

Minutes Meeting December 10, 2003- Annesse, Washington Green

Members Present: Stuart Schulman, Bob Cadle, Mark Mulligan, Dave Gandle, Chase Duffy

Chairman convened Annesse hearing.

Atty. Howard Hall represented the owners and noted that Mr. Annesse had signed a P and S and started the hearing process. He obtained a variance from the ZBA and then decided that he couldn't get a building permit and walked away from the project. Atty. Hall said that he asked the BOH to reconsider because the denial was pursuant to the applicant not showing up. He said that he is asking for an extension of the variance granted so tha the owners can make the lot a building lot.

The Chairman asked why no building permit has been issued.

Of note: the Con. Comm. and the BOH have issues.

Atty. Hall said he is asking only for an extension of six months for the variance. _

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Discussion ensued regarding how the BOH hearing was missed, etc.

Mr. Cadle asked whether an application for a BP was applied for.

The Chairman noted that the Board gave a variance once and thus the extension should be given.

The Board moved to extend the variance for six months from the expiration date. The motion was seconded and passed unanimously.

The Chairman reconvened the Washington Green hearing.

A Traffic study and the JNEI peer review were submitted into the record, as well as a letter from Atty. Lyons regarding the water resource protection district and the EMF measurements.

Atty. Bobrowski said that he wanted the JNEI traffic engineer present as well. The engineer, Doug Prentiss, was unable to attend tonight's hearing.

Atty. Lyons noted that he wanted to review the traffic later and suggested scheduling some later meetings. He noted that the EMF study was done.

The Chairman said the he had some questions, such as how many mgs are safe?

Ms. Chojnowski said that there is a lot of material out there to determine safety. She said that kitchen appliances are higher but not constant, but noted that the substation is low and very

constant.

Discussion ensued regarding whether the work group could hire a peer reviewer.

Ms. Chojnowski said that it is not a black and white issue and may not be settled for many years. She said that the Board should be careful because there is a proposal to increase density. She also said that many lawsuits are filed out of fear. She said that she wants the town to be indemnified if the project goes forward.

Discussion ensued regarding whether that is possible.

Ms. Chognowski said that the cap has not been tested and noted their insurance has not been reduced. She said that the GELD lawyer would contact Atty. Bobrowski.

Atty. Lyons asked for copies of lawsuits based on perception of fear regarding emf measurements.

Mrs. Duffy said that it doesn't make sense to put in a project that threatens the town and the residents of the project.

Atty. Bobrowski said that the Board is put in position of having to make a decision regarding whether the site is safe.

The Chairman noted that it doesn't make sense to build where there is a real or perceived danger.

Atty. Lyons noted that other homes have been built near power lines and have sold for a lot of money.

Ms. Chojnowski said that that is not the place to increase density. She said that the ability to sue the town is open to everyone but this multiplies the risk of lawsuits.

Mrs. Duffy noted that common sense says that this is not the best site to develop.

Chairman read the overlay district three letter from Atty. Lyons into the record.

Atty. Lyons noted that the town by-law closely follows the state by-law. He noted that Zone I is a small circle at each of the well sites, and Zones II and III are much larger. He said that Zone III is like a mini water shed. He noted that the project is in Zone III.

Discussion ensued regarding the direction of the water flow. Atty. Lyons said that there would be 9,900 gallons, which is just under 10,000 gallons. He said that that is why 44 units instead of 60, which requires a higher review from the state. $88 \times 110 =$ total gallons for all units.

The Chairman asked about earth removal.

Atty. Lyons said that his client is not proposing any earth removal and stressed that this is a “neutral site”.

Discussion ensued regarding the new Town By-law regarding Zone III water districts vs. Zone II and State vs. Town By-laws.

Atty. Bobrowski said that they do not need any waivers and noted that he will review Atty. Lyon’s letter.

Discussion ensued regarding how to proceed with team meetings, etc. The applicant suggested meetings on 1/21/04 and 2/2/04 at 8:00 pm.

The Board moved to continue to 1/21/04 at 8:00 pm. The motion was seconded and passed unanimously.

The Meeting adjourned at 10:15 pm.