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MEETING MINUTES - Draft
GEORGETOWN PLANNING BOARD
Wednesday, June 11th, 2014
Memorial Town Hall – 3rd Floor
7:00 p.m.

Present: Mr. Harry LaCortiglia; Ms. Tillie Evangelista; Mr. Bob Watts; Mr. Tim Howard (Arrived at 7:25 PM); Mr. Rob Hoover; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

Meeting Opens at 7:12 PM.

Approval of Minutes:

1. Minutes of May 28, 2014.

Mr. Watts – **Motion** to accept the May 28, 2014 meeting minutes pending discussion.

Mr. Hoover – **Second.**

Motion Carries: 3-0; Unam. 1 - Abstention

Vouchers:

1. Schwaab: Stamp.

2. Minuteman Press: Office stationary.

3. W.B. Mason: Office Supplies

Mr. Watts – **Motion** to accept the vouchers with a total of \$227.22.

Mr. Hoover – **Second.**

Motion Carries: 4-0; Unam.

Correspondence:

1. Town of Boxford: ZBA Special permit for two car garage.

2. Nancy McCann: Email outlining request of street tree bond relative to Harris Way subdivision.

Mr. Snyder – This email correspondence will be brought up under new business.

New Business:

1. Mullins Forms: Matilda Evangelista for Turning Leaf and East Main St Athletic Fields.

{Ms. Evangelista signed the appropriate Mullins forms.}

2. Harris Way: Release of street tree bond funds.

Mr. Snyder – The street has been accepted by the town and they are requesting the bond for the installation of trees be returned. I had hoped to have the whole m-account release here but am waiting for information from the accounting office.

Mr. Hoover – Is that you who does the inspection or the engineer?

Mr. Snyder – Usually it is the site inspection engineer but with the street accepted I thought I would take a look. We usually hold onto the money until a year after street closures.

47 Mr. LaCortiglia – We no longer have an M-Account for this correct?

48

49 Mr. Snyder – We do but not for the street with this m-account for the street trees.

50

51 {Break taken to wait for a full board for the public hearings.}

52

53 {Mr. Howard arrives at 7:25 PM.}

54

55 **Public Hearing:**

56 **1. Definitive Subdivision Plan: Turning Leaf – Continued from May 28th, 2014.**

57

58 Mr. LaCortiglia – We are now opening this public hearing.

59

60 Ms. Mann – At the last hearing the board requested a Form H to extend the time.

61

62 Mr. Watts – **Motion** to accept the Form H.

63

64 Mr. Howard – **Second.**

65

66 **Motion Carries: 4-0; 1 Abstention.**

67

68 Ms. Mann – It was also requested to deliver a list of waivers and mitigation measures being
69 proposed. We did receive from Mr. Graham his final comments and I updated the list with them
70 included. I identified the remaining issues on the sheet. Mr. Hoover asked about the types of
71 trees and size and we provided a list on the plan with the details.

72

73 Mr. Williams – We added to the tree planting detail the five species we recommend.

74

75 Ms. Mann – We also included a one year warranty on those trees. Also there was discussion
76 about the right-of-way and the parking area. We did expand the parking area for HP parking as
77 well as ramps. One of Mr. Graham’s comments is that the ramps were not designed properly.
78 That was left on the plan accidently and will be taken off. We were also asked to address the
79 buffer between Lot 1 and 16 Lisa Lane and we did provide that on Sheet 12. We were asked to
80 improve site view and we will designate that on Sheet 21. In regards to the inclusionary housing
81 component, we would love to make the payment in lieu. That is something the board needs to
82 discuss and come to terms with. We are more than willing to work with this board and the task
83 force and trust on this. Mr. Graham’s final list of comments was minor. He wanted on all the
84 sheets the no-cut, no disturbance area. Instead of using cape cod berm he wants us to use granite
85 and that is fine with us. We are asking for a waiver for not having the street run in the center - he
86 didn’t like that we had a reference point so we will change that. Waiver number 10, he wanted
87 us to change and put a not on the plan to maintain 3 feet of cover.

88

89 Mr. Williams – His concern was that someone would drive over the pipe and crush it. I told him
90 we would put a note in the plan that we would either put it in and backfill it or we provide a
91 concrete pipe.

92

93 Mr. LaCortiglia – High density HDPE?

92

93 Ms. Evangelista – Which is better to be long lasting?

94

95 Mr. Williams – HDPE lasts a long time.

96

97 Ms. Mann – That is a complete summary of concerns of this board and of Mr. Graham. We did
98 comment on the list what Mr. Graham responses were. It was my understanding that the board
99 wanted to discuss the waivers so that Ms. Evangelista could be here.

100

101 Ms. Evangelista – I would like to clear up and go back to the affordable housing. I would like it
102 in place before we vote. If you want us to move along, that has to be finalized rather than just
103 meeting with them. This town has been burnt many times and we don't get the affordable
104 housing provision.

105

106 Ms. Mann – We have had two meetings already. There was some conflict as to who really has
107 the discretion. It is self-evident that it is difficult for people in that income range to qualify for a
108 home so many times they have to buy it out. One of the best ways is to provide town owned
109 rental housing. I understand the options. The goal is to give people affordable housing. It is
110 difficult to do that because of the requirements by the bank. It is expensive to own a home. My
111 point is to provide and have the board say to us to make a payment in lieu. Let's try and have the
112 best benefit for you. When we appeared before the housing trust we were trying to find
113 something to satisfy not only the housing plan but for the town as well. Mr. Nelson said that the
114 best bang is to expand our rental affordable housing market.

115

116 Mr. Snyder – That need is a high priority in the housing production plan.

117

118 Ms. Evangelista – As I understand it, the bylaw says there are 3 options. Rental is not
119 considered in this instance according to the bylaw. If you is want to come thru with the money
120 then I would recommend you do that and you would have to pass it to the trust if the board
121 agrees.

122

123 Ms. Mann – That is what we intend to do. I think the two boards need to decide who we are
124 supposed to work with. We are committed to giving the money and then we will work with them
125 to see how we can help with that money.

126

127 Mr. Howard – Have you got an amount of money figured out?

128

129 Ms. Mann – It is a percentage of each home when it sells.

130

131 Ms. Evangelista – No it is not waiting till you sell a home. It is what your development is
132 approved for. We are not required to wait till you build a home.

133

134 Ms. Mann – Yes that is what it says. The payment terms are like a note.

135

136 Mr. Snyder – I think a lot of this will be resolved when you meet with the trust and the task force
137 and report back to the board.
138
139 Ms. Mann – It would be great for the board to say we would love for you to make a payment in
140 lieu. I think that this board knows Mr. O’Connell is committed to the town and has credibility.
141
142 Mr. Snyder – How many new units are being proposed?
143
144 Ms. Mann – 22 new homes which was changed from the original 24. We changed the non-
145 traditional shaped lots and some are 3 and some are 4 bedrooms.
146
147 Mr. LaCortiglia – If this board decided to have the units on site...
148
149 Mr. Howard – I don’t think we should go down that road. It should be the affordable housing
150 task force to decide. They might say it should be a unit in a subdivision.
151
152 Mr. Watts – Should the Planning Board rule on that?
153
154 Mr. Howard – I don’t think so.
155
156 Mr. LaCortiglia – It is our mission under the bylaw to make that decision. You are in favor of
157 waiting till we see what they recommend?
158
159 Mr. Howard – Yes.
160
161 Mr. Snyder – I am an agent for the trust. The third meeting with the trust will be next
162 Wednesday and the task force next Thursday. I hope there will be clarification of what this board
163 can consider at the next public hearing.
164
165 Mr. Howard – I’d like to hear what they want.
166
167 Mr. LaCortiglia – So it could be a combination of onsite and an in-lieu.
168
169 Ms. Evangelista – Did you come up with a number?
170
171 Ms. Mann – I could only estimate.
172
173 Ms. Mann – It may be about 25 thousand dollars a home depending on the market.
174
175 Mr. Snyder – This calculation is not black and white.
176
177 Mr. LaCortiglia – Sounds like no decision tonight in respect to affordable housing.
178
179 Ms. Evangelista – We need that information from the trust and the task force first.

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Mr. LaCortiglia – Do we want to vote the waivers?

Mr. Hoover – I suggest the board take one at a time. I can't vote on these but would an opportunity to offer comments.

Mr. Watts - **Motion** to approve **Waiver 1**: Section 365-34.C(7) and Section 365-62 which requires standard highway bounds shown at all intersections of streets with each other, at all points of change in direction of curvature of streets and at all outer plan boundaries, and, in place thereof, allow bounds to be set on proposed roadway only as shown on the plans.

Mr. Howard – **Second.**

Motion Carries: 4-0; 1 Abstention.

Ms. Evangelista – Why? I kind of like the bounds. They are something that will last forever. How are the owners going to know where the boundaries are?

Mr. Williams – We are setting iron pipes not highway bounds. No one is setting highway bounds now. There will be markers so people will know their property lines.

Mr. Snyder – A highway bound is a 4x4x6 foot long granite post?

Mr. Williams – Correct. We would use an iron pipe which is a standard surveyor marker.

Mr. Hoover – To Ms. Evangelista's original question - why do you want the waiver?

Mr. Williams – Because it is not necessary and it is overkill.

Mr. Hoover – Ms. Evangelista is correct. That is a mark that will be there forever. The iron posts come out. I don't have strong feelings one way or the other on this. I am not sure I agree that they are not necessary.

Mr. Williams – Once the street bounds are in any surveyor can survey the lot.

Mr. Hoover – If you are a homeowner and your lot is on a curve you would have to pay a surveyor so they are necessary.

Mr. LaCortiglia – I do have strong feelings about the fact that we are talking about highway bounds and lot bounds between homeowners. I do have a problem that two people next door to one another have no idea where the border is. I like the homeowners to know where their lot is.

Mr. Hoover – The town doesn't want to have to pay a surveyor twice. I suggest that we either grant this or not in the future.

224 Mr. Howard – What did we use at Stone Row?

225

226 Mr. LaCortiglia – It was lot bounds. We granted the waiver with a condition that certain ones
227 would be put in and on the plan the bounds between the houses were shown. So neighbors
228 would not have to go and hire a surveyor.

229

230 {Discussion held about property bounds.}

231

232 Mr. Hoover – I am sensitive about how much work you have put in on the drawings and am
233 uncomfortable with going backwards at this point. This is where the board gets into trouble I
234 think. Every time a subdivision comes in and you grant a waiver on it, it leads to and opens a
235 can of worms every time. If you say that this waiver is one that we don't typically grant and
236 stick to that. I think the town lot lines are just as important as the lots lines. Bounds matter and
237 I think permanent ones are the way to go.

238

239 Mr. LaCortiglia – This street is going to be a public road

240

241 Mr. Williams – We are not asking to not put them in. They are the starting point for surveyors.
242 Iron pipes do last a very long time. I have been surveying for 25 years and we find iron pipes
243 that were set back in the 40's.

244

245 {Discussion held about surveying and the bounds.}

246

247 Ms. Evangelista – There is a development in town where each homeowner had to have it
248 surveyed they found that property they thought was theirs was not. It was a big issue.

249

250 Mr. Williams – That happens whether or not there are bounds there.

251

252 Mr. Watts – This waiver request is explicitly for highway bounds and it sounds like it is two
253 topics between lot bounds and highway bounds.

254

255 {Discussion held about lot bounds.}

256

257 Mr. LaCortiglia – For clarification; if it is not on the plan then it doesn't get set. If you are
258 happy with what is on the plans then you grant this waiver. If you are not happy you disapprove
259 this waiver.

260

261 Mr. Williams – The regulations say to put street bounds and the outer part of the property you
262 out bounds. We are saying we will do the street bounds and we'll put iron pipes at all the lot
263 corners.

264

265 {Mr. Snyder reads the bound bylaw 365-62.}

266

267 Mr. Snyder –They are requesting a waiver from the 6” by 6” x 4 feet requirement and instead use
268 an iron rod.

269
270 Mr. LaCortiglia – We really need to work on these regulations.

271
272 Mr. Watts – **Motion** to approve **Waiver 2:** Section 365-34.C(9), 365-51.K which requires
273 curved vertical granite curbing, and, in place thereof, allow cape cod berm with the
274 exception of roundings and cul-de-sacs which will have sloped granite curbing as shown
275 on the plans be approved 365-34C9 and section.

276 Mr. Howard – **Second.**
277 **Motion Carries: 4-0; 1 Abstention.**

278
279 Ms. Evangelista – I am not sure about this one. I would like to hear why and what are the
280 differences between the road way and the cul-de-sac.

281
282 Mr. Williams – The existing Lisa Lane is Cape Cod berm. We are planning to continue that
283 along the roadways. At roundings and circles where plow damage happens we said we would do
284 slope granite to be durable.

285
286 Mr. Hoover – Where there is parking in front of the trail – what kind of curbing will be there?

287
288 Mr. Williams – Slope granite.

289
290 Mr. Hoover – Do you have any concerns about slope granite and wheel stops?

291
292 Mr. Williams – Those parking spaces are not going to be used very often so it is not a concern.

293
294 Mr. Hoover – I think the benefit to the town is that it makes sense and is in the best interest of
295 the town by granting this waiver. It is a more natural look as well.

296
297 Ms. Evangelista – The benefit is the low impact development.

298
299 Mr. Watts - **Motion** to approve **Waiver 3:** Section 365-36.D which requires that
300 pavement in a turnaround shall slope to the inside, and, in place thereof, allow the
301 pavement to slope to the outside gutter as shown on the plans.

302 Mr. Howard – **Second.**
303 **Motion Carries: 4-0; 1 Abstention.**

304
305 Mr. Williams – The drains naturally occur at the edge of the pavement where they meet the
306 curbing. It doesn’t make sense and it should go on your list of changes to make.

307
308 Mr. Hoover – I disagree and the board needs to take up this issue. Because of maintenance the
309 challenge is to don’t create a landscape system. The design challenge is how do we come up
310 with a landscape system that doesn’t put water into closed pipes but gets it back into the ground.

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Mr. LaCortiglia – I don't have a problem with sending the water to the drain

Mr. Watts - **Motion** to approve **Waiver 4**: Section 365-36.D which requires the maximum length of dead ended street in an RB district not to exceed 800 feet, and, in place thereof, allow a maximum length of dead ended street as shown on the plans. Vineyard Lane measures 855 feet accordingly, a waiver for 55 feet is being requested.

Mr. Howard – **Second.**
Motion Carries: 3-1; 1 Abstention.

Ms. Evangelista – I am not in support of it.

Mr. Hoover – Why the request for this waiver?

Mr. Williams – In order to develop that area it needs to be that long. We are eliminating the dead end on Lisa Lane and creating a situation where it is now only 55 feet. It is an improvement regarding length of dead end.

Mr. Snyder – Your previous design had a longer length of road and associated waiver request.

Mr. Williams – We did and we pulled the street back and removed two lots.

Ms. Mann – The existing condition is that there is a 1,700 foot dead end. We are creating a thru street to eliminate the dead end and are creating an additional cul-de-sac. However we are looping a road and creating a thru street. We are also looping the water main and improving the electricity in the area.

Mr. Hoover – By creating a loop to Searle that has corrected the Lisa Lane problem that it is no longer a dead end. But I think you needed to do this for yourselves in order to provide a cul-de-sac of Vineyard Lane. Otherwise you would not have been able to get as many lots in there.

Mr. LaCortiglia – The original application showed one loop road and more houses.

Mr. Williams – It did and it had more houses and more pavement.

Mr. LaCortiglia – With respect to dead-end roads I have a concern about response time in extreme conditions. There is no way to get to the end in an emergency. This is 55 feet longer than our regulations.

Mr. Hoover – So they have done a better circulation system.

Ms. Mann – It is actually 4 fewer lots.

Mr. Hoover – I feel more comfortable.

355
356 Mr. Watts – To me it is not a huge distance. But there are 11 lots that are within that risk zone.
357 That is a lot of lots. The way Vineyard Lane and Grapevine Circle are configured it is really two
358 dead ends rather than one.

359
360 Mr. LaCortiglia – One doesn't go over the 800 feet.

361
362 Mr. Watts - **Motion** to approve **Waiver 5**: Section 365-36.A, 365-51.E, 365-51.J which
363 requires 26 feet of pavement, and, in place thereof, allow 24 feet of pavement as shown
364 on the plans.

365 Mr. Howard – **Second.**
366 **Motion Carries: 4-0; 1 Abstention.**

367
368 Ms. Evangelista – Where will this be?

369
370 Mr. LaCortiglia – The entire roadway.

371
372 Ms. Evangelista – I would agree with that.

373
374 Mr. Williams – Lisa Lane is 22 feet wide. We will be wider than that but we thought 26 feet was
375 too much.

376
377 Mr. Watts - **Motion** to approve **Waiver 6**: Section 365-.36.F requires minimum
378 centerline of radii curved streets to be 150 feet. In case of reverse curves a minimum of
379 100 feet shall be required and that all curved streets must be designed to permit safe
380 vehicular traffic.

381 Mr. Howard – **Second.**
382 **Motion Carries: 4-0; 1 Abstention.**

383
384 Mr. LaCortiglia – We are not going to discuss this and we are just going to vote on it as Mr.
385 Graham recommended we waive it.

386
387 Mr. Williams – The way it is worded is confusing. But Mr. Graham says he thinks the intention
388 is that there is a length of tangent between curves and we would like to eliminate the tangent.

389
390 Mr. Watts - **Motion** to approve **Waiver 7**: Section 365-36.J which requires reinforced
391 concrete pipe for storm drains, and, in place thereof, allow high-density polyethylene
392 (HDPE) storm drains as shown on the plans.

393 Mr. Howard – **Second.**
394 **Motion Carries: 4-0; 1 abstention**

395
396 Mr. LaCortiglia – This is for every storm drain pipe, not the cover. Instead of using a concrete
397 pipe, using an HDPE pipe instead.

398

399 Mr. Snyder – The benefit to the town is longer life expectancy.
400
401 {Reading of Mr. Graham’s response to the waiver.}
402
403 Mr. Howard – Are there different thicknesses for this pipe?
404
405 Mr. Williams – There are. We suggest N18 pipe as it can be placed close to the surface.
406
407 Mr. Watts - **Motion** to approve **Waiver 8**: Section 365-39.C(3)(b)[4] which requires
408 operation and maintenance plans and storm water management designs be designed under
409 the jurisdiction of the Georgetown Planning Board, and in place thereof, allow the
410 drainage system to be designed in compliance with the DEP storm water policy.
411 Mr. Howard – **Second**.
412 **Motion Carries: 4-0; 1 Abstention**.
413
414 Ms. Evangelista – I feel more comfortable that we follow our own local bylaw for storm water.
415
416 Mr. Williams – The DEP is more stringent than the town of Georgetown. Most towns have
417 adopted that for a standard because you have to follow DEP standards anyhow.
418
419 Ms. Evangelista – What is the difference?
420
421 Mr. Williams – They have additional removals of pollutants, off sets to ground water, a whole
422 handbook that goes along with MA storm water policy. It is very specific.
423
424 Ms. Evangelista – What year is this book?
425
426 Mr. Williams – 1996 and updated in ’08.
427
428 Mr. Snyder – In granting this waiver it would place the applicant under the more stringent
429 guidelines.
430
431 Mr. Hoover – Why are you doing this?
432
433 Mr. Williams – They conflict and you can’t do both. You have to conform to their
434 requirements.
435
436 Mr. Hoover – What did Mr. Graham say about this?
437
438 Mr. Snyder – No objections.
439
440 Ms. Evangelista – Does the DEP have low impact requirements?
441

442 Mr. Williams – They do not. You have to meet the MA storm water management policy. The
443 associated regulations which is what we have done.
444
445 Ms. Evangelista – Our storm water policy has LID as critical on a lot of these requirements.
446
447 Mr. Williams – We have some LID techniques but they don't necessarily work for a subdivision
448
449 Mr. LaCortiglia – The DEP policy is stricter than our regulations. If we don't grant this waiver,
450 it would be a lower standard. This needs to be squared up this summertime.
451
452 Mr. Hoover – Mr. Snyder can you please put this on your spreadsheet?
453
454 Mr. Snyder – Yes.
455
456 Mr. Watts – Is it the Building Inspector that will verify that this is done?
457
458 Mr. LaCortiglia – It would be by the subdivision inspector.
459
460 Ms. Evangelista – What is the year of the policy that you are going to be following?
461
462 Mr. Williams – The MA storm water management policy. There is only one regulation that is in
463 place today. I believe it was revised in 2008.
464
465 Mr. Watts - **Motion** to approve **Waiver 9**: Section 365.49, 365-51.J which requires that
466 centerline of the roadway shall coincide with the centerline of the street right of way, and,
467 in place thereof, allow an offset roadway pavement from Station 4+48.36 to station
468 7+90.70 on Lisa Lane.
469 Mr. Howard – **Second**.
470 **Motion Carries: 4-0: 1 Abstention**.
471
472 Mr. LaCortiglia – This is a section of roadway that was moved over to satisfy the ConCom.
473
474 Mr. Williams – Yes there is a wetland there so this is so we could be outside of that.
475
476 Mr. Howard – How far off center is it?
477
478 Mr. Williams – About seven feet.
479
480 Mr. Howard – Do the property bounds go to the outside of the right of way?
481
482 Mr. Williams – They go with the outside of the right of way.
483

484 Mr. Watts - **Motion** to approve **Waiver 10**: Sketch 8 showing typical roadway cross
485 section which requires three feet of cover over the drain, and, in place thereof, allow less
486 than three feet of cover as shown on the plans.
487 Mr. Howard – **Second.**
488 **Motion Carries: 4-0; 1 Abstention.**
489
490 Mr. LaCortiglia – I would like to ask the public for comments.
491
492 Mr. Hoover – I have some comments that are not part of the waiver discussion.
493
494 Mr. LaCortiglia – Let’s do the public first.
495
496 Mr. McLaughlin – What are the next steps?
497
498 Mr. Snyder – Public comments will be heard tonight. The applicant will finalize the drawings
499 and then we will draft the decision with any waivers and conditions. The applicant is still in
500 review with ConCom.
501
502 Ms. Mann – We have one more review maybe with minor changes.
503
504 Mr. Snyder – The largest outstanding item is the applicant’s coordination with the housing trust
505 and task force.
506
507 Mr. Hoover – At the last meeting we discussed the no cut zone and there was discussion about
508 the no disturbance wording. What is the no cut definition?
509
510 Mr. Williams – It means you can’t cut or disturb it.
511
512 Mr. Hoover – Would you be willing to put the definition on the plan?
513
514 Mr. Snyder – It could also be written in the decision.
515
516 Mr. Hoover – Yes that is fine but that does not go out in the field.
517
518 Ms. Mann – Yes we will do that.
519
520 Mr. Hoover – Can you show me where enhancing the site distance is on the plan?
521
522 {Mr. Williams shows the area on the plan.}
523
524 Mr. Hoover – Is that information on the drawings?
525
526 Mr. Williams – Yes.
527

528 Mr. Hoover – We had talked about where the sidewalk comes into the road and the slivers. I did
529 not see them changed on the plans.

530
531 Mr. Williams – We will make a 90 at those areas.

532
533 Mr. Hoover –If the drawings can reflect that... It looks like the Wood Road connector connects
534 to the road – is that for vehicles?

535
536 Mr. Williams – It is a wood road and it has to be provided with the same access that's there now.

537
538 Ms. Mann – It has to be for whatever use is there presently. I don't know if vehicles access it
539 now.

540
541 Mr. Duncan – That road comes thru my property and there hasn't been a vehicle there for 20
542 years and cannot get thru there with limbs etc... down - maybe can walk it.

543
544 Mr. Hoover – If you can't block it then it has to be open to receive a vehicle.

545
546 Ms. Mann – It has to be kept open and unobstructed. Why does the graphic show two lines?

547
548 Mr. Williams – It is intended to be a paved apron and then gravel.

549
550 Mr. LaCortiglia – No problem to fix it on the plan?

551
552 Mr. Hoover – So whatever the legal use of that will stay in place?

553
554 Ms. Mann – Exactly. Common law, an easement right and not allowed to block it.

555
556 Mr. Hoover – So there is a written easement?

557
558 Mr. Williams – It is on the plan and it is called a woods road on the original subdivision plan.

559
560 Ms. Mann – This is on a documented recorded plan.

561
562 Mr. Hoover – Are you legally ok to where you have moved it?

563
564 Ms. Mann – You are permitted to relocate provided you do not create a more burdensome access.

565
566 Mr. Hoover – I don't understand how the erosion control works. Can you explain that?

567
568 Mr. Williams – It is a guide for the construction of the road. It has been used for the guiding of
569 construction a roadway.

570
571 Mr. Hoover – I see but how does a contractor see which one to use?

572
573 Mr. Williams – It goes hand in hand with our storm water management and the site contractor
574 has a booklet that states the inspections you need to make and the protocols. Typically a
575 Planning Board does not get involved. This is a general guideline.
576
577 Mr. Hoover – Maybe this is something that Mr. Graham can respond to as I still don't understand
578 how this document is going to be used. How does a contractor know what mixture to use? This
579 is all boiler plate stuff.
580
581 Mr. LaCortiglia – It is a general document.
582
583 Mr. Hoover – I am not clear how they see the difference onsite.
584
585 Mr. Williams – This is specific requirements from the DEP. This is what they tell you to use for
586 road side or gravel. The good thing is that we have a contractor that has built many roads. This
587 document is required but it is a good guideline.
588
589 Mr. Hoover – I would like to find out if Mr. Graham likes it. I wish he were here.
590
591 Mr. Williams – He has reviewed it and we have made changes at his request.
592
593 Ms. Evangelista – Several areas that say there is sequence review - who is going to do that?
594
595 Mr. Williams – The town has an inspector, the ConCom uses that document.
596
597 Mr. Hoover – When the town takes over the road they will be responsible. On the tree planting
598 detail it says the “owner shall” - who is the owner?
599
600 Mr. Williams – It is the developer until the town takes over and the town accepts the street.
601
602 Mr. Hoover – On the detail you want to add “do not cut the main leader.” What developers do is
603 that they prune the leader.
604
605 Mr. Williams – The trees are already pruned when they are put it.
606
607 Mr. Hoover – They usually are but that is not what the note says.
608
609 Ms. Mann – We will add a note.
610
611 Mr. Hoover – The drawing needs to reflect what to do if you encounter poor soils.
612
613 Mr. LaCortiglia – All trees are guaranteed for a year?
614
615 Ms. Mann – Yes.

616
617 Mr. Hoover – The year guarantee is up to the Planning Board. Once the project is done, at that
618 point that is when the guarantee kicks goes into place, a year after town acceptance.
619
620 Ms. Mann – It is not a problem at all.
621
622 Mr. Hoover – I know these comments are considered nit picking but they are very important.
623 I appreciated the species on the plant list but it does not say the size or location.
624
625 Ms. Mann – It is on the detail sheet.
626
627 Mr. Hoover – I don't see what species is going where.
628
629 Ms. Mann – We won't know until we are in.
630
631 Mr. Hoover – It can be a condition of an equal number of each tree. Somehow the contractor
632 needs to be guided and it needs to be provided. You need to remove a sugar maple from the list -
633 they do not take the salt well.
634
635 Mr. Williams – What do you want in place of it?
636
637 Mr. Hoover – That is up to you. Send me the list, I would love to see it. Is there anywhere on
638 the list that tells the lawn – the seed spec etc...?
639
640 Mr. Williams – No, it is not part of the Planning Boards jurisdiction.
641
642 Mr. Hoover – It is part of the planting plan.
643
644 Mr. Hoover – These are Mr. Graham's questions but do we need language somewhere that tells
645 the town that if some of the trees died that the town can come in and replace it.
646
647 Ms. Mann – We maintain a temporary easement for plantings.
648
649 Mr. Williams – Until the roadway is accepted.
650
651 Mr. Hoover – That would cover it.
652
653 Mr. Hoover – I don't know where this gets recorded but how does the school district get
654 notified? Three months prior to the project the school district needs to be kept apprised of the
655 construction so they can notify the bus company and the kids. This responsibility needs to fall
656 somewhere.
657
658 Mr. Snyder – It can happen at our monthly department head meeting. I can state that the project
659 has started.

660
661 Mr. Hoover – What about the group in charge of the Penn Brook construction?
662 It is typically Ms. Jacobs.
663
664 Mr. LaCortiglia – What if we have Mr. Snyder call when a subdivision permit is issued he can
665 contact them?
666
667 Mr. Hoover – That is fine.
668
669 Ms. Evangelista – Like I said before I am concerned with Mr. Graham’s follow up.
670
671 Mr. Williams – All the storm water areas need to complete and functioning before the street is
672 accepted.
673
674 Ms. Evangelista – All along I have stated the drainage areas and Mr. Hoover brought up the trees
675 and these are really critical.
676
677 Mr. Howard – I have a comment. In terms of the drainage basins, on Acorn Way when they did
678 the construction all the silt went to the bottom of the pond. They were supposed to put
679 something in the bottom that would act as a filtering agent.
680
681 Mr. Williams – Here we have silk socks in the basins and we have temporary basins and it will
682 be dug out and rebuilt.
683
684 Mr. Hoover – The drawings need to have it right and then during construction and then the
685 installation and then maintenance. You are only as good as your weakest link.
686
687 Mr. Howard – **Motion** to close the public hearing.
688 Mr. Watts – **Second.**
689 **Motion Dies: 0-4; 1 Abstention.**
690
691 Ms. Evangelista – You are going to close that before you do the mediation?
692
693 Mr. Snyder – Do you want the public to comment on the inclusionary housing bylaw as well as
694 the hearing where the decision is reviewed?
695
696 Ms. Evangelista – You’ve granted all these waivers what have you agreed to?
697
698 Mr. Snyder – I thought when you voted on the waivers you were accepting what they were doing
699 for mitigation
700
701 Ms. Evangelista – No, I wasn’t.
702
703 Mr. Snyder – You’ve granted the waivers so what would you be voting on?
704
705 Ms. Evangelista – I think so. I think that would happen.

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Ms. Mann – All the mitigation we show we are doing. We expect you to include that in the decision. I sent it to Mr. Snyder in excel format.

Mr. Hoover – Ms. Evangelista raised the housing issue. Is that something the board thinks the public deserves to speak on?

Mr. Snyder – We could even ask for the trust and the task force to come in here. That should be open for the public as well if you decide they need to come in. If you close the public hearing you can not invite them in.

Ms. Evangelista – No we don't. Once you close the hearing it is over. No more information is accepted.

Mr. LaCortiglia – I at this point realize they will build two units on site or 100 percent in lieu payment. I don need any more information to make my decision.

Mr. Snyder – I think you should keep the public hearing open.

Mr. Howard – **Motion** to continue this hearing to the June 25th meeting.
Mr. Watts – **Second.**
Motion Carries 4-0; 1 Abstention.

Mr. Snyder – I think we can get everything that needs to be revised on the drawings by then. There will be a meeting with the trust and the task force next week.

Ms. Mann – That would be a verbal recommendation we could share. But it would be late by a day. We couldn't get it to you until that Monday.

Mr. Snyder – Would the board accept a verbal recommendation or would they request it in writing?

Mr. Hoover – I would recommend in writing.

Ms. Mann – This board makes the call. Mr. Snyder will be there. They will tell you the best option. I would ask that the board allow us to come back on the June 25th meeting.

Mr. Snyder – I will get an email to the board.

Old Business:

1. 161 West Main Street: Review with owner of previous Site Plan Approval and conditions.

Mr. Snyder – A year after an approval the board requested that I follow up with a condition in a site plan approval decision. I contacted the owner, Mr. Sousa and there was some correspondence back and forth about one of the conditions. There were 3 outstanding. One was the striping and one was the signage. The last outstanding item is the condition of universal access to the lower level.

754 Mr. Mr. Sousa – I prepared a letter after the last meeting and I reached out to the MA
755 architectural access board that has jurisdiction over the ADA. They suggested I apply for a
756 minor modification to the approved site plan. They asked me to submit to them in writing how I
757 use the space. They said it would be considered a private office space – not public use which
758 would allow them to waive the universal access requirement. I submitted the paperwork to them
759 and part of that was an affidavit that explained how I use the space. They reviewed my
760 documents and they approved a waiver with conditions. The condition is that I record the
761 restriction. The restriction is that the only person that can use that area is me. If that changes,
762 then universal access will have to be brought down there. The reason they ask you to record this
763 at the registry is so if the ownership changes. So I asked for a minor modification to take that
764 requirement out and the reasoning is many. The first is the cost of the lift. When we originally
765 agreed to put it in, it was 8-15 thousand dollars. The true cost, because we have to build a shaft
766 way around it, and the actual lift is commercial, it is north of 45 thousand dollars. The second
767 reason is if I am going to spend that kind of money, the location needs to be deliberate. If the
768 school were to take over the entire building it would make sense to put the lift inside. On the
769 plan the lift is outside right now and it would need to be inside. That is why I am asking for the
770 modification to the site plan approval.

771
772 Mr. Snyder – You are requesting that the modification be made to the site plan. I think the board
773 right now needs to decide if this is a minor modification or is this a major modification. The
774 other thing Mr. Sousa, are you are you requesting to modify the decision to take off the
775 requirement or are you asking for more time so you can best locate the structure?

776
777 Mr. Sousa – As long as I am down there, I can't see any other business being down there. If
778 someone were to come in there, then universal access would be required. So I would ask for it to
779 be modified because there is the deed restriction. I don't want to put it inside because if I take 25
780 square feet away they would lose considerable amount of capacity and it would affect their
781 income. I think it's cleaner to do it that way and I think its ok to do it that way because it has
782 been put on the deed and it is recorded. As required, I sent them a copy of this.

783
784 Mr. LaCortiglia – The access board has control over the MA state law that requires HP access.
785 Is that correct?

786
787 Mr. Sousa – They are the authority for ADA.

788
789 Mr. LaCortiglia – For the state only under MA general law not the federal law requirements.
790 When you got this decision, Mr. Sousa and I understand what you are saying that the most likely
791 scenario was that the school would be the most likely to use that space.

792
793 Mr. Sousa – That would seem most likely.

794
795 Mr. LaCortiglia – My problem with that is that schools have an exemption and the Planning
796 Board does not have...

797
798 Mr. Hoover – If the school moves down there they do not have exemption from ADA
799 requirements. They still have to meet the ADA requirements.

800

801 Mr. LaCortiglia – The Building Inspector is the enforcement officer and this board would not get
802 that review.

803
804 Ms. Evangelista – Wouldn't we get another site review?

805
806 Mr. LaCortiglia – No, remember we did not review the school. This is one of the conditions that
807 even though it is not required by state law that...

808
809 Mr. Snyder – It was a condition of this board.

810
811 Mr. LaCortiglia – That was one of the reasons that I voted for this.

812
813 Mr. Howard – I am ok with not putting the elevator in.

814
815 Mr. Hoover – I agree with the minor modification.

816
817 Mr. Watts – I agree as well.

818
819 Mr. LaCortiglia – If this were a minor modification then we could make a decision tonight. If it
820 is a major modification then the applicant would need to apply for a modification to the site plan
821 approval.

822
823 {Mr. Snyder reads about modifications to the Planning Board and the procedure.}

824
825 Mr. Snyder – If the board is willing to entertain the request for a modification then he needs to
826 provide a revised site plan and at the next meeting the board can take that up and say that yes we
827 will accept this or we will request a full public hearing.

828
829 Mr. Hoover – **Motion** to accept a resubmittal of 161 West Main site plan for minor
830 modification determination.

831 Mr. Howard – **Second.**
832 **Motion Carries: 4-1.**

833
834 **New Business:**

835 **3. Reorganization of Planning Board: Chair, Vice-Chair and Clerk.**

836 Mr. Snyder – Required after annual town meeting, boards and commissions are required to
837 reorganize. This is important this year as we need to fill the vacant position of Vice Chair. In
838 your packet is a template I propose the board consider. The Board of Selectmen uses this for
839 their reorganizing. I have provided a procedure for new chair, vice chair and clerk. If it's ok
840 with the board we will take up the election of the new chair of the Planning Board. I will hear
841 from any Planning Board member a nomination for Planning Board chair.

842
843 Mr. Howard – I nominate Mr. Hoover for chairman.

844
845 Mr. Watts – I nominate Mr. LaCortiglia for chairman.

846
847 Mr. Snyder – Does any other member want to make a nomination for the chairman of the
848 Planning Board? Hearing none I will take a vote for Mr. Hoover's nomination.

849
850 Mr. LaCortiglia – Nay.
851
852 Ms. Evangelista – Yes.
853
854 Mr. Watts – Nay.
855
856 Mr. Howard – Yes.
857
858 Mr. Hoover – Yes.
859
860 Mr. Snyder – I have a nomination of Mr. LaCortiglia for chair.
861
862 Mr. LaCortiglia – Yes.
863
864 Ms. Evangelista – Nay.
865
866 Mr. Watts – Yes.
867
868 Mr. Howard – Nay.
869
870 Mr. Hoover – Nay.
871
872 Mr. Snyder – For the nomination of Mr. Hoover I have a vote of 3 yes and 2 nay. For the
873 nomination of Mr. LaCortiglia I have a vote of 2 yes and 3 nay. The nomination of Mr. Hoover
874 to the chair has been approved. I will hear from any Planning Board member a nomination for
875 Planning Board vice-chair.
876
877 Mr. Howard – I nominate Mr. LaCortiglia.
878
879 Mr. Snyder – Hearing none I will take a vote for Mr. LaCortiglia’s nomination.
880
881 Mr. LaCortiglia – Abstain.
882
883 Ms. Evangelista – Yes.
884
885 Mr. Watts – Yes.
886
887 Mr. Howard – Yes.
888
889 Mr. Hoover – Yes.
890
891 Mr. Snyder – Congratulations to Mr. LaCortiglia for your nomination and vote to vice-chair. I
892 will now take nominations for Planning Board clerk.
893
894 Mr. Howard – I nominate Mr. Watts.
895
896 Mr. LaCortiglia – Yes.

897
898 Ms. Evangelista – Yes.
899
900 Mr. Watts – No.
901
902 Mr. Howard – Yes.
903
904 Mr. Hoover – Yes.
905
906 Mr. Snyder – Congratulations to Mr. Watts for your nomination and vote to Planning Board
907 clerk. One more matter. At the next meeting we need to review all the appointments this board
908 makes to the other board and committees in town. That is part of the annual reorganization.
909
910 Mr. LaCortiglia – **Motion** to adjourn.
911 Mr. Hoover – **Second.**
912 **Motion Carries: 5 – 0; Unam.**
913
914 Mr. Hoover – Mr. LaCortiglia and I have been talking about this and I have a great deal of
915 respect for him. I just wanted to say that in front of everybody.
916
917 Mr. LaCortiglia – It doesn't matter who the chair is it is the board. This board is going to do
918 great things this summer.
919
920 Mr. Hoover – I agree.
921
922 **Meeting adjourned at 10:12 PM.**