

**MINUTES OF THE TOWN COUNCIL
SPECIAL MEETING
Town Hall Council Chambers
April 26, 2010 - Monday**

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Robert Conlon
Kenneth DiFazio
Ed Harrington
Thomas J. Lacey
Michael Molisse
Victor Pap, III
Michael Smart

Not Present: Brian McDonald
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Maureen Duffy, Town Auditor
James Clarke, Director of Planning and Community Development

Recording Secretary: Mary Briggs

President Mathews called the Special Town Council Meeting to order at 7:30 PM. Town Clerk Franklin Fryer called the roll, with two members absent. Chairman Mathews reported that Councilor McDonald is away and Councilor Whitaker had a prior engagement.

REPORTS OF COMMITTEES

Ordinance Committee-Chairman Smart

10 015-Proposed Rezoning-Randall Avenue

Councilor Smart reported that this item was referred to the Ordinance Committee on March 1, 2010. A joint Public Hearing was scheduled with the Planning Board on April 5, 2010; however, due to the lack of a quorum, the Planning Board was unable to open its Public Hearing and held it separately at a later date. The Ordinance Committee held its Public Hearing on April 5, 2010 and continued it to April 20, 2010. Additional discussion followed at the Town Council meeting on April 20, 2010, which included the restricted use of the land, and the number of homes that could be allowed built on the 57,000 square foot property. The Planning Board submitted a letter dated April 20, 2010 to the Council noting its review of the matter, that a Public Hearing was held on April 5, 2010 and continued to April 12, 2010, and voted in its unanimous favorable action recommendation, "...that based on the Board's findings, the character of the neighborhood is compromised to other nearby open space areas, single family homes and two-family lots, that the R-1 designation is more consistent with the abutting properties."

The Ordinance Committee met on April 26, 2010 to discuss and deliberate the matter and the committee voted unanimous favorable action.

On behalf of the Ordinance Committee, Councilor Smart made a MOTION to change the zoning on Randall Avenue from Open Space to Residential R-1 and was seconded by Councilor O'Connor.

Councilor DiFazio asked Mr. Clarke whether a developer could erect either one or two 2-family homes on the site if the property is rezoned to R-1. Mr. Clarke responded in the negative. Special Permit conversion may only be used where there is an existing home on the site; not for vacant land. There is sufficient square footage which might be subdivided, but only one single family home can be built on each lot. Councilor DiFazio then asked if the property could be subdivided by right without approval by the Planning Board. Mr. Clarke responded that the lot meets the requirements for subdividing the parcel into two lots. Other than the normal scrutiny through the permitting process and the Planning Board, a Form A, approval not required plan could be used. Councilor DiFazio asked if the property remains open space designation, if there it is a permissible use for multiple family dwelling to be built. Mr. Clarke responded in the affirmative. Mr. DiFazio asked if it were possible for multi-unit dwelling to be erected on the site. Mr. Clarke responded that it could happen, but that there are limitations due to ledge on the site.

The restriction placed on the property due to the contamination of the ground is recorded with the Registry of Deeds, will follow the property and with the sale, eliminates liability to the town.

President Mathews noted that a 2/3 vote of the Council is required to pass this measure. Solicitor Lane requested a roll vote. Councilor Conlon-YES, Councilor DiFazio-YES, Councilor Harrington-YES, Councilor Lacey-YES, Councilor Molisse-YES, Councilor Pap-YES, Councilor Smart-YES, Councilor O'Connor-YES, and President Mathews-YES. MOTION PASSES 9/0.

ADJOURNMENT

The next Town Council meeting will be held on Monday, May 3, 2010, at 7:30 PM.

At 7:50 PM, there being no further business, a MOTION to adjourn was made by Councilor O'Connor and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Briggs as Recording Secretary

Approved by President Mathews