

Present: Mike Fee (Chairman), Lisa Eggleston, Christopher Morely, Michael Hunter,  
Joseph Sziabowski (Associate), Jody Kablack (Town Planner)

The meeting was called to order at 7:05 p.m.

### ***FY06 Budget***

The Board reviewed the budget. A similar budget as last year will be submitted.

### ***2005 Annual Town Meeting***

Water Resources Protection District Bylaw Revisions; waiting for a draft from Horsley & Witten.

Minor zoning amendments will be proposed.

Inclusionary Zoning to be sponsored by the Community Housing Committee.

The Board discussed rezoning the Mercury property for a car dealership and directed the Town Planner to ask the Petitioner come in for discussion.

### ***Miscellaneous***

Probability for Mahoney extension.

CPA State Match, 100%.

### ***Scenic Road Public Hearing - Willis Road***

The Town Planner briefed the Board on the status of the parcel. A stone wall was removed along the entire frontage of the lot (180'). It does not appear that trees were removed, based on pictures of adjacent lots.

Tony Caruso: Spoke with Bill Place who told him the stone wall was not under jurisdiction of scenic road. Bill Place told him to move the wall back 7' from the pavement to accommodate the proposed walkway.

Carole Wolfe: She has been working with Bill Place on scenic road signs and can't imagine he would have given permission to remove the stone wall.

Tony Caruso: The stones are stockpiled on Kendra Lane; it can be rebuilt.

Mike Fee: The Board can levy fines. The Board wants the stone wall replaced in its original location with the walkway behind it. Easement status?

Bob Quirk: They gave an easement from Meachen property to Mossman Road to increase the right of way to 50'.

Tony Caruso: Does not want to put the walkway behind the wall.

Mike Fee: We will continue the public hearing and discuss legal remedies with Town Counsel.

On motion duly made and seconded it was unanimously:

VOTED: To continue the public hearing for Willis Road Scenic Road to  
November 10, 2004 at 8:45 p.m., Town Hall.

***Zingale Subdivision – Candy Hill Lane***

The Board reviewed the decision and changes made since last week, mostly minor. The final configuration of the driveway will be subject to review and approval of the Department of Public Works Director.

Doug Zingale: Concern for time and money spent on appeal by abutters. If the subdivision never comes to fruition, the Town will not get turnaround or water easement. Is the Town willing to defend the Planning Board's decision?

Mike Fee: Probably not, due to limited financial resources.

Doug Zingale: If he defends the decision himself, will the Board relieve them of their financial responsibilities of the water line contribution and walkway contribution?

The Board responded. No, putting in a clause that relieves them of the agreed responsibilities might make the decision arbitrary. It is a fundamental mitigation required as a part of subdivision approval. As discussed in the public hearing, the subdivision decision can be modified at a future date if desired. The Board will not give indication if modification to eliminate monetary contribution is feasible.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the decision for the Zingale Subdivision (Candy Hill Lane).

The meeting was adjourned at 8:25 p.m.