

Town of Longmeadow
Planning Board
MINUTES
Of Meeting Held
August 7, 2006

PRESENT: Chairman Walter Gunn, Bruce Colton, Louis Kornet, and Richard Curran
(Roy Johansen was absent due to a family emergency.)
Town Zoning Counsel Joel Bard was present.

The meeting was called to order in the Longmeadow Fire Department Conference Room at 7:00 P.M.

OMNI-POINT COMMUNICATIONS, INC. -- No vote was held, under site and design review, on Omni-Point's proposed cell phone tower because the Planning Board lacked a four person quorum. (Richard Curran was not present at the Public Hearing, so only three of the Planning Board members were eligible to vote.)

CHANDLER AVENUE PROPOSED SUBDIVISION -- Joel Bard reviewed the procedural background of this proposal. Insofar as the developer had filed a "preliminary subdivision plan," the Board had only ninety days to vote on the "final subdivision plan." This time had expired on November 1, 2005. Insofar as the Board had not voted on a decision by that date, it is possible to argue that the proposed subdivision was "constructively approved" by the Board.

Chairman Walter Gunn made a motion to rescind the "constructive approval, if, in fact, the proposal had been constructively approved." Richard Curran seconded the motion.

Chairman Gunn cited, as reasons for the rescision, the reasons cited in the Board's decision of January 4, 2006.

The Board voted, 4 to 0, to approve the motion to rescind an "constructive approval" of the subdivision.

DANALIS SITE AND DESIGN REVIEW – 154 WILLIAMS STREET -- Stephen Danalis and his attorney, Joseph Pacella, Jr., passed out a revised plan with a copy of the proposed agreement for screening of the subdivision. Chairman Gunn explained that the purpose of this meeting was to discuss the possible settlement of Mr. Danalis' lawsuit against the town for rejecting his subdivision under "site and design review." The town had hired an independent engineer (who had also done the Chandler Avenue studies for the town) and he had concluded that the proposed road could only be lowered eighteen inches. The engineer had also concluded that the road would not create any off site drainage problems. This left the Board's rejection of the plan extremely difficult to defend in court. The town and Mr. Danalis had asked the court to remand the suit to the Board to allow it to discuss a possible settlement of the dispute. The Board had asked Mr. Danalis to prepare specific proposals to screen the road from the neighbors.

Many of the neighbors, who were present at the meeting, with their attorney, Rina Cohan, asked if the Board's decision could be postponed to allow them time to review Mr. Danalis' proposals.

The Planning Board agreed to continue the issue for a vote at its August 22, 2006 meeting so that the neighbors could review the proposals.

At 8:10 P.M., the Planning Board voted, 4 - 0, to go into executive session to discuss strategy for pending litigation with Attorney Joel Bard. The Board announced that it would not be going back into regular session at the end of the executive session.

The executive session was adjourned at 9:45 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bruce Colton".

Bruce Colton

Clerk

Longmeadow Planning Board