



MEETING MINUTES

Wednesday, June 10, 2020 – ZOOM HEARING

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting was conducted by remote participation.

Call to Order 7:00 pm

Ami Wall read the Legal Notice

In Attendance:

DAVID HATFIELD, CHAIRMAN

AMI WALL, CLERK

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

NEW HEARING:

CHERRY LANE, A/K/A o GREENWOOD STREET – NGHI LUU

Attendees for the Petitioner: Nghi Luu and Attorney Erik Haggstrom

Purpose: To discuss rescinding previously granted Variances

Discussion:

David Hatfield reviewed and discussed with the Board and public the reason they were brought here tonight. He refreshed the Board and participants about the previous hearings and correspondence with the applicant. There were questions brought up as to who was preparing the plans that were being presented to this Board and ConCom and the Building Department. After talking with Mr. Rober the original surveyor it was learned that Mr. Luu may be preparing the plans himself. Dave asked Mr. Luu if he was the one making the changes to the plans. Mr. Luu said that the original stamped plans presented in June at the first meeting were prepared and stamped by Mr. Rober. He felt that because Mr. Rober shared the file with him it was ok for him to take the electronic format that Mr. Rober had stamped and



zoom in on it and reprinted it. Mr. Luu said that the plans he zoomed in on and reprinted are the exact same. Mr. Luu added the zoning regulation chart on one of the plans. Mr. Luu said that is all he did. Mr. Rober said he did not produce the plan. It is not his stamp, the date on it does not have his approval and he requested that it be taken out of the record. Mr. Luu said he reproduced the plan. Chip asked Mr. Luu if he signed Cliff Rober's name, Mr. Luu said he scanned it on the plan. Chip said then it was forged. In 17 years Chip has never seen anything like this done before. Dave said that other plans that were presented to ConCom show dimensions being moved. Jim asked Mr. Luu who moved the building on the plan, Mr. Luu replied that he did. Jim said this plan is on record and filed with this Board and the registry of deeds. Ami asked Mr. Rober if the 3/13/20 date on one of the plans was his writing and Mr. Rober said that is not his handwritten date. Everything on the plan is after the fact – it is not his work and is not a product of his office. Mr. Luu said he was working actively up until the day someone from the Town called him. Mr. Mullen asked Mr. Rober to itemize what else was wrong with the plans. The scale is odd and is very strange, also the offsets that are being used are at an angle and do not make any sense and there were many other items Mr. Rober pointed out. Dave pointed out that it was already determined that Mr. Luu would have to refile for the correct relief for the front setback. Tom Lucey sees no other way but to rescind. Chip asked Attorney Mullen what the Board's options were. Attorney Mullen pointed out that there is zero case law on this – but to rescind there would be a two year bar. They cannot withdraw without prejudice in this case. But there is another avenue – Mr. Luu can go to the Planning Board, if he gets approval from them he can come back to this Board.

Plans/Documents Presented: No new plans

Public Testimony: Susan Palmer, 123 Greenwood St – her question was regarding the paper road approval. She did not hear that that was approved. Dave said the work to do on the road was a plan from the applicant not the Town.

Chip made a motion to rescind the previous decision that the Board made on April 8th and recorded with the Town Clerk on April 13, 2020.

Ami second

Voting Members – Dave, Chip, Jim, Ami and Joe

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Other Matters

590 Main Street – Shell Station – The Board received a complaint regarding the noise from the direct abutter. Dave pointed out that there was a noise study done at the time the petitioner came to this Board. The complaint was for noise coming from the car wash and vacuums. Dave reached out to Attorney McGrail and also Attorney McGrail explained to Gail that there was a new sound study and they reduced the noise by 50% and they have ordered new sound equipment. Chip feels that this is an enforcement issue and does not believe they should come back. Dave feels that the attorney should dial in or give a memo explaining what is being done so that the Board would know what steps they are doing to address the issue.

642 Main Street – Dave said he drove by the hair establishment, they took the phone number off of the window and applied and received their building permit.

13 Elm Crest Road – Minor modification at the last meeting – Dave said there was a plan for the pool when the originally approved the in ground pool. But for the above ground pool there was no pool plan submitted and he wondered if there should have been one requested. The Board said that was ok – no plan for the above ground pool is necessary.

27 & 37 Water Street – Jim said there has been no action on the site – work has stopped.

598 & 600 North Avenue – Jim and Chip were wondering about the sidewalks in front of the buildings. Chip wondered if the Town or the owners were supposed to do it put them in. Jim said they have to assume that sidewalks will be in front of both buildings and the intent will be that they will do it all at once with the granite curbing. As the project comes to an end it is something that the Board wants to watch for.

APPROVED MINUTES

Chip made a motion to approve the minutes of 5/13, Ami 2nd.

All members voted in favor.

The meeting adjourned at 8:20 pm