolman.  
325  
326 Mr. Tolman - Let me tell you what the discrepancy was here. As this road comes to the point it  
327 showed on all the maps a line coming across. That the first bound line came across that road and  
328 everybody thought this belonged to the forest. This is where the problem has lied all along and  
329 why I couldn't do anything. They kept saying you don't own it as the line is there. If you also  
330 look at the official map you will see that the road goes in and narrows up to nothing.  
331  
332 Mr. Rich - Do you have a copy of your deed?  
333  
334 Mr. Tolman - Yes. There are two deeds; I purchased the land in 1969 – 1970. I changed it over  
335 to Tolman Sheet Metal Company cause when I build a complex I had to put that land up for  
336 collateral and then I took it back in my own name. So I have owned it for over 40 years.  
337 Mr. Rich - On your deed does it describe the land as fronted by Pingree Road?  
338

339 Mr. Tolman - Correct. I have all the deeds going the whole length of the road that all say fronted  
340 by Pingree Road.  
341  
342 Mr. Rich - I am trying to think of any and all the documents that would be helpful for us.  
343  
344 Mr. LaCortiglia - Please get them all to Mr. Snyder as soon as possible.  
345  
346 Mr. Howard - I thought Pingree Road got abandoned. It used to go behind 225 East Main Street.  
347  
348 Mr. Tolman - Pingree Road did not go behind that house. It goes out to Pingree Farm Road  
349 before the highway. I can give you all that stuff.  
350  
351 Mr. Rich - And copy of the deeds.  
352  
353 Mr. Tolman - Yes, you can have it as quick as tomorrow morning.  
354  
355 Mr. Snyder - The 28 day review period is going to expire before we are scheduled to meet next.  
356 You need to look at the first meeting in November.  
357  
358 Ms. Evangelista - Is there a problem with an extension? I would get an extension because this is  
359 a lot of material.  
360  
361 Mr. Snyder - But an extension really applies to a subdivision or a special permit. All it does is  
362 formalize that the applicant of Form A is allowing the board additional time but it is not really a  
363 binding document.  
364  
365 Mr. Howard - The clock shouldn't be set yet because so we have a bunch of information.  
366  
367 Mr. Snyder - Well it has started because the application has been presented to the board.  
368  
369 Mr. Howard - Then we might just have to deny it then.  
370  
371 Mr. LaCortiglia - That's one way of doing it.  
372  
373 Mr. Snyder - I think what you could do is get the information from the applicant and at least  
374 consider it at the next meeting. At that time come to an agreement with Mr. Tolman if more time  
375 will be afforded to the Board for consideration of the ANR.  
376  
377 Mr. Howard - It's clearly going to take more time.  
378  
379 Mr. LaCortiglia - The next meeting is November 13<sup>th</sup>.  
380  
381 Mr. Tolman - Why do we have to do that if we are going to present all the information for you?  
382  
383 Mr. Rich - We don't deliberate in private, we only meet like this. We will see the information.  
384  
385 Mr. Howard - It won't be just us there will be other people involved too.  
386  
387 Mr. LaCortiglia - I think it is safe to say that we will look at this on November 13<sup>th</sup>.  
388

389 Ms. Evangelista - Make a list for all Mr. Snyder has to do to make sure he can do it before the  
390 next meeting. He needs to find out from the sign who to notify, check the assessors...  
391  
392 Mr. Snyder - I will get the information from the police and fire departments.  
393  
394 Ms. Evangelista - You might want to check with MVPC to see what Mr. Tolman is talking about.  
395  
396 Mr. Snyder - Why would I do that?  
397  
398 Ms. Evangelista - What I was thinking as he was talking about this is - Do we put fire ways or  
399 lanes on our official town map?  
400  
401 Mr. Snyder - No.  
402  
403 Ms. Evangelista - The school is going to do an assessory road for emergencies.  
404  
405 Mr. Rich - Ms. Evangelista, if Pingree Road was in existence back then so whether you call it  
406 the fire road or whatever, it is still a road and if it was abandoned as Mr. Howard brought up then  
407 certain steps have to be taken by the selectmen and make it private or abandon it period.  
408  
409 Ms. Evangelista - Has it ever been accepted?  
410  
411 Mr. Snyder - I don't think it was ever accepted but it's always been a right-of-way.  
412  
413 Mr. Rich - It would have been at a time if his records are right, at a time before any of those  
414 procedures. Has Route 97 ever been accepted? We just need the documentation. Give Mr.  
415 Tolman the time to present all the documentation. Mr. Snyder it wouldn't be a bad thing to try  
416 and make contact with them (the sign installers) and try to find out what they refer to it as. You  
417 have an engineer saying it is Pingree Road.  
418  
419 Mr. LaCortiglia - We think - saying it is public. They must have a reason for doing that. The  
420 guy's not going to risk his license.  
421  
422 Mr. Tolman - But it is private because you people put it on the map as private.  
423  
424 Mr. Rich - MVPC does that themselves. Then we would have to have them correct it if it is  
425 wrong.  
426  
427 Mr. LaCortiglia - If it is a public road it needs to be shown as a public road.  
428  
429 Ms. Evangelista - I still think it's a good idea to put a fire road on the map.  
430  
431 Mr. Tolman - They will have access if anything happens on the road.  
432  
433 Mr. LaCortiglia - Let's see where it goes. We will bring it all back up on November 13<sup>th</sup>.  
434  
435 Mr. Tolman - I will be in touch with Mr. Snyder tomorrow.  
436  
437 Mr. LaCortiglia - Thank you.  
438

439 **Public Hearing:**

440 **1. Special Permit: Georgetown Park and Recreation - East Main Street Recreation**  
441 **Facilities.**

442 Mr. LaCortiglia - I am opening the continuation of the public hearing for the Georgetown  
443 Park and Rec East Main Street facility.

444  
445 Mr. Snyder - Mr. Mammolette provided documentation to the board today which is in the  
446 supplemental packet, of his response letter to some of the concerns.

447  
448 Mr. LaCortiglia - You verbally gave us these responses at the last meeting correct?

449  
450 Mr. Mammolette -Yes, I actually emailed the letter yesterday.

451  
452 Mr. LaCortiglia - Are these are the final, final, finals?

453  
454 Mr. Mammolette - I hope so. There were things on here that I was supposed to identify. Mr.  
455 Snyder do you have a PDF?

456  
457 Mr. Snyder - I don't - I think you can outline it verbally.

458  
459 Mr. LaCortiglia - All the responses are here on the questions that Mr. Graham brought up.

460  
461 Mr. Rich - There are responses but whether they are adequate or not is to be seen. The  
462 reason I am saying that is one I see, number 6 on page 3, I don't quite understand. Some of  
463 these require a yes or a no answer and the response is that the drawings are more than  
464 adequate for their intended purpose... time consuming and cost prohibited. With all due  
465 respect, when our engineer asks for something, tell him when you can't give it to him.  
466 You're not going to win friends by saying that what you are asking for is not relevant.

467  
468 Mr. Mammolette - Honesty, looking at that right now, I think it may have been cut and  
469 pasted from one of the many others where that was the appropriate response. The reason it  
470 says resolved is because he sent back a letter saying it was resolved.

471  
472 Mr. Watts - I see the exact same wording...

473  
474 Mr. Rich - If it's resolved, it's resolved can you please clarify that?

475  
476 Mr. Mammolette - Yes. That might just be a typo because I was cutting and pasting multiple  
477 answers. I can go back and revisit it.

478  
479 Mr. LaCortiglia - Essentially Mr. Mammolette, everywhere where it says resolved it doesn't  
480 need anything after it.

481  
482 Mr. Mammolette - Again, I'm saying it may be a typo.

483  
484 Mr. Rich - But there are a couple that say resolved with more after it.

485  
486 Mr. Mammolette - Let me just point to the drawings to show it is resolved. Oh, you're just  
487 interested in the words.  
488  
489 Mr. Rich - If it is not then when the finals go to Mr. Graham for reviewing, we will be told.  
490  
491 Mr. LaCortiglia - Maybe it would be easier if you could tell us what isn't resolved? That  
492 seems to be the short list right?  
493  
494 Mr. Mammolette - From memory, the first issue that was unresolved from the last letter had  
495 to do with the missing camp improvements on the Boy scouts fence which I depicted as  
496 existing conditions on the drawing. The next issue was number 12 - there was a question on  
497 the width of sidewalks but the sidewalks are all drawn to scale. There was expansion and  
498 control joints shown before and I think the person that drew them was just cutting and  
499 pasting so I clarified that the control joints would be every 5 feet and the expansion joints are  
500 every 50 feet.  
501  
502 Mr. LaCortiglia - If everyone recalls we went over these point by point at the last  
503 continuation meeting. It has been a while since that meeting but it is coming back to me  
504 now.  
505  
506 Ms. Evangelista - So why don't we just send this to Mr. Graham and that's it?  
507  
508 Mr. Snyder - Mr. Mammolette has provided me with the revised set and the letter and I will  
509 be sending them to Mr. Graham tomorrow. Also needed tonight at the public hearing is a  
510 Form H to be signed which is a request for more time so that the Planning Board has more  
511 time for review.  
512  
513 Mr. Rich - **Motion** to approve the Form H.  
514 Mr. Watts - **Second.**  
515 **Motion Carries: 5-0: Unam.**  
516  
517 Mr. LaCortiglia - It sounds like the consensus of the board is to send this to Mr. Graham.  
518  
519 Mr. Howard - And if he is in agreement - or if not then there will have to be more discussion.  
520  
521 Mr. LaCortiglia - I hope not it is getting revised to death.  
522  
523 Mr. Rich - How many trees have we killed?  
524  
525 Mr. Mammolette - I think if you read some of the comments I think you're going to - this is  
526 turning into a tennis match and nobody seems to have the upper hand so someone needs to  
527 step in I think and referee it. Because I have provided what he's asked for and I look at some  
528 things one way and he looks at it another way so I am not sure unless somebody gives me  
529 clarity. Like if you want a road profile and he want a road profile and you tell me to make  
530 one then I will make one.

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575

Mr. LaCortiglia - We made it clear that we weren't requiring a road profile.

Mr. Mammolette - But there are a number of things in the comments there that show our views are at odds. We are trying to keep coming closer to the center point. But there may be some things that he's not ever going to come to the center point. I think you had pointed out before that it is still the board's decision that you take the feedback and go from there.

Mr. LaCortiglia - I am pretty happy with it right now I would love to see what those changes are on the plan itself. I would be ok with not sending this back to Mr. Graham for another expensive review at the cost of the town. Remember we are paying for this, the engineering and the review. This is a public facility that is being created here. Mr. Graham brought up a ton of good points and I think we are capable of resolving those points without actually sending it back to him but I would like to hear what the board wants.

Mr. Rich - If everything meets with Mr. Graham's approval he should be able to fly thru it and it shouldn't be that expensive. And where it is public money and where it is a public facility, I really want to make sure it is done right. Because it would take more public money to make it right and when you fix things in the field as you know, it is four or five times the cost than if you did it right the first time.

Mr. Snyder - If I can add to that - if most of the items have been addressed then Mr. Graham will go back and look at it and he may come up with that he agrees with everything but those four items. These four items come back to the board and the board can say yes we want this or no we want that.

Mr. Howard - That's what I think.

Mr. Rich - If I were the engineer and got responses like I just read... I think it is more politically correct to say we can agree to disagree and that the decision should be made by the board instead of telling us it's not relevant or telling our engineer it's not relevant.

Mr. Mammolette - But they are not relevant. I am getting dragged through the mud. People are questioning my integrity and that's ok.

Mr. Rich - I am not questioning your integrity.

Mr. Mammolette - I don't worry about that. What I do worry about is that we are talking about stuff that can be fixed in the field that are not critical. I redid the drawings to show a swing set that is not on town property. There are other things in here that are of a similar level. It's all his opinion and if you want to send them back it's fine.

Mr. Rich - Mr. Mammolette you are a PE and we have our PE and each of you are telling us different things. If our PE tells us this is important and you tell us it's irrelevant - the correct answer to that question is that I will leave it up to the board. We can agree to disagree that it

576 needs to be done and it's a decision the board can make. There's the red flag, that's the point  
577 that we need to meet as a board and say yes or no.  
578

579 Mr. Howard - Didn't we have a list of things to be reviewed?  
580

581 Mr. LaCortiglia - This is the response form Mr. Graham's comments. Mr. Mammolette  
582 responded and this is the letter that he was going to send.  
583

584 Mr. Mammolette - If you want me to come back in two weeks so you have a chance to  
585 review it - I realize you didn't get it timely enough for you guys to review it - no problem.  
586 And if you want to send it to Mr. Graham again that's no problem. I'm just trying to point  
587 out that there are going to be comments that come back and I reiterate my point and he's  
588 going to reiterate his point.  
589

590 Mr. Howard - And then we as a board can agree with you or ...  
591

592 Mr. Snyder - We can instruct Mr. Graham to review Mr. Mammolette's letter and in your  
593 opinion what are outstanding items. You don't need to readdress things that are resolved.  
594 And ask for him to give us your final opinion.  
595

596 Mr. LaCortiglia - Can we limit it to no more than one hour to do so? He is not cheap and we  
597 are paying for this ping pong match.  
598

599 Mr. Rich - If it were Artisan Development would we be doing this?  
600

601 Mr. LaCortiglia - No we wouldn't be because this is a public project. If any other applicant  
602 came before the board and took this long to be reviewed I believe they would demand to  
603 close the hearing.  
604

605 Mr. Rich - Time out for a second. Please don't hit me with this long stuff. "This long" is  
606 Mr. Mammolette's fault - not this boards fault! I will not stand for that and sit quietly having  
607 that been said. I have had selectmen tell us that it is because of this board that is delaying  
608 this project and that is just not true! You want a decision? I will make a motion to approve  
609 or deny it right now! You want it quickly? We've been asking for information. We've  
610 been patted on our backs and other parts of our body and on top of our head waiting for  
611 information. We have been waiting for information. We have not received the information.  
612 It's been on our agenda and no one has been in this room so we've continued it and again and  
613 again. And if I take one more set of plans we could open up a paper factory. My colleagues,  
614 if you disagree with me, please step in.  
615

616 Mr. Watts - I think your point is very well taken. We have been judicious about going over  
617 this material but I am looking at some of Mr. Graham's comments that are more editorial and  
618 not productive engineering. I don't see where some of his comments are material.  
619

620 Mr. Rich - I think what he is trying to find out is if someone walked the property.  
621

622 Mr. Mammolette - The note says that the base plan was prepared from a boundary survey  
623 made by professional land services and actually I had to add the word boundary in there. So  
624 if I performed topographical then whether or not it says boundary it is still a boundary  
625 survey. And by the way of you look at the drawings there are meets and bounds all over it  
626 suggesting clearly that it is a boundary survey.

627  
628 Mr. Rich - You just answered the question.

629  
630 Mr. Mammolette - But the answer was already on there before it was reviewed.

631  
632 Ms. Evangelista - All you had to say was that it was a topography survey.

633  
634 Mr. Mammolette - I didn't have to answer it was worded right there!

635  
636 Mr. LaCortiglia - Weeks ago Mr. Mammolette pointed out that note and we had forgotten  
637 that.

638  
639 Mr. Howard - We had a list of like three items. Where is that list?

640  
641 Mr. LaCortiglia - I would imagine that they are in the minutes from that meeting.

642  
643 Mr. Howard - If he can pull that up, then we can make a decision tonight.

644  
645 Ms. Wade - When we last left this meeting a few months ago there were four items that Mr.  
646 Mammolette needed to correct which he did do. We were under the assumption that he  
647 needed to correct them and return to you so you all could make the vote. It was not a  
648 correction that we thought we would have to go to Mr. Graham again. So we would love for  
649 you to make the decision tonight and do the vote. Lou has done the corrections. There were  
650 four items and they were minor details. We feel like you have enough information. He has  
651 done as much as he needs to do and like he said Mr. Graham is going to pull up all kinds of  
652 things which is more time and money. We need to get on the Zoning Board, we need to go to  
653 ConCom, we have people ready to go, we need to get a new engineer now and we need to  
654 build this thing and put it out to bid by spring! And we would really like you guys to take  
655 this vote tonight! We have provided enough information - these details are so minor. We  
656 don't believe from an engineering or safety issue that they will have any implication. All of  
657 the main safety items and engineering is there and it is here on the drawings and is ready for  
658 an engineer to go out and put it to bid and build it! And the whole town's ready and waiting  
659 and we would love a vote tonight not after Mr. Graham looks at it one more time!

660  
661 Ms. Evangelista - I want to know if you are talking about four items, how did it get to forty-  
662 two?

663  
664 Mr. LaCortiglia - We received a letter which was his second review of the plans. It was  
665 about thirty two because his numbering system was off. We went thru all bullets. And we  
666 resolved down to four of them which Mr. Mammolette was going to tell us which those are.

667 And my understanding leaving that meeting was that Mr. Mammolette would respond and  
668 those four bullet points would come to the board tonight.

669  
670 Mr. Rich - Mr. Mammolette is that your understanding?

671  
672 Mr. Mammolette - Absolutely.

673  
674 Mr. Rich - Then on October 23<sup>rd</sup>, 2013 you sent a letter to the Planning Board responding  
675 saying that this is additional information we are writing to with all of this stuff.

676  
677 Mr. Mammolette - My experience has been that you don't slash things off the list because  
678 what can happen is...

679  
680 Mr. Rich - But you're starting it all over again. I don't know if this is identical - we just got  
681 it. Other than the four issues we need to resolve, this is bringing in front of us a bunch of  
682 other things that you're asking us to say yes or no on. If we have said yes or not then why  
683 are we starting it all over again?

684  
685 Mr. Mammolette - No you are not starting again. The word resolved indicates clearly that  
686 the issue has been addressed. I just have it on the list so you don't have....

687  
688 Mr. Rich - Then why didn't you say it was addressed? The word resolved is what's used.

689  
690 Mr. LaCortiglia - If we saw Mr. Graham's review, he would use the same terminology. And  
691 they would say resolved after each one.

692  
693 Mr. Snyder - I think what it comes down to is the anticipation/expectation that there are four  
694 outstanding items and they have been addressed and...

695  
696 Mr. LaCortiglia - They need to be addressed in the plans.

697  
698 Mr. Rich - Are you saying Mr. Mammolette that the four items are addressed in the plan?

699  
700 Mr. Mammolette - Yes, they are all done.

701  
702 Mr. Rich - That's all you had to say at the beginning.

703  
704 Ms. Wade - I think it's time for a vote.

705  
706 Mr. Rich - You don't want us to take a vote right now.

707  
708 Ms. Evangelista - The Park and Rec committee - if you were so anxious to get this done then  
709 why wasn't there a town meeting vote for the money to finish it? You voted for turf, you  
710 voted for money to go to the American Legion - you had quite a lot of money from CPC,  
711 why wasn't this...

712

713 Mr. LaCortiglia - Time out everybody! One person speaks at a time and the person speaking  
714 right now to my knowledge is Ms. Evangelista.  
715

716 Ms. Evangelista - What I was concerned about when I went to town meeting is that none of  
717 this was on there. And when the engineer comes to us and you always say the money, the  
718 money. We don't have the money to do this and that. Well, you didn't bother to ask for the  
719 money las spring meeting.  
720

721 Mr. Howard - How much money would they ask for?  
722

723 Ms. Evangelista - I have no clue.  
724

725 Mr. Howard - Neither do they until this is resolved.  
726

727 Mr. LaCortiglia - With all due respect this project currently has in reserve CPC appropriated  
728 funding of over a half million dollars available.  
729

730 Ms. Evangelista - And how much money was spent for CPC at the town meeting for projects  
731 in May?  
732

733 Mr. LaCortiglia - For other projects it was well over a million and a half.  
734

735 Ms. Evangelista - That's my point - I was disappointed not to see a request for money  
736 because all along you people have been saying that you're short of money.  
737

738 Mr. Mammolette - It has been made very clear to Park and Rec that they wanted to see this  
739 thing completed before we ask for more money. I personally have been saying that I wish we  
740 would just keep asking because all they could say is no. We are permitting this as a complete  
741 project because it is linked together. Right now they are anxious to get this out to bid.  
742 Bottom line is there is not enough money to do everything on these drawings yet. There is  
743 still time to go to CPC to ask for money.  
744

745 Ms. Evangelista - The other thing back to what Mr. Rich said. In my mind if an applicant  
746 comes here, regardless of it being a town project or not, they have to follow the same  
747 guidelines and regulations as any other applicant. How can we support skipping over some  
748 of our regulations just because it is a town project? We do the regulation in the zoning  
749 whatever it may be to protect the town and the development. I feel that every time this  
750 project comes up that I am under pressure to hurry up and make a decision. This is a project  
751 for kids. We have to be more careful in my mind.  
752

753 Mr. Mammolette - We came up with the idea of a sidewalk. Nobody said...  
754

755 Mr. LaCortiglia - I feel no pressure to approve or deny. I move at a pace that I feel  
756 comfortable with. When I feel as though I have enough information and I am ready to make  
757 a decision. I hope you all feel that way.  
758

759 Ms. Evangelista - I don't, not for this project. This project has been a nightmare to me.

760

761 Mr. LaCortiglia - This is a public project using taxpayer funds getting reviewed with  
762 taxpayer funds as opposed to private. And with respect to regulations I would like to point  
763 out one unique thing about this. There is not one regulation on the books about public parks  
764 and about how it is to be designed. There is not one bullet point that our town engineer  
765 brought out in 38 points that addressed or came close to saying that he did not think it was  
766 safe. I have not seen the plans and could not make a decision tonight. I have to see the plans  
767 before I vote on them. There were four points at the last continuation that we were in to  
768 contention about and only four points. I am hearing from Lou that they are included in the  
769 drawings and that is where we left this.

770

771 Mr. Watts - I agree a hundred percent. We are one town and we are kicking each other. This  
772 is nuts. I don't feel that I have been pressured. I do have a feeling that it would have been  
773 wiser to come with a letter with the four bullet points and say how they were resolved. We  
774 are charging down a rat hole. We've wasted a lot of time tonight. I want to get this done. I  
775 personally think that it's a great project and what I saw, I liked. I want this to happen.

776

777 Mr. LaCortiglia - Can I ask t that we continue this hearing without sending it to Mr. Graham  
778 and without spending any more money of the towns and park and Rec? Can I suggest that  
779 we continue this to November 13th and if you look at the plans and if you are not satisfied  
780 with them, then we can send them to Mr. Graham?

781

782 Mr. Howard - I don't want to see anything other than those four points and how they are  
783 addressed.

784

785 Mr. Rich - I have never said I was against this project but I want it done right. I would like  
786 something from Mr. Mammolette addressing each of the four points. Once that is done it  
787 does not have to go Mr. Graham for me.

788

789 Mr. Mammolette - Can you guys name the four?

790

791 Mr. LaCortiglia - I can't.

792

793 Mr. Rich - I can't.

794

795 Ms. Wade - Exactly.

796

797 Mr. Rich - Excuse me, please don't say it like that to us. I'll tell you something, we've got  
798 Lisa Lane in front of us, we've got four other projects in front of us and I don't commit them  
799 to memory. And it is unfair to ask any board member to commit them to memory.

800

801 Ms. Wade - I wasn't saying that.

802

803 Mr. Rich - Asking colleges if they have been pressured? I have been called by selectmen out  
804 loud at meeting for the new school that they didn't want to come to the Planning Board

805 because they will get delayed like this project has been delayed. That to me is pressure. Ms.  
806 Evangelista was there when it was said.  
807  
808 Mr. LaCortiglia - I get it, I just don't feel it.  
809  
810 Mr. Rich - I care and I take pride in what this board does and how fast we do things. The  
811 selectmen didn't meet all summer.  
812  
813 Mr. LaCortiglia - On those four bullet points, Mr. Mammolette can you email them to Mr.  
814 Snyder tomorrow and I mean tomorrow?  
815  
816 Mr. Rich - Once those are addressed, and if they are addressed adequately, I am prepared to  
817 accept the plan.  
818  
819 Mr. LaCortiglia - Is there anyone uncomfortable with the idea of Mr. Mammolette sending  
820 Mr. Snyder the list and then him forwarding it to us for review?  
821  
822 Ms. Evangelista - I have been disappointed because if Mr. Graham says it needs the  
823 calculations then I think it needs the calculations. That's why I want to see MR. Graham  
824 reviewing because he brought it out.  
825  
826 Mr. Mammolette - The calculations are for how to size a rain garden.  
827  
828 Ms. Evangelista - They were for the road and you didn't want to do it.  
829  
830 Mr. Mammolette - Why would I calculate for a road? First of all it's not a road, it is a gravel  
831 driveway.  
832  
833 Mr. Howard - If it is not on the list of four items, then let's just move on.  
834  
835 Ms. Evangelista - I'm not going to vote for it I tell you. I want the project but I want those  
836 calculations for the driveway if Mr. Graham wanted it, then I want it.  
837  
838 Mr. Rich - Would my colleague be kind enough to show me this in Mr. Graham's  
839 correspondence? If you can find it, please send it to me. I don't remember it.  
840  
841 Ms. Evangelista - He even wanted calculations by the church.  
842  
843 Mr. LaCortiglia - May I point out that that was the same correspondence where he questioned  
844 why this board would approve something that was an untouched pristine woodland for only  
845 a ball field.  
846  
847 Ms. Evangelista - He said it more than once to do the calculations.  
848  
849 Mr. Mammolette - I can tell you exactly what you are discussing right now. The issue was  
850 about storm water management on the paved sections on what are the existing paved sections

851 now. What he said was that this project will increase the runoff to East Main Street. Except  
852 he missed the part about how most of - a significant portion of the upper section that is paved  
853 now in their parking lot which will be lowered to facilitate handicap ramps etc... would now  
854 be shedding to the back which is reducing the flow to East Main Street not increasing it. And  
855 that was what he was asking me to calculate. I would be happy to calculate to show you how  
856 it goes down. And then what do I do?

857  
858 Mr. Howard - No, just the four items Lou.

859  
860 Ms. Evangelista - Getting back to the regulations that you referred to - if I recall correctly,  
861 you were the one that started this bylaw to have this as a special permit. Prior to that there  
862 never was one. In 2008 you were the one that got Nick to write the bylaw and since that time  
863 why weren't regulations presented?

864  
865 Mr. LaCortiglia - We never promulgated the bylaw - the board failed to do so.

866  
867 Mr. Rich - With all due respect to what was then - this is now. Today is today.

868  
869 Mr. LaCortiglia - Mr. Mammolette is going to send to Mr. Snyder the four points and with  
870 reference to show where we can find it.

871  
872 Ms. Wade - Park and Rec's interpretations is that on the 13<sup>th</sup> of November, you will be ready  
873 to take a vote.

874  
875 Mr. LaCortiglia - We are about to make a motion to continue.

876  
877 Ms. Caulfield - I just want to say thank you. We are trying to do something passionate for  
878 the town. We are doing it blind and people don't realize that we are trying to do this the best  
879 we can and we are just getting steps back and steps back. We are just trying to do the project  
880 right and as safe as possible. We are not trying to make it difficult for anyone. The passion is  
881 there and we want to keep it there.

882  
883 Ms. Rec - We hear your frustration from Ms. Evangelista and Mr. Rich. Don't think that on  
884 one day that I'm on the playground with my kids and people have nasty comments to say. I  
885 have been in this town for three years and I dodge people all the time because I see the  
886 comments coming. I hear comments too about Planning Board, ConCom etc... that are not  
887 always positive by any means. I remember Mr. Mammolette specifically saying to please  
888 help guide me and give me some direction. I understand that we have to be treated like a  
889 private entity is treated. But I see the frustration of everyone in town and it is every  
890 taxpayer's money. We just want this done. I really hope at the next meeting - please take the  
891 time to review the plan because I really hope we don't have to spend more of the taxpayer's  
892 money going back to Mr. Graham. Ms. Evangelista I understand your concerns but please I  
893 hope you can make some type of decision at the next meeting. And to answer the question of  
894 why we don't ask for more money, we were approved 135 thousand at last town meeting for  
895 Park and Rec to move forward with another project. The reason Park and Rec has not asked  
896 for more money is because the town will probably say no way that they will not give up a

897 dollar more because we have not showed them anything. Here it is years later and we have  
898 not even put a shovel in the ground. We will not ask for more money until this is approved  
899 and we get a permit and they see some construction.

900  
901 Mr. LaCortiglia - The other thing is that people just don't understand how long a lot of these  
902 projects take. You will see that with other projects.

903  
904 Ms. Rec - I know there is a lot of red tape. Mr. Mammolette is a good engineer we hired him  
905 based on his reputation and he's got a lot of heat through this project too. We hope to get the  
906 special permit approved. Please take the time to review the plans. I hope it passes.

907  
908 Mr. Howard - I seem to remember that back in the early stages that we were asked for our  
909 advice on safety. Our initial reaction was that you got Lou and I don't know how it ended up  
910 but we did get way more involved in this in the design phase early on. We reviewed what  
911 Mr. Mammolette originally gave us and then there was a lot of back and forth and that took a  
912 lot of time. We weren't trying to delay things we were asked to get involved in certain  
913 aspects.

914  
915 Ms. Wade - Well we are near the end and hopefully these drawings will meet your approval  
916 and we can move on.

917  
918 Mr. LaCortiglia - I'd like to ask if there are any more public comments.

919  
920 Mr. Rich - When I saw this correspondence of October, it was my belief, because everything  
921 was on here that we were revisiting everything on here and not just those four points. Once  
922 those four points are addressed, then that is fine.

923  
924 Mr. Rich - **Motion** to continue this hearing to the November 13<sup>th</sup>, 2013 meeting.

925 Mr. Watts - **Second.**

926 **Motion Carries: 5-0; Unam.**

927

928 **Planning Office:**

929 **1. Escrow Funds Release: M-Account #26471 Blueberry Lane.**

930 **2. Escrow Funds Release: M-Account #26463 Rock Pond Estates (Richardson Lane).**

931

932 Mr. Snyder - Rock Pond Estates was established for the preliminary subdivision review.  
933 After the preliminary plan was approved it was sold to a different entity.

934

935 Mr. Rich - **Motion** to release M-Account 26463, Rock Pond Estates.

936 Mr. Watts - **Second.**

937 **Motion Carries: 5-0; Unam.**

938

939 Mr. Rich - **Motion** to release M-Account 26471, Blueberry Lane.

940 Mr. Howard - **Second.**

941 **Motion Carries: 5-0; Unam.**

942

943 Mr. Snyder - Just a note on an escrow account. Provided in your supplemental packet is a  
944 copy of the letter from the attorney for the developer of Lisa Lane Rear. The letter wishes to  
945 advise the Planning Board that the escrow account for the preliminary plan, once all the  
946 Board's consultant bills are paid, is to be closed and a new escrow account be opened for the  
947 definitive subdivision plan.

948  
949 Mr. LaCortiglia - That's how it should be done. Have to close one and open another.

950  
951 Mr. Rich - **Motion** to adjourn.

952 Mr. Howard - **Second.**

953 **Motion Carries: 5-0; Unam.**

954

955 **Meeting adjourned at 9:05 PM.**