

**MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Memorial Town Hall – 3<sup>rd</sup> Floor**  
**Wednesday, September 28, 2011**  
**7:30 p.m.**

**Present:** Mr. Harry LaCortiglia, Vice-Chairman; Mr. Tim Howard; Ms. Matilda Evangelista; Mr. Chris Rich; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp – Asst.

**Absent:** Mr. Hugh Carter

**Meeting is called to order** at 7:43pm

**Minutes**

Mr. Rich - **Motion** to approve September 14<sup>th</sup>, 2011 minutes with changes.

Mr. Howard - **Second.**

**Motion Carries 4-0**

**Vouchers:**

Mr. Rich - **Motion** to approve vouchers totaling \$5,886.86.

Mr. Howard – **Second.**

**Motion Carries 4-0**

**Correspondence:**

None.

**Board Business**

CAI, Inc. – Site Plan Decision Board signs mylar and decision. Both will be recorded.

**Little's Hill – Form J - Release of Surety**

Dave Varga, Inspection Engineer attending.

Ms.Evangelista- States she is an abutter and recuses herself from the discussion.

Mr. Cracknell- We received a request for surety reduction from Mr. Craig Spear (Developer of Littles Hill). We received a review report from Mr. Varga last week. Everything was complete and noted three outstanding issues.

1. Mr. Varga recommended to Mr. Spear that the Sidewalk on Baldpate should be shown on the plan (See Exhibit 2). Mr. Varga thinks it should be included and not excluded.

2. Jack Moultrie did the original work of the sidewalk. Mr. Varga noted that there was no easement in place for a portion of the sidewalk. Mr. Spear noted that the Town built it so the town should get the easement.
3. 2009 original punchlist had a number of street trees required and were not planted. The applicant had an arrangement with the buyers to plant their own trees and many have not done so. Mr. Varga said the street trees are on the plan. I asked Dave to look at the subdivision and the revised spreadsheet that there is space for 38 trees on those three streets. Therefore this surety reduction has withheld the amount of money for the cost of the trees.

Discussion:

1. Issue of Sidewalk on Baldpate-

Mr. Spear presents plan of where the sidewalk was originally proposed. We pushed it closer to the street. Plan from Hayes Engineering is not stamped. We spent over \$100,000 in off-site improvements.

Mr. Rich- If it is included in the Decision, why would it not be required? The as-built plan has to show where the sidewalk is built. What was built then we don't have a plan of.

Mr. LaCortiglia- An as-built has to show what was actually implemented and not what was proposed.

Mr. Howard- What is the purpose of the as-built?

Mr. Varga - To have a certified record of what was built.

Mr. Howard - You must do an as built if it is required.

Mr. Rich- **Motion** that the sidewalk needs to be included on the as-built plans made a consulting engineer.

Mr. Howard - **Second Motion Carries** 3-0; (Ms. Evangelista- abstaining)

2. Issue of Sidewalk built on Canterbury Drive that is on private property.

Mr. Cracknell A portion of it is on someone's private property.

Mr. Varga - Points out the sidewalk on the plan.

Mr. Spear - There are two telephone poles there and they went 2-3 feet onto private property.

Mr. Rich - Is he sidewalk on the as-built?

Mr. Spear - Yes

Mr. Rich - Right thing to do is for him to notify the landowner and they wish to go the assessor to have it abated from their taxes they can do so. There is no easement needed.

Mr. LaCortiglia - With respect to surety reduction, is there anyone here that Mr. Spear should do anything further?

Mr. Rich - He may not have built it but he may be responsible for it?

Mr. LaCortiglia - The sidewalk there now was not required under the Decision

Mr. Rich - It's called an easement by prescription.

Mr. LaCortiglia - This is not relevant to the surety discussion. No decision needs to be made tonight by the board as this does not apply to the discussion of surety reduction.

### 3. Issue of Street Trees

Mr. Varga - Reads September 27th memo in Exhibit 2 of Town Planner comments. A number of the lots have natural vegetation along the lot lines. The soccer field has eight trees there. There are a total of 38 trees proposed throughout the subdivision that should be installed to meet the two tree/lot standard. There is also a mix of intervening vegetation on the lots.

Mr. Rich - You had an agreement with the purchasers that they would be responsible for planting the trees?

Mr. Spear - Yes – this goes back to the Special Permit stage as we do not want to wait for several years. It was determined to preserve existing trees as best we could.

Mr. Rich - When you have an order from the Board, you still retain your responsibility by contract. The landowners vote is over-riding.

Mr. Spear - Hillside Dr- #5 – We preserved several trees. Two years ago the owner took out all 6-8 trees. Other people have chosen to plant dwarf trees, for example at #3 Hillside and #9, buyers put trees near the house instead of out front.

Mr. LaCortiglia - At this point, we have an obligation as a PB, the streets and the trees are private in this development. Where there is an HOA in place we have the luxury of asking individuals if it is good enough. They own them, not the town. The HOA may not want the additional trees.

Mr. Cracknell - I have not yet contacted the HOA about the trees in the subdivision

Mr. Rich - The Planning Board entered its decision to keep the ambiance of the town consistent. Private or not, the owners can not override the licensing authority of that development. Can the majority of the association decide? I would like to hear from the HOA.

Mr. Varga - There are no trees shown on the approved plans. (It is noted that the trees are required in the notes on the plan.)

Mr. LaCortiglia - What is before us is- should we release the street tree money? I don't think we can release the funds until we are convinced this portion of the development is complete. There are over 700 Ft of trees that need to be placed on the Park and Rec Land according to the decision. Park and Rec may wish to not have those trees planted.

Mr. Cracknell - the HOA who will be taking over should provide us something in writing and the Park & Rec should provide something in writing regarding trees at the soccer fields. The letter should come to the Planning Board.

Mr. Rich - (To Mr. Spear) - Incorporate the decision on the number of trees into the as-built plan.

Mr. LaCortiglia - Nick will contact the HOA and Park and Recreation for a letter. Dave, you took care of inspection of the vegetation, treat this as the entire 700 ft. We are in the same position with Park and Recreation Land as we are with the HOA controlled lands.

Mr. Spear - I would be happy to meet with the condo board. The first 150-200 ft of road are heavily treed. We did change a few things from what he neighbors and Park and Recreation made it clear that they did not want any trees there. I do not have a letter stating that. We did install 22 trees that was part of the subdivision request but are not shown on the as-built. They are on the conservation land as a green wall.

Mr. Rich - The owners bought the property subject to what trees were going to be there.

Spear- The landscaping looks very nice. We tried to give some flexibility to the owners to have it look much more natural.

Mr. Rich – The notation on the plan is Park and Recreation has 40 ft. spacing of trees and along the 700 ft. frontage. This is something they should have input on.

Mr. LaCortiglia - We are looking at 47 total trees out there and withhold the money for those trees from the surety. Street trees, the count is 47 so there will be an addition of 9 trees in the soccer fields. Dave Vargas' recommendation of \$49,182 becomes \$45,743.92.

Mr. Rich - **Motion** to release surety of \$45,743.92. (\$25,125.00 remains in the surety)

Mr. Howard- **Second.**

**Motion Carries** 3-0 {Ms. Evangelista abstains from voting as she is an abutter.}

### **Railroad Ave. – Form J Final Release of Surety**

Mr. Rich - **Motion** to release \$1,125 from surety for Railroad Avenue  
Mr. Howard- **Second**  
**Motion Carries 4-0,**

### **Street Acceptances for STM – Chaplin Hills / Richardson Lane**

Mr. Cracknell - Richardson was approved for acceptance. Town meeting has to authorize the Board of Selectmen to vote within 120 days after town meeting. They found out after town meeting that three lots had not been conveyed. Town Counsel prepared the deed easements to be signed over to the town. There were a number of missed steps though the process. The homeowners were surprised to find out their street was a private way. The applicant transferred an easement to each homeowner. We didn't get deed easements that the applicant was responsible to obtain from the landowners within 120 days. Many owners were not given enough time to respond. The street was not accepted within 120 days so this will back to town meeting. Landowners will need to sign easements over to the town before comes back to town meeting. I have set up a meeting with Mr. Bussing and homeowners. There are a number of issues including the driveway of the vacant corner lot. It is not imperative to get the subordination agreements within 120 days.

Mr. LaCortiglia - There will have to be a cutoff date to bring this back at the fall town meeting.

Mr. Cracknell - Town Meeting is Nov. 14<sup>th</sup>. I recommended October 12<sup>th</sup> to meet and put it back on the warrant.

### **Chaplin Hills- Possible Street Acceptance**

Mr. LaCortiglia - The Board of Selectmen will need to make a decision to add it to the special town meeting or not for this fall. For Chaplin Hills, Can we use some of the Expense Acct to find out who owns the street? I don't know if the original Developer Mr. Faragi owns the fee or was it JW Jones Construction?

Mr. Rich - Mass Independent Title Association can do a title rundown for a couple hundred dollars. They have insurance.

Mr. Rich - **Motion** to authorize up to \$1,000 to do a title research on Chaplin Hills.  
Mr. Howard- **Second.**  
**Motion Carries 4-0**

Mr. Rich - **Motion** to adjourn  
Mr. Howard - **Second.**  
Motion Carries 4-0

**Meeting is adjourned** at 9:30pm.