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MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, August 13th, 2014
Memorial Town Hall – 3rd Floor
7:00 p.m.

Present: Mr. Harry LaCortiglia; Mr. Bob Watts; Ms. Tillie Evangelista; Mr. Tim Howard (Arrived at 7:16 PM); Mr. Howard Snyder, Town Planner.

Meeting Opens at 7:12 PM.

Approval of Minutes:

1. Minutes of June 25th, 2014.

Ms. Evangelista – **Motion** to accept the June 25th, 2014 meeting minutes pending discussion.

Mr. Watts – **Second.**

Motion Carries: 3-0; Unam.

Correspondence:

1. Town of Georgetown: Building Inspector: 64-74 East Main Street Lot 85.

2. Town of Boxford: ZBA – Special Permit.

3. Town of Newbury: ZBA – Special Permit for solar installation.

4. Borrego Solar: Notice of informational workshop regarding solar installation in Newbury.

Mr. Snyder – Town of Georgetown Building Inspector issued a letter to 64-74 East Main Street in response to a complaint.

Mr. LaCortiglia – How where those installed. Was that thru a site plan? This is at Dunkin Donuts correct?

Mr. Snyder – This property was before the Zoning Board. Not sure where the application is with them. The lights are off. The other of note is the informal workshop regarding a solar installation proposed in Newbury.

Vouchers:

1. MVPC: Annual Assessment – Fiscal year 2015.

2. North of Boston: Georgetown Record – Job Posting Advertisement.

Ms. Watts – **Motion** to approve the vouchers having a total amount of \$3,092.79.

Mr. Evangelista – **Second.**

Motion Carries: 3-0; Unam.

{Mr. Snyder reviews the voucher for North of Boston regarding advertisement of the Administrative Assistant position in the Planning Office. Review of interview process and schedule.}

Old Business:

1. MVPC: MIMAP - Scope of Work.

{Review of contract from MIMAP}

46 Mr. LaCortiglia – Howard, what is the next step for the Board? Do we need to authorize you
47 as the Town Planner to sign the contract?
48

49 Mr. Snyder – The contract is between MVPC and Town of Georgetown with the signature
50 required of Town of Georgetown’s authorized agent. .
51

52 Ms. Watts – **Motion** to authorize the Town Planner to sign the contract to activate the
53 MIMAP for fiscal year 2015.

54 Mr. Evangelista – **Second.**

55 **Motion Carries: 3-0; Unam.**
56

57 **ANR:**

58 1. Form A: 24 Summer Street.

59 {Chris Conway of 24 Summer Street in attendance.}
60

61 Mr. Conway – I currently own the property of 24 Summer Street and have lived there for
62 approximately nine years. There is a brook that separates my property from 12 Summer
63 Street. {ANR plan shown on screen.} Brook naturally occurring. When we purchased the
64 home we assumed we owned to the center of the brook. We learned a few months later from
65 the neighbor that they owned a small area on our side of the brook. That area is of natural
66 vegetation and leaf pile. Abutting neighbors selling the property and I approached them to
67 purchase the small area delineated to the center of the brook. Engineer surveyed the property
68 and produced the ANR.
69

70 Mr. LaCortiglia – Your frontage is on Summer Street?
71

72 Mr. Conway – Yes. You will see on the plan my lot is on the corner of Juniper and Summer.
73

74 Ms. Evangelista – The brook is here. {Points to line on the plan shown on the overhead.}
75

76 Mr. Conway – Yes. The parcel to be transferred is next to it and is shown with a hatch. The
77 parcel will bring our property to the center of the brook.
78

79 Mr. LaCortiglia – Do you know the old alignment of the brook was different or was always as
80 shown on the plan?
81

82 Mr. Conway – Not sure. It is an old piece of property dating back to 1804. I believe 12 Summer
83 Street use to have livestock and then the owners separated the lots and created 24 Summer Street.
84 It is a small piece of land we are transferring.
85

86 Mrs. Evangelista – It is a thickly vegetated area. I could not see the brook at all.
87

88 Mr. Conway – It is. We have seen deer using it to follow the Penn Brook.
89

90 Mr. LaCortiglia – Any other comments Tillie? Bob? I see appropriate frontage and 12 Summer
91 Street is not being deprived of any frontage needed. What is the frontage required?

92
93 Mr. Snyder – This is Residential A and 125 is needed.

94
95 Mr. LaCortiglia – Usually we ask one these three notes on an ANR plan.

96
97 Mr. Conway – The surveyor works in Georgetown often. All three on the plan to be safe.

98
99 Mr. Watts – **Motion** to endorse the ANR Plan of Land for 24 Summer Street dated 7.10.14
100 stamped by Mr. Dixon.

101 Mrs. Evangelista – **Second.**
102 **Motion Carries: 3-0; Unam.**

103
104 Mr. Snyder – The Board will endorse the ANR mylar with signature but should also sign a
105 Form B to show determination of subdivision is not required. Mylar goes to the registry and
106 the Form B goes into the Planning Office file.

107
108 2. Form A: 102 Pond Street.
109 {Victoria and Jamie Roberts in attendance.}

110
111 Mrs. Roberts – My husband and I just purchased 102 Pond Street. We want to convert the
112 seven parcels back into one single family lot. No intention of selling off any of the lots
113 currently shown on the plan. Nothing been physically to the property. Renovating the
114 existing house there.

115
116 Mr. Snyder – To clarify some of the history of the property. {Shows the ANR plan on the
117 screen. Describes the Pond View Estate Definitive Subdivision.} Previous owner sold 100
118 Pond Street off. Parcel A subject to conservation. Lot A for roadway layout.

119
120 Mr. LaCortiglia – Parcel A was part of an Order of Conditions in the subdivision approval.
121 Have you met with Conservation?

122
123 Mrs. Roberts – We have not met. We have spoken with Steve on occasion. He told me the
124 Order of Conditions has expired. Even if the subdivision had gone through, a new review by
125 Conservation would be needed.

126
127 Mrs. Evangelista – Would you be interested in doing that?

128
129 Mr. LaCortiglia – {Referring to ANR plan on the overhead.} From where I am looking at this
130 I do not think you have much of a choice. It hinges on 100 Pond Street. The lot line use to be
131 here and the two properties were purchased by a single entity and approved as a seven lot
132 subdivision. 100 Pond Street was Lot 2. Got approval but never broke ground. The parcel to
133 be donated was for National Heritage as part of the ConCom review as part of mitigation.
134 The issue is the developer came in and sold Lot 2. Planning Board released the convent on
135 the premise that that lot would have frontage on the roadway layout in the subdivision. Lot 2

136 does not have frontage on Pond Street. If ANR endorsed, the owner of 100 Pond Street goes
137 from having frontage on the roadway in the subdivision to a non-conforming lot as not
138 enough frontage on Pond Street. Due to this you will not have my vote tonight.

139
140 Mrs. Roberts – Are you wanting to see a subdivision go in as that is the only way the
141 frontage may happen?

142
143 Mr. Watts – What is the acceptable frontage for this area?

144
145 Mr. LaCortiglia – 160 feet.

146
147 {Review of lot frontage on the plan for 100 and 102 Pond Street.}

148
149 Mr. Roberts – So what was it before the house was built?

150
151 Mr. LaCortiglia – I do not know. That may have been prior to subdivision control.

152
153 Mrs. Roberts – The houses have been there for a long time they are old. I am thinking the
154 only way is if the subdivision went in with the road in the middle.

155
156 Mr. Snyder – Get in touch with the owner. I will talk to the Zoning Code enforcement officer
157 tomorrow. It may be an application of a shared driveway. We will achieve the frontage.

158
159 Mr. LaCortiglia – You know that you own a subdivision permit right now.

160
161 Mr. Snyder – That permit may or may not have expired.

162
163 {Discussion of the natural resources and value of the property not being developed. Open
164 space parcel supposedly go to Conservation.}

165
166 Mr. LaCortiglia – It may be a simple thing as a court.

167
168 Mrs. Evangelista – I think an attorney should be referred to for a solution to problem.

169
170 Mr. Roberts – We just want to go back to what existed prior.

171
172 Mr. Snyder – The subdivision changed all of that with the new lot lines.

173
174 {Discussion of drainage and sight line easements on 100 Pond Street.}

175
176 **New Business:**

177 1. Definitive Subdivision Plan: Turning Leaf – Draft Decision.
178 {Attorney Mann and Tom O’Connell in attendance.}

179
180 Mr. LaCortiglia – Welcome. There was an email sent by the Chairman Rob Hoover that the
181 Board look at the decision but not make any decisions tonight about the affordable housing.

182

183 Mr. Snyder – Next on the agenda was the Spot Restaurant. What order are we going to go with?
184 Not all of the eligible members are here and it should be continued to ensure the proper vote.

185
186 Mr. LaCortiglia – We should take the matter up just so we can continue to the next meeting.

187
188 2. Site Plan Approval: 17 – 19 West Main Street – Draft Decision.

189
190 Atty. Mann – Do I need to fill a form for extension of time? You need to approve a certain
191 amount after approval so there is not a constructive grant.

192
193 Mr. LaCortiglia – You want to offer an extension of time?

194
195 Mr. Snyder – I am sorry but I thought the applicant was covered.

196
197 Atty. Mann – Just for the record I am Attorney Mann the attorney for the Spot and I grant the
198 extension of time so the vote on the decision of approval can be made.

199
200 Mr. Watts – **Motion** to accept the offer of extension of time to the end of September.

201 Mrs. Evangelista – **Second.**

202 **Motion Carries: 3-0; Unam.**

203
204 Mr. Snyder – Before we leave the Spot, are there any comments from board members regarding
205 the site plan or the decision so when the applicant returns all items are addressed. Harry I believe
206 you have a comment regarding the site plan.

207
208 Mr. LaCortiglia – Yes on the site plan the dates. The date should be of the approval date with the
209 revision date to reflect the conditions of the approval.

210
211 {Discussion of the dates regarding the site plan approved and the date of the plan changed.}

212
213 Mr. Snyder – I would like the board to clarify the request for recording. There is the site plan, the
214 existing survey and the sheets showing the renderings. Is it going to be just SD1?

215
216 {Discussion of the plans to be recorded and requirements of the registry.}

217
218 Mr. Snyder – The decision will reflect all of the sheets presented but just SD1 to be recorded.

219
220 Mr. LaCortiglia – In the decision. Section seven provisions. Any changes to the site plan shall be
221 submitted to the Town Planner. No changes just pointing out for a later conversation.

222
223 {Discussion of the time to review and approve as it is not a 40A application.}

224
225 Mrs. Evangelista – I would like the same language as the ZBA decision incorporated into section
226 six of findings of fact.

227
228 {Discussion of the ZBA special permit decision and finding with language selected that should
229 be incorporated.}
230
231 Mrs. Evangelista – We had discussion of a street tree.
232
233 Mr. Snyder – It is shown on the site plan.
234
235 Mrs. Evangelista – What does it say about the street tree?
236
237 {Mr. Snyder reads the language of the site plan referring to the street tree and the tree pit.}
238
239 Mr. Snyder – For the record I spoke with the Tree Warden. He stated the tree was removed as
240 they are the wrong species for the location. Years of pruning due to growth into the overhead
241 wires and reduced the canopy and health of the tree in front of the Spot so it came down.
242
243 Mr. LaCortiglia – I am glad you brought that up. Make it clear that the tree was removed by
244 the tree Warden and not the applicant.
245
246 1. Definitive Subdivision Plan: Turning Leaf – Draft Decision.
247 {Attorney Mann and Tom O’Connell in attendance.}
248
249 Mr. LaCortiglia – Now we are talking about Turning Leaf.
250
251 Mr. Snyder – Provided in the supplemental packet is a draft of the revised decision. Also
252 provided are some additional information from the applicant regarding documents needed
253 and noted in the decision such as Form G and the tripartite agreement. Also provided are the
254 attorney’s comments.
255
256 Mr. LaCortiglia – Attorney Jon Eichmann’s comments?
257
258 Mr. Snyder – Attorney Mann’s comments. I wanted to ensure she had opportunity to review
259 the draft. This so she would be prepared to answer questions from the board at the meeting.
260
261 Mr. LaCortiglia – Let us go thru the decision and make the board’s comments known. To let
262 everyone know and reminded everyone that the Chairman has asked that the inclusionary
263 housing not be discussed so he can be part of the discussion at the next meeting.
264
265 Atty. Mann – What is the process as you were the existing Chair at the time of the
266 application and the current Chairman can not vote.
267
268 Mr. Snyder – The top page is the notice to the clerk so the Chairman can sign that page. You
269 are correct on that the back page he will not be able to sign.
270
271 Mr. LaCortiglia – Tillie do you want to start?
272

273 Mr. Snyder – I just want to point out first that what the board considered regarding the
274 waivers is outlined on page five. Not the waivers but what the Board considered in terms of
275 mitigation.

276
277 Mr. LaCortiglia – Tillie what do you have?

278
279 Mrs. Evangelista – Come back to me.

280
281 Mr. LaCortiglia – Mr. Watts.

282
283 Mr. Watts – Come back to me.

284
285 Mr. LaCortiglia – Ok. First that jumped out at me is on page three, number five. It talks about
286 the waivers from 26 feet of pavement width. {Reads waiver.} I believe on the plan it is
287 mostly 24 but there is a section where it is 22. So I would ask that the 24' be crossed out and
288 the text be added that states width as shown on the plan. Page six, under requirements. Typo
289 in acceptance and I have a question. {Reads the requirement is the acceptance.} Planning
290 Board to accept the parcel of land and then go to ConCom or is it that the Selectmen accept?

291
292 Atty. Mann – You recommend to the Board and then they accept.

293
294 Mr. LaCortiglia – When they accept it they can accept as conservation land or municipal
295 land.

296
297 Atty. Mann – However you recommend. That Board has the right and by signing the deed
298 they demonstrate acceptance.

299
300 Mr. LaCortiglia – Then to town meeting?

301
302 Atty. Mann – It is different with roadways as there is an obligation but with open space
303 parcels you can convey and do not have to go to town meeting. There is no obligation as with
304 roadways where you are getting Chapter 90 funds.

305
306 Mr. LaCortiglia – The deed would specify purpose?

307
308 Atty. Mann – You could but when I have done these deeds in the past it states here is the
309 parcel and it is being conveyed. It can state who is in control, who is able to hold land or
310 oversee land for the inhabitants of the community.

311
312 {Mr. LaCortiglia discusses his consideration of the land and how it is part of a greenway and
313 a uniquely situated piece of land that would help the water department to connect to other
314 streets to loop water.}

315
316 Mr. LaCortiglia – I am concerned that if this goes straight to ConCom and chapter 97
317 designation the ability of the Town to use for the water department will be lost. Have you
318 cleared ConCom yet?

319
320 Atty. Mann – Yes. We just received an order of conditions.

321
322 Mr. Watts – We should recommend to the Selectmen the use of the land.
323
324 Mr. LaCortiglia – Yes as for municipal purposes.
325
326 {Discussion on the deed, the process to get to the Board of Selectmen and specifics of the
327 parcel, greenway concept and scope of the letter to the BOS regarding the recommendation
328 to accept the parcel of land.}
329
330 Mr. LaCortiglia – When will the transfer happen? Prior to occupancy permit?
331
332 Atty. Mann – It should be prior to the issuance of one of the last ones. We never convey in
333 the beginning. May call it out as prior to release of fifth to last or part of release of bond.
334
335 Mr. LaCortiglia – Trying to think of when as this is not a requirement.
336
337 Mrs. Evangelista – I want to be specific in the letter as municipal can mean many things.
338
339 Mr. LaCortiglia – Where would the developer be in the process when you are ready to turn
340 the property over.
341
342 Atty. Mann – As soon as we are able as there is no incentive for use to keep it. The process
343 would take 90 days to get it all down.
344
345 Mr. LaCortiglia – Our Town counsel will want to have a look at the deed and need to get on
346 the Selectmen agenda. Is that included in the 90 days?
347
348 Atty. Mann – Prior to release of last five lots? Many things need to be done prior to us being
349 ready to convey the land. My guess is maybe ready to convey in May.
350
351 Mr. LaCortiglia – Preparation of a draft deed at the release of covenant for the first lot.
352
353 Atty. Mann – Prior to my release of first lot I will deliver to the board a draft deed.
354
355 Mr. LaCortiglia – Can we put that into the decision? Page 9 in the prior to any lot release.
356
357 Mr. Snyder – What about the final deed and recording?
358
359 Atty. Mann – I will not be optioned as to how it is recorded.
360
361 Mr. Snyder – I am thinking more of what the board will do with the draft deed. We have
362 started the process and we need to agree to how it will be completed.
363
364 Mr. Watts – Draft the letter and when received we will be ready. Have the process laid out.
365
366 Atty. Mann – Some other towns have it laid out in their charter.
367

368 Mr. LaCortiglia – How about delivery of signed deed? How about 180 days from issue of a
369 subdivision permit?

370
371 Atty. Mann – We are willing to but must be willing to modify the signed deed if required.
372 180 days bring us only to February with little construction. How about within one year?

373
374 {Review of timeline on delivery of draft and final copy of deed.}

375
376 Mr. LaCortiglia – Developer to provide off-site parking?

377
378 Mr. Snyder - The board discussed that if the parking and access to the open space become
379 popular in the future there would be an ability to expand the parking. These future spaces are
380 reserved for future parking thru the use of land-bank area for two additional spaces.

381
382 {Review of roadway layout and the area held in reserve. The two additional spaces would be
383 added by the town at a later date if they are required.}

384
385 Mr. Snyder – Before leaving page seven. As the board knows I prefer to remove than add to
386 these types of documents. What is left in section 3.F is in regards to release of subdivision.
387 This form has to do with snow and ice removal and roads that will not be accepted by the
388 Town. Since Turning Leaf is being constructed for future acceptance by the Town it should
389 be removed.

390
391 Mr. LaCortiglia – Page 9. Six. A. I see that prior to any lots being released from covenant.

392
393 Mr. Snyder – As “A” is written now it will include the draft deed.

394
395 Mr. LaCortiglia – Page 9. Six. B. I see a performance security. {Reviews performance
396 security with the developer and relationship with covenants.}

397
398 Atty. Mann – At a certain point we will come before the board so we can get a full release of
399 the lots we need to sell. It is better for us that when we reach a certain point we come in for a
400 whole sale release of lots. At that point a performance bond, maybe after we sell a certain
401 number of lots. Maybe after four when we have the pavement down and the utilities in. The
402 reason is to allow us to pay a portion of construction. Will pay the town rate.

403
404 Mr. LaCortiglia – Tom what have you done on other developments. A third of the lots?

405
406 {Discussion of roadway completion and lot releases in terms of percentage of completion.
407 Past errors of other subdivision in release of lots}

408
409 Mr. LaCortiglia – After seven and before eight you come in with the bond. We like tripartite
410 agreements.

411
412 [Discussion of location in the decision where the condition will be written. Lots up to seven
413 released after roadway.}

414
415 Mr. Snyder – So we all agree, after release of lot seven and prior to lot eight.

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Atty. Mann – Let me understand the bond. Who establishes the numbers?

Mr. LaCortiglia – Our site inspecting engineer.

Atty. Mann – Ok. We use disbursement certificate to coordinate with the bank on the draw from the bank. Different than Form J that is a partial release of funds.

Mr. LaCortiglia – Two other items. An issue on page 11, item H. Talks about changes made in the field. {Reads way written in the decision.} I would like the wording that was in the Spot Decision brought to here. Gives the determination to the Town Planner.

{Mr. Snyder reads the section from the Spot decision.}

Mr. Snyder – On page 11 under item H, this is something in the template. {Reads restrictions of further subdivision of land.} The lot size would now allow an as-of-right subdivision of land into two conforming lots.

Atty. Mann – The problem with that is it restricts and limits the owner’s rights to subdivide in the future if the zoning changes and two lots would be possible. It is an unreasonable restriction. It is not in the rules and regulations. It is imposing an unfair restriction on property owners.

Mr. LaCortiglia – I see the value of this being in the subdivision decision is if in the future someone comes in and wants to subdivide. This decision would be pulled and this is it for the subdivision.

{Further discussion on imposing on future rights of property and random application of a restriction.}

Mr. Snyder – Recommend removal of first sentence. The template for a decision is evolving and this is a historic condition that may have had reasons in the past but may be considered as not being applicable now and in the future.

Mr. LaCortiglia – Let us see what Rob and Tim have on this subject. My only other comment and I am not sure where this would go is if you recall Stone Row and the issue with stone monuments. {Read his wording to be added} I am not sure where but it needs to be added.

{Discussion on next steps.}

Member or Public Report:

1. Any other concern of a Planning Board Member and/or member of the Public.
{None heard.}

Planning Office:

1. M-Account Release: M-26434 73 East Main Street.
2. M-Account Release: M-26448 Joseph Vozella c/o Superior Steel.
3. M-Account Release: M-26457 East West Realty Trust.

464
465 Mr. LaCortiglia – I see we have three m-accounts. Can we have the paper work on these?
466

467 Mr. Snyder – There are three m-accounts to be released. One was released previously
468 approved by the board but there was a typo on the form. I ask you resign the m-account for
469 Superior Steel.

470
471 Mr. LaCortiglia – No vote required as this is ministerial?
472

473 Mr. Snyder – Yes that is correct.
474

475 Mr. LaCortiglia – What about 73 East Main Street?
476

477 {Mr. Snyder reviews the permit application of 73 East Main Street and the documents to
478 support the release of funds and the closing of the account.}
479

480 Mrs. Evangelista – **Motion** to release funds in escrow account M26434 in the amount of
481 \$3,222.35.

482 Mr. Watts – **Second.**

483 **Motion Carries: 3-0; Unam.**
484

485 Mr. Watts – **Motion** to release funds in escrow account M26457 in the amount of \$3,874.88
486 to East West Realty Trust.

487 Mrs. Evangelista – **Second.**

488 **Motion Carries: 3-0; Unam.**
489

490 {Discussion of remaining accounts. Of the 24 accounts that remain about 14 can be released.
491 Many are site plan approval and special permits that need to be verified that conditions have
492 been met.}
493

494 4. Camelot Realty Trust: Form J – Release of Funds.
495

496 Mr. Snyder – Held over from the last meeting is the subject of Camelot Realty Trust. The
497 developer has submitted a request for final release of funds from the bond. He submitted a
498 Form J that was a rework of previously submitted requests for partial release of funds. I am
499 working thru a new Form J and confirming each item is addressed as this is the request for
500 final release of all funds. Also, the bond requires all matters of the decision and other
501 approvals be met so I am going thru the development's files with a fine toothed comb to
502 make sure everything can be considered complete.
503

504 Mrs. Evangelista – **Motion** to enter into executive session for the purpose of discussing
505 potential litigation with the board not to return into public meeting.

506 Mr. Watts – **Second.**

507 **Roll call vote: Tillie, Yes; Harry, Yes; Bob, Yes; Motion Carries: 5-0; Unam.**
508

509 **Meeting adjourned at 9:30 PM.**