

MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, August 22nd, 2012
Memorial Town Hall – 3rd Floor
7:00 p.m.

Present: Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Tillie Evangelista; Mr. Bob Watts (Arrived at 7:14 pm); Mr. Tim Howard (Arrived at 7:30); Mr. Howard Snyder, Town Planner.

Absent: None.

Meeting Opens at 7:04 pm.

Old Business:

1. ANR Plan: 4 Heather Road:

Mr. Snyder – The Planning Board is carrying this ANR application over from the last meeting. The ANR plan of land issued by the surveyor remains the same. At the last meeting the Board saw an aerial photo an aerial image dated to 1952 that showed the road was in existence prior to subdivision control law.

Mr. LaCortiglia – Plan should say “Lots A – D.” The plan before me says “A – F.” Has the plan been revised?

Mr. Snyder – The current plan correctly shows “Lots A – D.”

Ms. Evangelista – I did not see the police department info.

Mr. Snyder - Police communicated verbally to me their belief the road meets their requirements for emergency access.

Mr. LaCortiglia – We really should put things in writing so that we have a paper trail.

Ms. Evangelista – It is in the bylaws that Police and Fire need to acknowledge that it is safe in regards to frontage.

Mr. Snyder – The applicant submitted and the Planning Board accepted a request for an extension of time. That extension expires tonight at 11:55pm.

Mr. LaCortiglia – Was deed info added?

Mr. Mello – I am Christopher Mello and I am the surveyor for Mr. Marapoti who prepared the plan. The deed reference in the upper right references all the other deeds.

Mr. Rich – Deed reference to how many lots?

34 Mr. Mello – The two existing and the two created.
35
36 Mr. Rich – Aerial picture is not Heather Road – it appears to be some sort of blur. Will
37 take the man at his word that it was there – with that in mind, I propose the following
38 motion.
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40 Ms. Evangelista – Are you developing or selling?
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42 Mr. Marapoti - May need to sell it at some point in time. Selling is not a no short term
43 intention.
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45 Ms. Evangelista - Are you planning on doing anything with existing road?
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47 Mr. Marapoti - No.
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49 Mr. LaCortiglia - Thank you for volunteering that, you had no obligation to do so. Any
50 other questions from Board members?
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52 Ms. Evangelista – I recently drove the road and noticed there are three fire hydrants.
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54 Mr. Marapoti – Yes and an 8 inch water main.
55
56 Mr. LaCortiglia – Let the records show that Mr. Watts arrives at 7:14 pm. Updated Mr.
57 Watts of meeting.
58
59 Mr. Rich - **Motion** that the Planning Board endorse the plan of land located in
60 Georgetown MA for 4 Heather Road.
61 Ms. Evangelista – **Second.**
62 **Motion carries: 4-0, Unanimously.**
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64 **New Business:**
65 **1. 201 Central Street and the Certificate of Compliance:**
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67 Mr. Snyder – At the August 8th meeting I presented the Certificate of Compliance as well
68 as examples of the affidavits. I now have those affidavits signed. Since that last meeting
69 there has been concern raised by the closing attorney about the title being clear or not. It
70 was determined that the previous Certificate of Compliance required by the previous deed
71 rider was signed but never recorded. Two members of the affordable housing trust,
72 David Surface and Paul Nelson, are here tonight to help in the discussion of that previous
73 certificate of compliance as well as for the certificate that the board is considering
74 tonight. Town council has written and signed an attorney’s affidavit that should be
75 recorded to clear up the issue with the previous certificate. Attorney John Goldrosen has
76 personal knowledge of the records regarding the previous certificate as well as the
77 certificate to be signed tonight.
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79 Mr. LaCortiglia - Do we have a copy of the certification for the deed rider?
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81 Mr. Snyder – It is provided in the planning packet distributed and I have a copy here.

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Mr. Rich – The closing attorney never recorded it.

Mr. Snyder – Yes and the original signed by the affordable housing task force has not been found.

Mr. LaCortiglia – What I am not seeing is the certification for the deed writer for the unit.

Mr. LaCortiglia – Let the record show that Mr. Howard arrived at 7:30 pm. Updated Mr. Howard of meeting.

Mr. Nelson – The document is missing and the lawyer wanted to ensure that Lori was eligible from day one – even though it wasn't recorded, it was done and that is what this attests to.

{Discussion about documents that were or were not recorded.}

Mr. Snyder – Closing attorney representing the lending institution lawyer is providing the title insurance, did the title search for tomorrow's closing. He has accepted these documents to clear the title for the new purchase.

{Discussion held about title policy.}

Mr. Snyder – The new deed writer for the current closing will replace the one from 2004.

{Discussion held about Deed Riders.}

Mr. Snyder – The buy-down required for this closing is a result of the inadequacies in the previous deed writers that were written by the Planning Board or Affordable Housing Task Force. The new deed rider is written by DHCD and addresses all of these types of past errors.

{Discussion held about deed riders and affordable housing.}

Mr. Rich - This Certificate of Compliance states that we are certifying that the Planning Board received and approved an affidavit from each; seller, buyer, and buyers mortgagee. Each has complied with the terms of the deed rider and will be recorded with the registry. With the deed rider from 2004 there is no certification that the affidavits from the buyer, seller and lending institution were received and approved by the affordable housing task force or the Planning Board.

Mr. LaCortiglia – Some of the confusion is that everyone is looking for four pieces of paper from 2004. Things were done even though it wasn't recorded. It's whether we feel comfortable signing a document that says that we are seeing all of these papers and we're comfortable with knowing that everything done previous to this was done correctly and that's the dilemma here that some of us might not be comfortable with.

129 Mr. Surface – The new attorney would not take a title policy if they were not comfortable
130 with this affidavit.

131
132 Mr. Rich – Town council is referring to this town document as certification that is
133 supposed to be signed off by the Task Force for the four elements that they were
134 supposed to certify. This does not state that the Town Council miss speaks in this
135 affidavit.

136
137 Mr. Snyder – He is seeing that effort, that it was signed on March 24th and that the Task
138 Force approved the buyer at the time who was meeting all the conditions. I found the
139 minutes of the meeting on April 7th stating that the Affordable Housing Task Force
140 signed the certification.

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142 Mr. LaCortiglia - This will be a judgment call as to feeling comfortable signing the
143 Certificate of Compliance.

144
145 Mr. Keilty – I am the attorney for the buyer of the property. I just want to clarify this
146 2012 certification. Signing it you are saying you looked at the documents for this
147 particular transaction, the deed rider and conditions have been satisfied for this
148 transaction, you are terminating the old deed rider and replacing them with the new deed
149 rider and that is what we are putting on record tomorrow. You will not be signing
150 anything in regards to the 2004 paperwork.

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152 Ms. Evangelista – How is the town covered if the person does not actually purchase the
153 property?

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155 Mr. Nelson - The town can actually purchase the property. We have the right to foreclose
156 on the property.

157
158 Mr. Snyder – The way it was described to me by DHCD, in recording the deed rider
159 order protects the property. First is the Deed, then the deed rider and then mortgage. The
160 mortgagee cannot go past the deed rider to get to the deed. The deed rider will protect
161 the town.

162
163 {Discussion of financial information regarding the purchase and sale of the property. A
164 buy-down amount of \$105,000 is required to be issued by the Affordable Housing Trust
165 in order for the unit to remain as an affordable housing unit per DHCD requirements.}

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167 Mr. Watts - I would say that we have received and approved an affidavit from Lori
168 Nickerson and Sheila Parker stating that each has complied with the terms of a Deed
169 Writer which restricts the sale of premises based on affordability. I therefore make a
170 motion.

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172 Mr. Watts - **Motion** to sign the Certificate of Compliance as is presented before the
173 Planning Board.

174 Mr. Howard – **Second.**
175 **Motion Carries: 4 – 1.**

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178 **Approval of Minutes:**

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180 Mr. Rich - **Motion** to accept the minutes of July 25, 2012 and August 8, 2012

181 Mr. Watts – **Second.**

182 **Motion Carries: 3 – 0;** (2 abstain).

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184 **Planning Office:**

185 **1. Report of the Georgetown Planning Board: Fiscal year 2012 – Draft.**

186 Mr. Snyder – The Planning Board issues an annual report. A draft copy is in your
187 planning packet for review and comments. I only received comment back from one board
188 member who made a correction to the special town meeting section of the report. Another
189 revision is the removal of West Main Street #170 from the spreadsheet. I need comments
190 from the Board regarding the active projects worksheet.

191

192 Mr. LaCortiglia – Active projects: Chaplain Hills. Is anyone familiar with that?
193 Subdivision completed right?

194

195 Mr. Howard - I guess the subdivision roadway is complete.

196

197 {Discussion about dates on the paperwork for the annual meeting.}

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199 Mr. LaCortiglia - Parker River Landing: I believe that nothing occurred with the Planning
200 Board last year.

201

202 Mr. Snyder – Any activity at all is what I would like to have on here.

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204 {Discussion about what was dealt with throughout the previous fiscal year.}

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206 **2. Street Acceptance: Updates.**

207 Mr. Snyder - I have started digging into Street Acceptances for Abbey Road and Cedar
208 Lane. To start the process formally, I am requesting that the Planning Board make a vote
209 or a motion in some manner to inform the Board of Selectmen that Abbey Road and
210 Cedar Lane are recommended for acceptance. In turn, the selectmen will request the
211 Planning Board investigate how the way is laid out. Usually the request comes from
212 residents on the street but in this instance I request that the Planning Board make that
213 decision.

214

215 {Discussion of the next steps after the approval and to make sure that all is done in a
216 correct manner.}

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218 Mr. Rich - **Motion** to inform the Board of Selectmen that the intent of the Planning
219 Board is recommend Abbey Road and Cedar Lane be accepted at town meeting.

220 Mr. Howard – **Second.**

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222 Discussion about procedure of the Planning Board doing this procedure instead of
223 residents on the street – why is that?

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225 Mr. Snyder –Just taking the initiative.

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Mr. LaCortiglia – Essentially Mr. Snyder will write a letter asking the Selectmen, informing them that we want to make the move to get the roads accepted. All in favor of informing the Board of Selectmen the intent of the Planning Board to accept Abbey Road and Cedar Lane say “Aye”.

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Motion Carries: 5-0; Unanimous.

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Mr. Rich - Motion to adjoin the meeting.

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Mr. Watts – Second.

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Motion carries: 5-0; Unanimous.

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Meeting adjoined at 9:07 PM.