

**Selectmen Present:** Gary Vanderweil, Chairman  
Edwin Carr  
Frederick Koed  
Ralph Dormitzer  
Paul Carlson

**Others Present:** William R. Griffin, Town Manager  
Jennifer Oram, Recording Secretary

Chairman Gary Vanderweil called the meeting to order at 7:00PM.

**Selectmen Comment Period**

Selectman Edwin Carr informed the Board and the community that he would be recusing himself from any further discussions about the Red Lion Inn’s expansion. He is waiting on some additional opinions on this matter, but does feel that where his own property is so close the Inn, it would be best. Selectman Ralph Dormitzer asked that Selectman Carr find out if he can at least participate in the discussions as a citizen.

**Minutes – Selectman Frederick Koed moved to approve the minutes of June 18, 2007. Selectman Dormitzer seconded the motion, and the vote was unanimous.**

**Selectman Dormitzer moved to approve the minutes of June 25, 2007 as amended. Selectman Paul Carlson seconded the motion, and the vote was unanimous.**

**Selectman Dormitzer moved to approve the minutes of July 9, 2007. Selectman Carlson seconded the motion, and the vote was unanimous.**

**DiNero’s – Hull Street Parking** – Mr. Griffin gave the history of this issue. He explained that this is a rehearing of the same request that came before the Board on June 18, 2007. The owner of the restaurant, DiNero’s, asked the Board to approve three additional legal parking spaces on Hull Street. Chief Hussey reviewed this request, and issued a memo stating that he felt two additional spots could be added without impairing safety. At it’s meeting of June 18, 2007, neighbors of the restaurant spoke against the additional parking stating that they felt it was unsafe, and that the restaurant did not do a good job managing the parking of their patrons. No one was at the meeting to speak on the restaurant’s behalf. The Board voted 3-2 at that time, denying DiNero’s request for additional parking. Mr. Griffin stated that he then received a letter from Attorney Gregory V. Sullivan, who represents DiNero’s Inc. He states in a letter to Mr. Griffin, dated July 31, 2007, that DiNero’s owner, Frank Plotner, was not in attendance at the June 18<sup>th</sup> meeting as he was in the hospital with a serious health issue. At the Board of Selectmen’s meeting of August 27, 2007, the Board agreed to hear from DiNero’s about matter. Mr. Griffin also alerted those neighbors who had been present at the previous meeting in June that this topic would be addressed once again at tonight’s meeting. Attorney Sullivan, along with restaurant owner Frank Plotner addressed the Board. Attorney Sullivan first apologized for his lack of attendance at the previous meeting. He stated that although his client was very ill, his client also failed to inform him of the meeting. He apologized again, and thanked the Board for allowing them to come back. He stated that the additional spaces would help alleviate the amount of parking tickets patrons are

receiving when they park on Hull Street. He added that he agreed with Chief Hussey that these spaces would not impair the safety in this area. Chairman Vanderweil stated that the Board had received complaints that the area in question was full of litter from the restaurant. Attorney Sullivan stated that his client takes great pride in keeping the area clean. He added that should these additional spaces be approved, they would pledge to keep the area clean. Selectman Carr asked what the economical impact would be should the Board decide to uphold the denial. Attorney Sullivan stated that every space helps the business and they would not be there this evening if weren't of great importance to them. Chairman Vanderweil then asked to hear from the abutters. Mr. Jim Reichardt, of 3 Grace Drive, addressed the Board. He stated that he did not wish to be present this evening, and that all of reasons for opposing the request that he addressed at the June 18<sup>th</sup> meeting still stand. He feels that approving these additional spaces would be unsafe and that it affects his access to his property. Mrs. Maria Plante, of 798 Jerusalem Road, also addressed the Board. She is against the spaces being approved. She gave the Board photos showing cars double parked in the area and strongly feels that the addition of these spaces would be a great detriment to the area. She also asked the Board to look at the Zoning Board minutes of September 2002 in which they outline the specified parking requirements of the restaurant and its addition. She stated that she does not feel the restaurant does a good job monitoring the lot and the areas surrounding it. Attorney Sullivan rebutted stating that in any situation like this, the abutters to a business would be unhappy. Selectman Carlson stated that he would be more inclined to vote for the approval of the additional spaces should Mr. Plotner stop paying for parking tickets received by his patrons. Mr. Plotner agreed that he would stop paying for the parking tickets. **Selectman Carlson moved to vote the reconsideration of the vote taken on June 18, 2007. The Board agreed unanimously to reconsider – 5-0. Selectman Dormitzer then moved to approve the additional of two parking spaces on Hull Street. Selectman Carlson seconded the motion.** Selectman Koed stated that he had not seen one neighbor speak in favor of these parking spots. Chairman Vanderweil stated that it was the same neighbors speaking against DiNero's every time. Selectman Carr stated that he felt the restaurant was beautifully run, however he was in favor of the neighbors. **Selectman Carlson, Selectman Dormitzer and Chairman Vanderweil voted in favor of granting the two additional parking spaces. Selectman Carr and Selectman Koed voted against. A vote of 3-2, request granted.**

**Stormwater Management Update** – Committee members Martin Nee, Stephen Bobo, Sarah Charron and James Kinch addressed the Board. Chairman Martin Nee explained that they have been working as a committee for nearly year, and have been working diligently to put together the draft of the bylaw that they present to the Board this evening. Mr. Nee stated that the implementation of this bylaw would bring the Town into compliance with Phase II of the National Pollution Discharge Elimination System. He added that the Town must comply with the Clean Water Act by no later than June 2008 or it would face fines and penalties. Mr. Nee then reviewed the proposed regulations that are outlined in the draft bylaw. These regulations include the creation of a permanent ad hoc committee that would work in an advisory role. This bylaw would administer and enforce a stormwater permitting process using the Town's existing boards and commissions, rather than create a new government entity. He added that the current committee would stay on to advise the Board about Federal regulations etc. Member Sarah Charron stated that this bylaw has changed quite a bit since the last Special Town Meeting. She added that they had worked very hard to tighten up the permitting process. Selectman Dormitzer expressed concerned about the issues of neighbor to neighbor impact, and he asked who in fact would be the permitting authority. He feels that it should go to the Building Inspector and then, in the event of dispute, to to an appropriate standing board. He also does not feel that the committee needs to stay on once all of this has been implemented. Chairman Vanderweil agreed that the

committee had simplified the bylaw from its previous form. He thinks the permitting authority should be the Planning Board. He also feels the committee should deliberate more on the present draft of the bylaw. Selectman Carlson added that he would like to see more protection for neighbors that are two or three houses down from the construction site. He also feels the committee has done a great job. Selectman Dormitzer added that where the Town has a June 2008 deadline, there is still time to make these suggested changes to the current version of the bylaw. The Board thanked the committee for their time.

**National Grid Wireless - DAS Implementation** – Mr. Mike Cooper of Lighttower (formerly National Grid Wireless) addressed the Board. Mr. Cooper explained that his company wants to come in and set up a DAS system along parts of Jerusalem Road. To proceed, Lighttower needs approval by the Board to install fiber underground along Jerusalem Road. He stated that he has met with Mr. Griffin and the DPW and that they would not be digging up the road, but instead would do what they call a saw cut. In addition to this, Lighttower will be installing 17 DAS boxes along the same route on existing telephone poles. Selectman Dormitzer stated that he was concerned about the size of these boxes and hoped they would not block a resident's view of the Atlantic Ocean. He asked if Mr. Cooper could provide the pole numbers so the Board could look at the locations and ask to have them moved should they be obstructing a view. Mr. Cooper agreed to so. **Selectman Dormitzer moved to approve the underground construction and installation of fiber along Jerusalem Road with the condition that Mr. Cooper and Lighttower submit a list of pole numbers to the Board, and should members of the Board think they location of any of the DAS boxes be obstructing a resident's view, Lighttower would be amenable to moving them. Selectman Carr seconded the motion, and the vote was unanimous.** Chairman Vanderweil asked Mr. Griffin to draft the letter.

**John McNabb – Article for Water Resource District Bylaw Amendment** – Water Commissioner, John McNabb, addressed the Board. He explained that this is the same article that was pulled from the 2007 Annual Town Meeting. He has now worked with DEP and has the changes that need to be made to the Bylaw. He stated that he would work with Town Counsel and DEP to finalize these edits, and he will address the article on the floor of Special Town Meeting. **Selectman Carlson moved to accept the warrant article and to forward it to the Planning Board for a public hearing. Selectman Koed seconded the motion, and the vote was unanimous.**

**Selectman Carr moved to adjourn the meeting. Selectman Carlson seconded the motion, and the vote was unanimous.**

Meeting adjourned at 8:55PM.

Respectfully submitted,  
Gary Vanderweil  
Chairman