

**MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, June 20, 2012
Memorial Town Hall – 3rd Floor
7:00 p.m.**

Present - Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Matilda Evangelista; Mr. Howard Snyder, Town Planner

Absent - Mr. Tim Howard; Mr. Bob Watts

Meeting opens at 7 -20 pm.

Approval of Minutes:

1. May 16, 2012 and June 6, 2012

Mr. Rich – **Motion** to accept minutes of May 16, 2012 and June 6th, 2012 subject to any alterations, additions or edits.

Tillie - **Second.**

Mr. LaCortiglia - Howard, corrections we have all sent in electronically are all here?

Mr. Snyder - Yes, in the copies handed out tonight.

Mr. LaCortiglia - Tillie, are you comfortable?

Ms. Evangelista - Yes, I see all my corrections.

Motion Carries - 3 -0.

Correspondence:

1. Vouchers -

Mr. Rich - I see on the Agenda the vouchers in the amount of WB Mason \$256.32; Planning Commission Journal \$1,062.10, I'm sure our Planner has a total?

Mr. Snyder - \$1,318.42.

Mr. LaCortiglia - Give me that number again because I'm looking at a bills payable totaling \$1,256.42.

Mr. Snyder - You should have received an updated one with the addendum that went out.

Mr. LaCortiglia - Where is the additional \$100.00 coming from?

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Mr. Snyder - The additional \$62.00 is the subscription to the online Planner's Journal. The regular charge is \$65.00/year. We had a \$33.00 credit because the publishing of the journal in hard copy format ended. August 1st they are going to go electronic. So we received a \$33.00 credit and if we sign up before August 1st, it will go for 16 months through to the end of the calendar year for 2013. So for \$62.00 you have 16 months to use it and if you enjoy it, you can renew it otherwise, it will end.

Mr. Rich - And we don't kill any trees in the meantime.

Ms. Evangelista - We're able to print anything we want?

Mr. Snyder - Yes.

Mr. Rich - We can all get it online too.

Mr. Snyder - There are ten memberships. Once they receive payment, they will activate it and we will get a code.

Mr. Rich - **Motion** to approve the vouchers in the amount of \$1,318.42.
Tillie – **Second.**
Motion Carries - 3 -0.

Old Business:

1. Bank of America

Mr. Snyder - If the Board recalls, Bank of America withdrew due to a technicality on noticing. They have since resubmitted to the Planning Office. For me to determine the application complete and issue a public hearing notice I need to know if the Planning Board will waive the filing fee in full, in part, or require it with the new application.

Mr. LaCortiglia - My understanding Howard that request has to be in writing and that request comes at the opening of the hearing. Personally, there were some oversights. I have no problem at all waiving the filing fee considering the filing fee was once paid already. They have already paid the fee. I'll go on record that I would vote to waive the filing fee for the resubmission.

Mr. Rich - There were a couple of errors. I think the most serious error was on our account. The Planning Board's account. When you balance those equities, I think the appropriate thing to do would be to waive the fee.

Mr. Rich - **Motion** to allow the Planner accept the application without the fee check and ask the applicant to provide us a written request to waive to be presented to us before or at the hearing. Is that agreeable to everyone?

79 Ms. Evangelista - Yes. I certainly want to see the green cards when they come
80 back.
81
82 Tillie –**Second.**
83 **Motion Carries - 3 -0.**
84
85 Mr. Snyder - Depending on the notice, they’ll either be back on July 11th or July
86 25th.
87
88 **2. 161 West Main Street:**
89
90 Mr. Rich - At this time I move that we reopen the continuation hearing on 161 W
91 Main Street.
92
93 Mr. LaCortiglia - I will now reopen the continuation.
94
95 Ms. Evangelista - We closed the hearing on 161 W Main Street.
96
97 Mr. LaCortiglia - We certainly did not close the hearing, we continued it.
98
99 Ms. Evangelista - I beg to differ with you.
100
101 Mr. Snyder - Defer to the minutes of June 6th.
102
103 Mr. Rich - Tillie, if it helps at all, I have the disc and at the end of that meeting, it
104 was continued to the 6th because there was some other information.
105
106 Mr. LaCortiglia - Number one, we didn’t have a decision drafted. Number two,
107 the plan had to be revised.
108
109 Mr. Rich - I’d be happy to loan you the disc.
110
111 Mr. Snyder - Reads the minutes of June 6th. “Mr. Watts motions to continue the
112 hearing to June 20th. Mr. Howard 2nd and the motion carried 4 -0.
113
114 Ms. Evangelista - I stand corrected.
115
116 Mr. LaCortiglia - I’m reopening the continuation of the site plan approval for 161
117 Main Street.
118
119 Mr. Rich - **Motion** to continue that hearing until next meeting of the Planning
120 Board.
121
122 Mr. Snyder - Has the planning board reviewed the draft decision and have no
123 further comments? With the first draft, everyone made comments and those have
124 been incorporated. So the one in the packet you received on Thursday is the
125 revised draft. If acceptable then it will be ready for July 11th. I’ve spoken with the
126 applicant and his final drawing needs to be revised from the last meeting and will

127 be ready for the Board's review at the next meeting. I have told him, if he wants
128 to be heard on July 11th and have the decision read and approval made, then it
129 needs to be placed in the packet the Thursday prior.
130
131 Ms. Evangelista - I don't feel comfortable voting on a decision before we see the
132 final paperwork.
133
134 Mr. LaCortiglia - We're not, we're continuing the hearing. What we're doing
135 specifically here; because there are only three of us present here at this meeting,
136 we are continuing this hearing without taking any additional information. There
137 was no testimony, there was no additional information added.
138
139 Mr. Rich - You just gave us information for scheduling purposes.
140
141 Mr. Snyder - Correct.
142
143 Ms. Evangelista - That's what is called closing the hearing. If you're not going to
144 take any information.
145
146 Mr. LaCortiglia - We are continuing it. This specific meeting, right now, right
147 here, we're not getting any new information.
148
149 Mr. Rich - We're continuing this hearing to the 11th where we will take more
150 additional information.
151
152 Ms. Evangelista - Alright, number one - whenever you ask for a continuation of a
153 special permit; and that's what this site approval process is, you have to have the
154 applicant request in writing the extension; the continuation date. Then we vote on
155 that date because the decision has to be finished "x" amount of days, I think it's...
156
157 Mr. Rich - Are we within the time constraints?
158
159 Mr. Snyder - Yes, the application was filed on May 7th with the town clerk so we
160 are within 60 days.
161
162 Mr. Rich - But "we" can continue it.
163
164 Mr. LaCortiglia - With respect to the sixty (60) days; the sixty (60) days is from
165 filing is when the Planning Board needs to take action. Now, the hearing is either
166 continued or it's closed. There are only two possible stakes there. So, we continue
167 the hearing. Now at a certain point after that, you're getting into the timeline. At
168 that point, the Applicant can request an extension of time for decision which is
169 usually done in writing.
170
171 Ms. Evangelista - That's what I've been saying.
172

173 Mr. LaCortiglia - We're not under the time constraint. We're not anywhere close
174 to that. Just for procedure there was a motion to continue to July 11, 2012. Are
175 you not 2nd'ing that?
176
177 Tillie - **Second** for discussion.
178
179 Mr. Snyder - The applicant filed with the clerk on May 7th. The hearing date was
180 scheduled for May 16th.
181
182 Mr. LaCortiglia - We beat the sixty (60) days.
183
184 Ms. Evangelista - Right. Then what? The decision after that? After you close that
185 hearing.
186
187 Mr. LaCortiglia - We never closed it.
188
189 Ms. Evangelista - When you say "no more information" that's closing.
190
191 Mr. LaCortiglia - No, no, no. We're specifying that at this continuation, where
192 there are only three people that we are not taking any information at this particular
193 hearing. Now, the reason I am doing that is for the Mullen's Law. There are
194 Board members here that would have to bring themselves up to speed in order to
195 vote in the final. By not taking any information, they aren't missing any
196 information.
197
198 Ms. Evangelista - But, a decision for a special permit has to be done within 120
199 days. 90 days for a variance from the day the application comes in that you count.
200 But for a special permit its 120 days. I'm pretty sure of that.
201
202 Mr. Rich - That's four months.
203
204 Mr. LaCortiglia - We have even hit July 7th. Which would be sixty days.
205
206 Ms. Evangelista - The best way to do this, I don't know what was done
207 previously, but the best way to do that is when you get the file, you make a file,
208 put it right on the flap, this is the day for the hearing, this is the day we received
209 it.
210
211 Mr. Snyder – That is part of our internal checklist.
212
213 Mr. Rich - Howard, we do have right on our checklist when somebody applies,
214 the time of the application, the time of the hearing and from the time of that
215 hearing when we have to have our decision by? Is that done automatically?
216
217 Mr. Snyder - It's all right on there. It's all controlled by when things are
218 submitted.
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220 **Motion Carries: 3 -0.**

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3. Administrative Assistant Sub-Committee:

Mr. Rich - As chair of the subcommittee to search for an administrative assistant, co -chaired by Matilda Evangelista, and joined by Howard Snyder, I would ask that we have the Town Planner take the list of candidates we have and go down to the next most qualified. Rather than spend the money and repost, republish, because I don't think we're going to get anything different but the same.

Ms. Evangelista - I think we ought to go out for more applications. We really scrutinized those applications.

Mr. LaCortiglia - If I may, I think this is a discussion that should be held by the subcommittee. At the subcommittee meeting. I would hope that you would return once you have the meeting. The next meeting will be posted on?

Mr. Rich - July 4th. After the 4th. Next Tuesday is out, next Wednesday is out.

Ms. Evangelista - The 27th, we were going to meet to do more of the amendments.

Mr. LaCortiglia - That's news to me. Was I gone by then, when you decided that?

Ms. Evangelista - Probably.

Mr. LaCortiglia - This is priority at this point. Repost for that night.

Ms. Evangelista - Thursday of next week is June 28th.

Mr. LaCortiglia - The subcommittee will meet Thursday the 28th.

Mr. Snyder - We will confirm a time by email.

Ms. Evangelista - I want Thursday's meeting for the Amendments. We can't push these errors off.

Mr. Rich - What I just asked Howard, while you were chatting with Harry. Whatever Thursday's meeting is on your amendments, to schedule our meeting at a time convenient for you so that hopefully we can have agreement.

Ms. Evangelista - Well that meeting was going to be at 11:00am so maybe we have it at 10:00am that way we can have it on the same day.

Mr. LaCortiglia - 10 am. Howard, you can post that for the subcommittee meeting?

Mr. Snyder - Yes.

Planning Office:

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1. 11 Martel Way:

Mr. Snyder - We now have a complete application for 11 Martel Way and the public hearing notice has been sent out to the Georgetown Record and sent out to the applicant and to the abutters. That meeting is July 11th at 7 pm on the third floor.

Mr. LaCortiglia - That's a site plan approval for 11 Martel Way for Warren Light Craft and that will be the opening of the public hearing?

Mr. Snyder – Yes.

2. M Accounts:

Mr. Snyder - I have two M-Accounts for the Board to review and to vote for release. 83 Baldpate Road, escrow account owner is Baldpate Acres, Inc. for \$5,809.92 and Northwood Estates. Northwood Estates, owner is Parkwood Construction, for \$8,417.10.

Mr. Rich - **Motion** to release M-Account #26414 in the amount of \$8,417.10 and M Account #26465 in the amount of \$5,809.92.

Tillie – **Second** with discussion.

Mr. Rich - Are we absolutely, positively sure that everything that needs to be done on these projects is done?

Mr. Snyder - Yes. I include in the Planner's packet all the information I am able to gather to help explain why these accounts are ready to be released. We are starting with accounts where the Town has accepted the street they are for. Also, accounts are ready to be released for the project has been withdrawn.

Mr. Rich - Is Parkwood Construction still in business?

Mr. Snyder – I do not know. If we're going to release the funds, that is who it needs to be released to. They are the party who opened the escrow account.

Mr. LaCortiglia - The Treasurer is bound by state law to release to whoever opened the account.

Mr. Rich - Well, it's got to be released to something.

Mr. Snyder - I've been told this is the start of the process to release the funds and if the check comes back it's now the Treasurer's action to finalize the disposition of the funds.

Mr. LaCortiglia - So, we are done with Baldpate and on to Northwood.

316 Mr. Snyder - I will hand these out but I want to make note. When I send these out
317 in the packet for the Board's review, request any additional information so you
318 can be comfortable in signing the document.
319

320 Mr. Rich - I am always going to ask that question, every time we vote to return
321 money to somebody.
322

323 Mr. LaCortiglia - And I will be looking for a full account history generated by the
324 Treasure or Accounting Department.
325

326 Ms. Evangelista - We don't know what the original money was to accept and we
327 don't know what it was for and we don't know if all the consults are paid, which
328 it is mostly for, that's history.
329

330 Mr. Rich - The history begins with an amount, no debits; they are only crediting
331 the interest. It doesn't show any bills being paid.
332

333 Mr. Snyder - Chris, the one you saw shows when it was transferred from a
334 passbook account at Georgetown Savings and to the Treasurer's Office. That
335 transfer was documented. The action was made to transfer these into a M-
336 Account. Everything that occurred from that date onward is shown on the MUNI
337 report. there were no withdrawals made against it, so it's just been generating
338 interest.
339

340 Mr. Rich - What accounting do we have that shows the accountabilities in those
341 projects paid?
342

343 Mr. LaCortiglia - The ledger sheet, the account history shows initial deposit,
344 every time a debit was credited through that.
345

346 Mr. Snyder - I contacted the technical review engineer and the site inspection
347 engineer and they stated that their accounts are all up to date and paid.
348

349 Mr. LaCortiglia - We're talking about Rosemary Lane for the passbook. We're
350 referring to Baldpate is 110% tracked. Baldpate was all in the last... since 2004?
351

352 Mr. Snyder - Yes.
353

354 Mr. LaCortiglia - The bottom line is this, as far as I see it, you guys can look at it
355 any way you want to. The paper is in good faith, and thus 53G Checks are money
356 for 53 Review. When were done reviewing and we've reviewed it to death, they
357 get whatever is left, back. That's how it works.
358

359 Ms. Evangelista - I don't want to hear back from contractors that their fees are too
360 high.
361

362 Mr. LaCortiglia - This has nothing to do with fees.
363

364 Ms. Evangelista - No. But, when they did the passbook, you don't know what was
365 the reason for the money. That could have been for everything. That's ridiculous.
366
367 Mr. LaCortiglia - What would give you a level of comfort, Tillie? I don't have a
368 time machine, I can't go back.
369
370 Ms. Evangelista - No. I'm telling you if they did the passbook for that amount,
371 they put all the money into that account.
372
373 Mr. Snyder - Tillie, the passbook was established for Rosemary Lane. Rosemary
374 Lane is a town accepted street. Why does the money need to still be held?
375
376 Ms. Evangelista - I'm not saying it needs to be held. Don't misunderstand me. It's
377 just the process.
378
379 Mr. Snyder - I can't fix the process. That occurred twenty years ago.
380
381 Mr. LaCortiglia - Baldpate is an accepted street. 83 Baldpate was for review of a
382 development that was proposed in phases and was one of numerous development
383 proposals for the area of Baldpate Hospital. The bottom line is they have
384 withdrawn. When they withdrew, that's it. We're all done.
385
386 Ms. Evangelista - How is the process going today? What are you going to do now
387 to keep track of this, so we don't run into this kind of hodge podge? I meant when
388 a new application comes in and they bring in their \$4,000.00.
389
390 Mr. Snyder - It's all written out as an escrow fee agreement that's held by the
391 Treasurer. She takes down their tax id number. The Planning Board is invoiced by
392 the technical review engineer; they need to pay that at a planning board meeting.
393
394 Mr. Rich - We have no proof they were paid out of the passbook account. How do
395 we know he's not floating up in the air. These bills...
396
397 Mr. LaCortiglia - A bill from our technical review engineer, Larry Graham? From
398 four years ago?
399
400 Mr. Snyder - I emailed Larry Graham and he said to both of these projects he has
401 no outstanding bills.
402
403 Mr. Rich - We need to see that piece of paper.
404
405 Mr. Snyder - I'll submit those emails to you in the next packet.
406
407 Ms. Evangelista - What I'm getting at is the implementation. When the check
408 comes in, it should be photocopied.
409
410 Mr. Snyder - It is.
411

412 Mr. LaCortiglia - When a check comes in now; that [Mr. LaCortiglia shows Ms.
413 Evangelista the Outside Consultant Escrow Agreement] is the outside consultant
414 escrow agreement under Mass. Gen. Law Ch. 44 §53G.

415
416 Ms. Evangelista - But that's 2004, so they did do it?

417
418 Mr. LaCortiglia - Yes. It's all there.

419
420 Mr. Rich - One pre -dates that. The other one doesn't.

421
422 Mr. LaCortiglia - **Motion** to release M-Account 26414 and 26465.
423 **Motion Carries: 3 – 0, Unam.**

424
425 Mr. Snyder - So out of that discussion, I learned I need to provide a ledger sheet
426 for each one.

427
428 Mr. LaCortiglia - I want a full accounting as far back as we can go. Any
429 information you can find in our files. That's going to be important too. Anything
430 to show us what it was established for and gives us a good level of comfort that
431 we're releasing money that was held in escrow for review.

432
433 Mr. Rich - A good checklist is - on any project that we get any correspondence
434 from whomever the inspecting engineer was that there is no other money due.
435 That way we cover all the bases.

436
437 Ms. Evangelista - Yes, we definitely should have all that paperwork before we go
438 to town meeting. It has to be complete.

439
440 Mr. Snyder - Okay. Tillie, I will look for proof of bills paid, Form J or K.

441
442 **New Business -**

443 **1. Merrimack Valley CEDS:**

444
445 Mr. Snyder - I intend to attend a meeting on June 27th that is sponsored by the
446 Merrimack Valley Planning Commission. It runs from 8:30 till 11:00 and is
447 to go over the Merrimack Valley Economic Development Master Plan. I will
448 be there from about 9 and returning just before noon.

449
450 Mr. LaCortiglia - The planning office will be closed the 27th?

451
452 Mr. Snyder - In the a.m. and re-opening at approximately noon. Please note
453 the new Planning Board scheduled.

454
455 **2. Office Supply Requisition:**

456
457 Mr. LaCortiglia - Office supply requisition draft quote. We didn't pay for that
458 in tonight's voucher.

459

460 Mr. Snyder - No, what needs to occur is the Planning Board needs to approve
461 this expenditure and then once we receive a bill. If the Planning Board votes
462 to approve this then I can tell them to invoice us. That invoice comes into the
463 office before June 30th then I can pay out of this budget. I'd like to add two
464 things to that. The IT person was in and took a look at my machine and said it
465 was fine for the new administrative assistant. He looked at this sales order and
466 suggested instead of 4 gigs, we move up to 8 gigs which would be an
467 additional \$60.00. What he also said was a video card. If the unit doesn't pass,
468 a video card can be installed for \$75.00. I'm suggesting to putting this in now.

469

470 Mr. LaCortiglia - Yes, you're going to need that. How much on board
471 memory is on the video card?

472

473 Mr. Snyder - I would assume about a gig.

474

475 Mr. LaCortiglia - Howard, you're looking for an approval to submit this
476 Order?

477

478 Mr. Snyder - The Board knows this bill is going to occur and you're fine with
479 it? So, I can call tomorrow and have them send their invoice. \$2,032.00 +
480 \$60.00 + \$75.00. Total comes to \$2,167.00. With the approval of this and the
481 vouchers tonight, there is close to \$1,000.00 still left in the Planning Board
482 general fund.

483

484 Mr. LaCortiglia - Great, then we actually get to return some money.

485

486 Ms. Evangelista - Those errors we were talking about in the Code. Can we get
487 rid of them and submit them?

488

489 Mr. Snyder - I don't think that's going to happen in a week.

490

491 Mr. LaCortiglia - You're talking about the E-Code update?

492

493 Ms. Evangelista - Yes, the corrections we had.

494

495 Mr. LaCortiglia - We've already included them in this year's budget, when we
496 submitted the budget in FY'13. FY'13 begins in a week.

497

498 Ms. Evangelista - I'm talking about those that we had a meeting about not the
499 new town meeting votes. I'm talking about the corrections we found. I'm sure
500 they're going to charge us something for that.

501

502 Mr. LaCortiglia - We'll have the funding for that when we do the
503 comprehensive list.

504

505 Mr. Snyder - We would need to get a bill from E Code next week in order to
506 recover the funds.

507

508 Mr. LaCortiglia - But we have the funds in our budget for FY'13 to cover. We
509 have the funds already. When we can produce the documents we can pay for it
510 because we looked ahead.

511
512 Mr. LaCortiglia - Is there anything else?

513
514 3. **161 West Main Street Draft Decision:**

515
516 Mr. Snyder - The last thing in the packet is the Decision.

517
518 Mr. Rich - I'm glad it's written but it shouldn't be discussed.

519
520 Mr. LaCortiglia - We're not going to discuss that because the hearing has been
521 continued. We're not taking any additional information.

522
523 Mr. Rich - **Motion** to adjourn.

524 Tillie – **Second.**

525 **Motion Carries: 3 -0, Unam.**

526
527 **Meeting adjourned** at 8 -10 pm.