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**MEETING MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, March 13, 2013**  
**Memorial Town Hall – 3<sup>rd</sup> Floor**  
**7:00 p.m.**

**Present:** Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Tillie Evangelista; Mr. Tim Howard, (Arrived at 7:45 PM); Mr. Bob Watts; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

**Meeting Opens** at 7:13 PM.

**Approval of Minutes:**

**1. Minutes of February 27, 2013.**

Mr. Rich - **Motion** to accept the Public and the Executive Meeting minutes of February 27, 2013 subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

**Motion Carries: 3-0-1 (Abstention - Mr. Watts.)**

**Correspondence:**

**1. Millennium Engineering: Response to Design Review Comments – 6 Norino Way.**

Mr. Snyder - I received a letter from Mr. Graham with his response from the applicant's engineer. At this point the applicant and engineer are communicating. The public hearing was previously continued to the March 27, 2013 meeting.

**2. Town of Newbury: Public Hearing Notice.**

Mr. Snyder - I will be reviewing the updates on the redevelopment of the Woodbridge School.

**Vouchers:**

**1. US Postal Service and MVPC.**

Mr. Rich - **Motion** to accept the vouchers as presented.

Mr. Watts - **Second.**

**Motion Carries: 4-0; Unam.**

**Old Business:**

**1. 41 Jewett Street ANR: Form H – Extension of Time.**

Mr. Rich - I drove by 41 Jewett Street and that alleged street is blocked off and not plowed. I have questions in my mind. I know we sent it out to Town Counsel for their opinion but it does not look like it is a highway or byway of the Town of Georgetown.

Mr. LaCortiglia - So what you are saying is that it is blocked?

Mr. Rich - Yes, blocked or abandoned. I have tried to see if there is any information about it being abandoned and have not been able to find anything.

45  
46 Mr. Snyder - I did not find anything either. I searched the deeds and the records to see if it was  
47 abandoned and found nothing.  
48  
49 Ms. Evangelista - It would have to come from the Selectmen in order to be abandoned.  
50  
51 Mr. Rich - We may want to be proactive and go before Town Meeting and what is left there of  
52 the road be considered and named Old Jewett Street which leaves the frontage and the other road  
53 to continue being called Jewett Street so that the deeds are preserved. And that will give the  
54 “eyebrow” piece of land frontage on two streets but it is not big enough to do anything on.  
55  
56 Mr. Rich - I think what this will solve is the Bateman and Morehouse issues.  
57  
58 Mr. LaCortiglia - It would be a resolution.  
59  
60 Mr. Rich - I don’t think the Batemans would not oppose, they want it and I am sure Mr.  
61 Morehouse also wants something that delineates the property.  
62  
63 Ms. Evangelista - Who would own the abandoned part of that land?  
64  
65 Mr. Rich - There is no abandoned part. It would make that old section an active street. I don’t  
66 think it was abandoned officially. What we would be doing is renaming a street only. To  
67 resolve all those issues that there was never a formal abandonment, if it gets renamed and  
68 reactivated as Old Jewett Street all those issue go away.  
69  
70 Mr. Watts - I can see that the caveat is that the roadway has fallen in disrepair.  
71  
72 Mr. Rich - Is that section considered a “paper” street?  
73  
74 Mr. LaCortiglia - Not a paper street cause it was laid out by the county commissioners.  
75  
76 Mr. Watts - What is the status of the eyebrow shaped property?  
77  
78 Mr. LaCortiglia - There is a deed for it and we’re pretty sure that that is owned.  
79  
80 Mr. Snyder - Mr. Morehouse is the current owner. He purchased it from the person on the other  
81 side of Jewett Street when the new alignment went through.  
82  
83 {Discussion held in regards to the layout of the land, who owns which area and whether it was  
84 abandoned or not.}  
85  
86 Mr. Snyder - There is a town water line that goes thru that old section of Jewett Street.  
87 What needs to be determined is if it was abandoned or not. Once we know that then we can  
88 move forward.

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Mr. LaCortiglia - Mr. Snyder, when did you send off the request to Town Counsel for them to look at this so they can give us some guidance?

Mr. Snyder - The request was sent this past Monday. I informed the applicant of the ANR that the Planning Board could not render a decision without further information so he agreed that he would afford the Planning Board additional time. He filled out an extension of time til April 13, 2013.

Ms. Evangelista - **Motion** to accept this extension of time for the ANR for 41 Jewett Street to April 13, 2013.

Mr. Rich - **Second.**  
**Motion Carries: 4-0; Unam.**

{Discussion held in regards to whether or not an applicant should pay for the research involved in solving the Jewett Street issue. }

Mr. Watts - What does Mr. Morehouse want to do?

Mr. LaCortiglia - He wants to create two lots where there is one. The question is the frontage along the Way. I think we are reaching. We have an application – do we endorse it or not? It was generous of him to ask for an extension of time as he is not required to.

Mr. Snyder - He has provided all the information he is required to provide.

Ms. Evangelista - The town clerk is not certifying it either.

Mr. LaCortiglia - The problem falls to us to find out the answer.

Ms. Evangelista - The other question is that there are other streets – one is Mohawk Circle that also looks abandoned and fallen into disrepair – used to make a complete circle.

Mr. Watts - This can has been kicked down the road many times before.

Mr. LaCortiglia - Mohawk was never an approved road. It was approved by the Board of Selectmen back in the early 50's.

Ms. Evangelista - Maybe if we can come up with a solution we can put them all together and go to Town Meeting?

Mr. LaCortiglia - I see a lot of similarities but each is an isolated case.

Mr. Rich - On our application does it say that they have to produce a certification from the Town Clerk that it is a public way?

133  
134 Mr. LaCortiglia - Yes, the clerk has to certify that it is. Mr. Snyder has checked with the Town  
135 Clerk and they will not certify it.  
136  
137 Mr. Rich - Then I will agree with Ms. Evangelista that the application is not complete.  
138  
139 Mr. LaCortiglia - I disagree. How does that resolve anything?  
140  
141 Mr. Rich - It does not resolve anything but it puts the onus on the petitioner to show that it is a  
142 public way.  
143  
144 Mr. Snyder - It doesn't matter if a private or public way, it just needs to be determined as a way.  
145  
146 Mr. Rich - I just want to do it right. The way it is written about the Town Clerk having to  
147 certify it is a step that was not completed on the application. If the Town Clerk is not going to  
148 certify that it is a way...  
149  
150 Mr. LaCortiglia - That is all part of the process.  
151  
152 {Mr. Howard arrives at 7:45 PM}  
153  
154 Mr. LaCortiglia - I'd really like to hear what Town Counsel says. Are we all comfortable with  
155 the idea of letting this sit for a few weeks until we hear from Town Counsel?  
156  
157 Ms. Evangelista - Mr. Snyder, do you have any information about abandoned roads?  
158  
159 Mr. Snyder - I can see if MVPC has any information. MVPC took over as the oversight agency  
160 for county roads when Essex County discontinued public works operations.  
161  
162 Ms. Evangelista - There used to be booklets about abandoned roads as to what the state requires.  
163  
164 Mr. LaCortiglia - I think we are all ok with holding off on this. Ms. Evangelista has signed the  
165 Extension of Time. We will then raise this issue under Old Business at the next meeting.  
166  
167 **Public Hearing:**  
168 **1. East Main Street Athletic Facilities: Continued.**  
169 Mr. LaCortiglia - This is the opening of the continuation of the Public Hearing for East Main  
170 Street Athletic Facilities.  
171  
172 Mr. Mammolette - I am still waiting for comments from Mr. Graham.  
173  
174 Mr. Snyder - I spoke with him today and he said he is at the end of the report.  
175  
176 Mr. LaCortiglia - Has he had any comments at all yet?

177  
178 Mr. Mammolette - No.  
179  
180 Mr. Snyder - The extension of time is until April 10<sup>th</sup>.  
181  
182 Mr. LaCortiglia - Mr. Snyder, we always did extensions to the quarters of the year so that we  
183 don't have various hearings with different dates which can make it difficult.  
184  
185 Mr. Snyder - Ok. The next quarter would be June 30<sup>th</sup>.  
186  
187 Mr. Mammolette - If we thought June 30<sup>th</sup> is too far out can we address it earlier if we are ready?  
188  
189 Mr. Howard - Yes, it does not mean we don't make a decision until then.  
190  
191 Mr. Mammolette - I do have a question. I have been hearing that these are preliminary  
192 comments. Is it customary to receive these comments, review them and then go back again?  
193  
194 Mr. LaCortiglia - Where did you get this term "preliminary" comments?  
195  
196 {Discussion held in regard to the use of the work "preliminary" in regards to drawings etc...}  
197  
198 Mr. Snyder - From my conversation with Mr. Graham, I think from the package there may be  
199 one or two pieces of information that are missing – you will hear back from him for clarification.  
200  
201 Mr. Mammolette - I just wanted to make sure that this is perceived correctly.  
202  
203 Mr. Snyder - He may offer a comment and you could give a reason for it and he then may ask for  
204 additional information.  
205  
206 Mr. LaCortiglia - Any other questions for Mr. Mammolette?  
207  
208 Mr. Mammolette - Is there a way to ask him for a set of comments?  
209  
210 Mr. Snyder - If I receive them in an email, I can forward it to you.  
211  
212 Mr. Rich - **Motion** to continue this public hearing to April 10, 2013.  
213 Mr. Watts - **Second**.  
214 **Motion Carries: 5-0; Unam.**  
215  
216 **Planning Office:**  
217 **1. M-Account #26467 118 Jewett Street.**  
218 Mr. Rich - **Motion** to return the balance to the appropriate person.  
219 Mr. Howard - **Second**.  
220 **Motion Carries; 5-0; Unam.**

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**2. Green Sheet: Sign Permit at 97 Tenney Street.**

Mr. Snyder - This is just an FYI as I wanted to make sure the Planning Board is aware. The applicant has requested a permit for a non-stationary sign only outside during the hours of operation. He's received a special permit from the ZBA (Zoning Board of Appeals) for a motorcycle repair shop.

Mr. Rich - Who decided that it is not a mobile sign?

Mr. Snyder - It looks like a non-stationary sign.

Ms. Evangelista - He went to the ZBA for the business – wouldn't a site review be required?

Mr. Howard - Why are we talking about it?

Mr. Snyder - I just wanted to make the board aware that the application came in.

Mr. Howard - It is not a permanent sign.

Mr. LaCortiglia - Maybe we need to clarify the definition in section 10 as to what a free standing sign is? Do we have a definition?

Mr. Snyder - {Reads the definition of a free standing sign from Page 22} There is no discussion in the bylaws regarding a mobile sign.

Mr. LaCortiglia - I think this something we really need to clarify. I was not aware that you need a permit for a mobile sign that is put out during the day only. I think the intent was for fixed signs.

Mr. Rich - {Reading of the Unofficial Zoning Bylaws regarding signs.} I don't think it is a sign from that definition.

Mr. LaCortiglia - It is not defined as to what is a permanent sign is. I think at this point since it came to us, that we need to not restrict this permit and have Mr. Snyder sign off on the green sheet.

Mr. Snyder - I wanted to sign it but it brought up some issues that the Board ought to be aware of.

Mr. LaCortiglia - One other thing that we really have to address is from the minutes of a Town vote that roof top signs were not allowed and that never made it into the book.

Mr. Howard - We can just put it in the book as Town Meeting accepted it.

Mr. Rich - Need to look at it for clarification.

Ms. Evangelista - Why did we not get a site review for this? For Special Permits don't we get site reviews?

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Mr. Snyder - I can't relate how Zoning gives an approval for a Special permit.

Ms. Evangelista - Where is the ZBA approval?

Mr. LaCortiglia - I don't believe that a ZBA Permit is a trigger for a site plan review.

Mr. Howard - It wasn't granted to the owner of the building it was granted to the business.

Ms. Evangelista - That doesn't matter, all he needs is ownership approval. Before we find out what we are doing we could be opening a can of worms here.

Mr. LaCortiglia - Maybe we can have Mr. Snyder look into this? This is an issue that needs to be addressed. A little sandwich sign does not have to go before the inspector – that is my opinion.

Mr. Snyder - In Newburyport, any sign needs to come in for Zoning Board approval. Difference is whether it is on private property or public property.

Mr. Rich - I was under the impression that "sandwich" signs had to come in for approval as my neighbor asked for sandwich signs.

Mr. LaCortiglia - Why don't we have Mr. Snyder look into it.

**3. Lisa Lane OSRD: Submittal.**

Mr. Snyder - The developer, for property behind Lisa Lane, has filed a special permit for an OSRD. Also included in the packet received was a Yield Plan. I have not filed any type of Public Hearing Notice; I just wanted to bring it to the attention of the Planning Board. I also have received an email from the applicant's attorney stating that they would like to come in for a pre-application meeting before the Board, as is allowed in the OSRD bylaws. I would like the board to give me an opinion as to when to have this meeting so that I can inform all involved.

Ms. Evangelista - What is the date on what you received?

Mr. LaCortiglia - March 4<sup>th</sup>. My understanding is that they requested the pre-application conference which was done after they submitted the application. Isn't that backwards?

Ms. Evangelista - The application was not a detailed application. How can that be considered?

Mr. Snyder - The bylaws require them to submit a concept OSRD plan and that is what they submitted.

{Discussion held about special permit concept plan and OSRD plans.}

Ms. Evangelista - {Reading of the bylaw for the board} under procedures – applications. Unless we have this on the application then it is not an accepted application.

317  
318 Mr. Rich - On the application do we specifically ask those questions?  
319  
320 Mr. Snyder - I do not think so.  
321  
322 Mr. LaCortiglia - Those are the questions we need to ask when we begin the Public Hearing.  
323 Bear in mind that this consists of three parcels of land. We see a deed for the 44 Searle  
324 parcel, a deed for Lisa Lane, and a deed for the large parcel. I could not find an owner  
325 authorization for the Searle Street piece of land.  
326  
327 Mr. Snyder - It has been received by the office - I will send it to you to add to your packet.  
328  
329 Mr. LaCortiglia - At this point Ms. Evangelista brings up a good point - the fact that they  
330 asked for a pre application conference that was received and stamped March 4<sup>th</sup>. However  
331 they filled out a Special Permit Application and the clock is ticking. As much as I would  
332 love to have the benefit of a pre-application review, the application has already been  
333 submitted. So we are under the clock already with the timing of the Special permit. Do you  
334 see the dilemma here?  
335  
336 Mr. Howard - It's not "pre" if they have already filed.  
337  
338 Mr. LaCortiglia - Exactly and we are eating up the time that we have by state law to hold the  
339 hearing. It is unfortunate they did not do it in the right sequence.  
340  
341 Mr. Rich - They could possibly request to withdraw the application without prejudice. And  
342 leave their money where it is then have a "pre" meeting and then they can re-file the  
343 paperwork.  
344  
345 Mr. LaCortiglia - What is the point of having a pre-conference if they are going to file the  
346 same paperwork anyway?  
347  
348 Ms. Evangelista - {Reading of the pre-application definition form as in the bylaws.}  
349  
350 Mr. LaCortiglia - At this point we have an obligation – we have to make notice – that's our  
351 obligation.  
352  
353 Mr. Rich - Maybe Mr. Snyder could contact them and ask them if they meant to do this as  
354 their letter is inconsistent and let them know their options.  
355  
356 Mr. LaCortiglia - What is the benefit? Where are they saving anything?  
357  
358 Ms. Evangelista - When they finish the finish the pre-application, we will stamp it with an  
359 updated date.  
360  
361 Mr. Rich - I think the purpose is for them to have an idea of where they are going.  
362



363 Mr. LaCortiglia - Also, before you go to an engineer is to chat with us first. At this point,  
364 rather than delaying it – hold a hearing, notice the hearing, notify the abutters, hold and open  
365 the hearing.

366  
367 Mr. Rich - We should have Mr. Snyder call them and ask them to see if they really meant to  
368 do this – just a courtesy call. Maybe they are thinking of a pre-construction application.

369  
370 Ms. Evangelista - Particularly I assume that with a Special Permit that the Conservation  
371 Commission and Board of Health get a copy. I think they including the Open Space  
372 Committee, would be key for this project in getting input. Maybe we could request  
373 something in writing for them to give us their ideas?

374  
375 Mr. LaCortiglia - Once we open the hearing, each board would have 35 days turnaround time  
376 to make written comments.

377  
378 Ms. Evangelista - I don't think you will get anybody coming at night after working all day  
379 long.

380  
381 Mr. Rich - There are some issues that need to be discussed.

382  
383 Mr. Snyder - The other aspect is: {Reading of the bylaw.}

384  
385 Mr. Rich - I just don't want it to appear that we are doing anything by ambush.

386  
387 Mr. LaCortiglia - Mr. Snyder, are you dealing with an attorney?

388  
389 Mr. Snyder - Yes.

390  
391 Mr. LaCortiglia - Do they have a copy?

392  
393 Mr. Snyder - Yes.

394  
395 Mr. Rich - What I am saying is it is just a courtesy to call them and give them a heads up.

396  
397 Mr. Snyder - If they decide to withdraw are they going to risk losing their fee?

398  
399 Mr. LaCortiglia - We don't refund fees.

400  
401 Mr. Rich - We don't refund fees but I do want to remind the Board that this is Artisan  
402 Development that went "above and beyond" for this town – we could waive the fee on the re-  
403 file.

404  
405 Mr. Snyder - If they wish to proceed with the Special Permit, the hearing date would be April  
406 24<sup>th</sup>, which is the last meeting before the 60 day period.

407  
408 Mr. LaCortiglia - How many abutters are on the list do you know?

409  
410 Mr. Snyder - There are a lot of them.

411  
412 Mr. LaCortiglia - Ok then, the Notice of the Hearing will be sent out for April 24, 2013 and  
413 the office will notify the abutters. And Mr. Snyder will clarify with them the process.  
414

415 **Member or Public Reports:**

416 **1. Any concern of a planning board member or member of the public.**  
417

418 **Executive Session:**

419 Mr. Rich - I think a status in executive session may be appropriate.  
420

421 Mr. LaCortiglia - I disagree, I don't see why we need it.  
422

423 Mr. Rich - **Motion** to go into Executive Session and not returning to Public Session to  
424 discuss punitive litigation.

425 Ms. Evangelista - **Second.**  
426

427 Mr. Watts - Aye.

428 Mr. Howard - Aye.

429 Mr. Rich - Aye.

430 Ms. Evangelista - Aye.

431 Mr. LaCortiglia - Nay.  
432

433 **Motion Carries 4-1.**

434

435 **Meeting adjourned at 8:37 PM**