



Town of Georgetown

MINUTES

1

2 Committee: Planning Board

3 Date: May 13, 2015

4 Time: 7:00pm.

5 Location: Georgetown Town Hall, 3rd floor conference room

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7 Members and Staff present: Rob Hoover, Harry LaCortiglia, Bob Watts, Matthew Martin, Howard Snyder,
8 Andrea Thibault.

9 Members not present: Tillie Evangelista.

10 Minutes taken by A.Thibault.

11 H. LaCortiglia arrived at 7:16pm.

12 The Meeting was called to order at 7:06pm by R. Hoover.

13 **Approval of Minutes:**

14 H. Snyder: I would recommend passing the approval of April 14 and April 22nd minutes until the May 27th
15 meeting. Two members are not here.

16 B. Watts: Motion to pass on both until May 27, 2015.

17 M. Martin: Second.

18 Motion carries 2-0. 1 new member. 2 absent.

19 **Correspondence:**

20 Correspondence received from the Conservation Commission on Chaplin Hills OSRD.

21

22 **Vouchers:**

23 B. Watts: Motion to approve two vouchers, one from BSC Group, one from WB Mason, for a total
24 of \$6,804.58.

25 H. LaCortiglia: Second with discussion.

26 Motion carries 4-0. 1 absent.

27

28 **Discussion on BSC Group Turning Leaf Voucher:**

29 Dave Varga's correspondence to the Planning Office dated 12-09-2014 was discussed. This
30 correspondence was recently received in May 2015. The delay in receiving this information is an issue.

31 The Board asked the Town Planner to put in writing to Site Agent Dave Varga their concerns that this
32 process of getting significantly delayed reports is not working. The Board requested more timely
33 information, at least on a monthly basis.

34

35 **Public hearing 269 Central Street- Nunan's Continuation:**

36 H. LaCortiglia: Motion to open Public Hearing continuation Nunan's 269 Central Street Site Plan

37 B. Watts: Second.
38 Motion carries 4-0. 1 absent.

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40 H. Snyder: They have asked for a continuance through the next regularly scheduled meeting to allow for
41 3rd party review to complete.

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43 H. LaCortiglia : Motion to continue Nunan's 269 Central Street to May 27, 2015.

44 B. Watts: Second.
45 Motion carries 4-0. 1 absent.

46
47 **New Business:**

48 **1. Chaplin Hills OSRD: Informal Meeting:**

49 H. Snyder: The Planning Office received a letter and supporting documents regarding a proposed Open
50 Space Residential Design application, and made a request for pre-app in accordance with OSRD bylaw to
51 come in and meet the Planning Board and introduce themselves and discuss in brief the application that
52 will be coming to the Planning Board.

53 Guests: Paul Marshawn; Marshawn Associates Professional Engineers out of Stoneham and Fred Fahey;
54 Developer from Melrose.

55 P. Marshawn: Chaplin Hills is a 123 acre site between Baldpate and Rt 97. I have brought 3 drawings. The
56 first one is a yield plan with potential for 30 lots on a conventional subdivision. Wetlands were delineated
57 in 2004. That was good for three years, and expired in 2007. We built our plans based on that.

58 Then we have two OSRD options. We prefer Option 1 that stays out of Conservation acres and comes
59 through Chaplin Road. This option best benefits both the town and the developer. The open space is
60 contiguous all the way around. The second option again is 30 lots. This option would involve cut through
61 traffic on the road out to Central Street. The open space is this option is cut into sections.

62 In both open space plans, we vastly exceed the requirements for open space that require 60%. Both have
63 over 80% of open space.

64 Option 1 is 100.25 acres -- 81% open space. Option 2 is 104 acres -- 84% open space.

65 That is our proposal. We wanted to introduce ourselves. We wanted to get some feeling from the
66 Planning Board about what you think, what you would like to see us move forward with before we dive
67 into the heavy engineering.

68 H. LaCortiglia: This is not the first time I have seen a proposal for this parcel. I have seen quite a few of
69 them. Whistle Stop Estates withdrew. The yield plan is a key component. Everything is based on a yield
70 plan. The actual determination of the delineation was done in 2004. Did you send a wetland scientist out
71 there to reconfirm the lines?

72 F. Fahey: No, not yet. We plan on redoing all the wetlands.

73 H. LaCortiglia: Wondering if you will be able to get the punch through out to Brook Street?

74 F. Fahey: That is the elephant in the room.

75 H. LaCortiglia: You first have to establish that you would be given that punch through so that you actually
76 have a yield plan of 30. If you don't have that road going through, you would need a major waiver from
77 this Board to extend Chaplin Road which is about 1200 feet already. So, without a punch through you
78 don't have a loop out. If you don't get a waiver, your yield is 1.

79 F. Fahey: We have met with Conservation. We don't agree with that position. Do the regulations read
80 that we have to get Conservation Commission's sign off for our first stage of our OSRD or not?

81 R. Hoover: I don't believe it says you have to do that. The way the system is setup is that you are not
82 going to be able to come to the Planning Board and ask for agreement on a yield plan which assumes that
83 you have this cut through, until you know that you have this cut through. You need to work with the
84 Conservation Commission to find out if you can do this. Get their feedback. This one is falling into
85 Conservation Commission hands.

86 F. Fahey: We would need them to deny that so we can appeal.

87 R. Hoover: I think Harry was pretty clear about the history of the site. The delineation of the wetland and
88 this is a Conservation Commission and jurisdiction thing; you know that needs to be done again.

89 The review of the crossings we have now talked about, that's pretty clear that is also a Conservation
90 Commission issue that affects the yield plan,

91 I, for one Planning Board member, would be very interested in having our technical agent review the yield
92 plan to make sure that it meets all of the requirements necessary. This is something that as this special
93 permit and OSRD allows us to ask the applicant if they would entertain an escrow account to pay for our
94 technical review agent to review the yield plan to tell the Planning Board that in fact we are all set.

95 Chaplin Hills, the length of that cul-de-sac is a hurdle. There is nothing here, I think, and that you don't
96 know. Plus it is not a public road.

97 F. Fahey: We are working with the estate of the original developer to get control of that road.

98 R. Hoover: When I put all of those things into a basket, I have a question about your yield plan being the
99 right number.

100 F. Fahey: I got an email from Steve P. in Conservation Commission, that he prefers Option 1. But, I believe
101 ultimately we would be able to cross that. I have built 40 subdivisions, golf courses. I have done
102 crossings of every kind you can think of in Massachusetts. It is not even that big of a crossing, it's actually
103 pretty small. DEP would allow it. It is the home rule by-law that you have that doesn't.

104 H. LaCortiglia: We have the toughest wetland regulations in the state.

105 R. Hoover: I don't know how police and fire would respond to one way in, over such a long length.

106 H. LaCortiglia: So, it would probably be a 3,000 foot road? That would be the longest dead ended road in
107 Georgetown.

108 F. Fahey: Yes, approximately. I am not going to deny that it will be more difficult going through with
109 Conservation. There are more impacts within the buffer and we have that one crossing. But it is within
110 the limited project. Ultimately, we have land use rights and things like that.

111 H. Snyder: I just want to raise discussion of this wetland crossing. The other aspect is once you get the
112 wetland crossing, then you've got the right of way for where the rail trail going in. I don't recall
113 definitively if Fargi ever got the rights to pass over National Grid?

114 F. Fahey: Yes. He bought it from Mass. Electric and gave them the easement rights to it. But he kept the
115 right to pass a road over it.

116 H. Snyder: Once you get up to the National Grid right of way where the future multi use path is going--
117 right where Brook Street ends—the original property owner Fargi purchased from National Grid a little
118 section of land and the right to pass and repass.

119 If you recall, Whistle Stop could not get Brook Street widened to subdivision standards, and so there have
120 been other previous ideas to punch out to 97, that land is under separate ownership.

121 F. Fahey: Actually, we have an option on that.

122 H. Snyder: So I think it would be beneficial to the Board for the applicant to summarize all these different
123 elements---

124 --Yes, we know about the wetland crossing. These are our ideas on how it will be pursued.

125 --We have an option on the Brook Street punch-out.

126 --We are currently engaged with the estate that owns Chaplin Hills.

127 So you can describe for the Board in finer detail these issues. And, so the Board knows that these need to
128 be done whether you go conventional or OSRD. Then you can engage Larry Graham for peer review to say
129 what things will be needed, and the Board will be able to see between the two.

130 H. LaCortiglia: Was the fee on the roadway reserved? Chaplin Hills?

131 F. Fahey: It is owned by the original developer. He was required to file a Warrant at Town Meeting. He
132 passed away during the process.

133 H. LaCortiglia: Did he reserve the fee?

134 F. Fahey: Yes. The people that live on it have a right to pass and repass, but he still owns the fee.

135 H. LaCortiglia: So it is not in default at this point?

136 F. Fahey: No. My attorneys are telling me that it is still owned by the corporation, and to prepare a quit
137 claim deed to my company or for the Town to hold in escrow to go to Town Meeting with it. All the work
138 is done. He put the bond on it. The bonding company paid it.

139 H. Snyder: Yes, it's been done.

140 F. Fahey: My understanding is the developer still absolutely retains the fee. Everything has been done. It
141 looks great. I have the deed to the rail trail. Fargi did buy that. I never saw a denial on Whistle Stop.

142 H. LaCortiglia: He withdrew.

143 H. Snyder: What you have is your concept plan and that is what is here for discussion. The concern that I
144 hear is the viability of the yield plan that determines the concept plan. It sounds like the Board wants to
145 know all aspects of the yield plan that would need to be done in terms of waivers or filings or what the
146 restrictions are.

147 F. Fahey: We are going to go ahead absolutely. There is no doubt this is going forward but it may just be a
148 conventional plan which would be sad. There is going to be substantial investment. Honestly, these lots
149 are worth more on a conventional plan. If we are going to spend the money and pull the trigger and go to
150 court to fight, then I will fight the conventional plan.

151 H. Snyder: Circling back...The concern is that the yield plan is not a viable one. But they can still proceed.
152 There is the option that I suggested that the applicant provide just a letter in this preliminary aspect
153 explaining benefits of yield plan, drawbacks of yield plan, benefits of OSRD, drawbacks of OSRD. You can
154 still retain Larry to give his impressions of what would be required to permit and review the conventional
155 or the OSRD. But in the end, it is up to the applicant when they do their formal application.

156 I suggest to the Board that you already have a feeling of what Conservation Commission stance is from the
157 agent and through the email.

158 R. Hoover: I would encourage the applicant to talk to the Conservation Commission as a committee. In a
159 pre-application informal format.

160 H. LaCortiglia: Whether it is conventional or OSRD, you still need wetland delineation. You still need to go
161 before the Conservation Commission regardless of which way.

162 F. Fahey: We will file an AN-RAD on it.

163 H. Snyder: This is a preliminary informal meeting. Because of the lot size, as I understand it, when you file
164 your definitive, you still need to file an OSRD to prove that you have gone through this process.

165 H. LaCortiglia: You need to prove the design process, identify the primary conservation areas, the
166 secondary conservation areas with a landscape architect.

167 F. Fahey: The Board knows that ultimately, Conservation is probably going to deny me that crossing and I
168 will have to go to court. We believe we will prevail. So, why go through that whole exercise? Wouldn't it

169 be simpler for you to be more interested in preserving open space? And work with us on the road half
170 way through? Don't you think that makes more sense?

171 H. LaCortiglia: I don't think you will prevail.

172 R. Hoover: I don't think you will prevail either, but that is neither here nor there. And the last thing I want
173 to do is put on the table the discussion of going to court and negotiating if you don't go to court.

174 F. Fahey: I am just laying the cards out. That's the process we will have to follow.

175 R. Hoover: I am thinking at this point that we just wait to get technical involved if the formal application is
176 submitted.

177 **2. Parks and Recreation: Greenway Presentation:**

178 H. Snyder: Park and Recreation responded to the Board's request to come in and present their long range
179 plan of recreational open space in the town. They could not make tonight's meeting. They requested that
180 their presence be continued until May 27th or the first meeting in June on 10th. Their presentation was on
181 the Greenway which involves Parcel F as well as the recently permitted land behind New Life Church.

182

183 R. Hoover: Ok for 27th.

184 H. Snyder: I included in the meeting supplement tonight an email from Town Counsel to the Town
185 Administrator regarding Parcel F Turning Leaf subdivision, dated March 26. For the Board information, it
186 is part of the Greenway. During the recent Annual Town Meeting there was discussion regarding Parcel F.

187 Planning Board discussion regarding Greenway and Parcel F.

188 **Old Business:**

189 **1. Camelot Realty Trust: Release of Tripartite**

190 H. Snyder: Camelot Realty Trust developed Littles Hill. They have requested release of their remaining
191 funds of about \$25,000. In order to release the funds, all the conditions of all the permitting agencies
192 need to be met. I am formulating what is still outstanding, and the costs associated with completion. I am
193 running into disagreements between them and the condo association regarding what are outstanding
194 issues.

195

196 Conservation Commission has not signed off, as their Order of Conditions has not been fully met. I will
197 summarize these reports and present that at the next meeting.

198 **Member or Public Report:**

199 No other concerns of the Planning Board or of the Public were expressed.

200

201 **Planning Office:**

202 **1. Elm Street Update:**

203 H. Snyder: Peter Durkee indicated that almost 30% of the design is complete. The next step will be public
204 outreach meetings.

205 R. Hoover: Will you ask him for one set of plans for the Board to review?
206 H. LaCortiglia: Is it our intent to hold a hearing before fall Town Meeting on 40R?
207 H. Snyder: I already started looking at it. There have been changes in the last 6 years, since 2009. I
208 would like for this to be updated.
209 R. Hoover: Getting ready for May 2016, I would like this to be one of the items.

210 **List of Documents and Other Exhibits used at Meeting:**

211 *Documents and Other Exhibits used at meeting will be available for review at the Georgetown*
212 *Planning Office.*

213
214 Motion to adjourn was made by B. Watts.

215 H. LaCortiglia: Second.

216 Motion carries 4-0. 1 absent.

217

218 The meeting was adjourned at 9:19pm.

219 Next Meeting:

220 Date: May 27, 2015, June 10, 2015, June 24, 2015, July 8, 2015.

221 Time: 7pm.

222 Place: Georgetown Town Hall, 3rd floor conference room.