

**AGENDA**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, May 12, 2010**  
**7:00 p.m.**

**Present:** Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Rich; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp – Asst.

**Absent:** Mr. Carter and Mr. Tim Howard arrive late

**Board Business 7:00 p.m.**

Meeting opens at 7:10PM

**Minutes – February 10, 2010**

Mr. Chris Rich- Motion to approve the minutes with corrections.

Ms. Evangelista- Second

All in favor? 3-0; Unam

Mr. Rich- Motion to approve Executive Session minutes on February 10, 2010.

Ms. Evangelista- Second

All in favor? 3-0; Unam

**Vouchers – None**

**Correspondence –**

Mr. Cracknell- Refers to his Draft Comments regarding the request to have a board member attend a Selectmen's meeting on Monday regarding Chaplin Hills (Executive Session.)

**Pondview Estates: Mr. Jeff McMath present**

Mr. Cracknell - I received today a Form G Covenant and Deed Transfer from Scott Green to Jeff McMath. Plans are ready to be recorded. The documents have been re-done. MMC Georgetown Realty Trust will take over for Scott Green, the original owner/applicant.

Mr. Rich- Makes a Motion to accept a request conditioned upon Mr. McMath as trustee for MMC Georgetown Realty Trust, provide a copy in recordable form a bill of sale from TBR Properties LLC to MMC Georgetown Realty Trust, Jeffrey McMath, trustee, all rights, title and interest in the project known as Pondview Estates.

Ms. Evangelista- Second

Mr. Rich- Mr. McMath becomes a successor in interest and can pick up where the prior developer left off. The Bill of Sale should be recorded. Nick will hold the signed document until the Planning Office receives a recorded document from the registry.

All in favor? 3-0; Unam (1 abstention – Mr. Howard)

{Mr. Howard arrives at 7:18pm}

{Mr. Rich notarizes signed Form G Covenant}

**Other Business –**

**Railroad Avenue Form J, ANR and Definitive Subdivision** – Bob Grasso is present for all 3 projects.

Mr. Grasso- Mentions all bounds are set. I gave a drainage easement for the driveway. I will show a drill hole set for the driveway. I have made a notation of that on the plan. I agreed to what Dave agreed to on the release.

Mr. LaCortiglia- Asks about Lot 1?

Bob Grasso and Ed LeDiere are present to discuss erosion control on Lot 1 of Railroad Avenue.

Mr. Cracknell- There appeared to be an inconsistency with Lot 1. Robert Scaly from Amesbury is the developer. Dave communicated his concerns with Bob and Ed. I was told we would be in compliance by today. Ed presents photos of the site.

{Photos are on file in the Planning office}

The last photo showing Lot 8 has been seeded. They are going forward and they are doing everything he said he would.

Tim Howard motions for a Bond reduction of \$28,159.74

Mr. Rich- Second

All in favor? 4-0; Unam

**ANR Thurlow Street** – Bob Grasso, engineer, is present for the applicant.

Lot 77 A is the discussion. We adjusted the lot line from the previous plan recorded.

This will supercede that plan. Map 12, Lot 77 is this ANR plan. We moved the driveway and lost width in the radius area. We lost approx 2 ft. The dimensions of this lot will coincide with the definitive plan.

Mr. Howard- Motion to endorse the ANR plan Form A for the lot as referenced on plan dated May 3, 2010 entitled Lot 77A by Professional Land Services, Map 12, Lot 77 and Lot 77A.

Mr. Rich- Second

All in favor? 4-0; unam (1 abstention – Hugh Carter)

{Mr. Carter arrives at 7:37 pm}

Mr. Rich- I formerly make a motion that the Planning Board stay organized as seated with no change of officers.

Mr. Howard- Second

All in favor? 5-0; Unam

**Little's Hill update from Mr. Craig Spear:**

Mr. Cracknell- Mr. Spear arrived tonight for this meeting regarding Little's Hill Lane. He is trying to finish this project by the end of June. I neglected to add him to the agenda. He is here to provide the Board an update on his project at Little's Hill.

Mr. Rich- I motion that we sign this plan and ask him for a status of Little's Hill.

Mr. LaCortiglia- Second

All in favor? 5-0; Unam

Mr. Craig Spear- The progress is: We have 4 houses nearing completion. (One is done, another is 80% done and 2 house lots we're hoping to be constructing on them now.) We've had a Title glitch that caused delay. I know this Board wants to be finished by the end of June but the road contractor will be done closer to the end of September. I know some of the Board members will not be in favor of it. I am requesting that as soon as the work is done, this Board review and approve and act on a bond reduction request in an expeditious manner. My cash is tied up. My intention is still to complete it. I spoke to the president of the condo board tonight and I have heard that the people would like to have it done asap.

Mr. Carter- If you finish the road by the end of June and the houses are not constructed yet, what liability do you have if the road is damaged and the homes are not built yet?

Mr. Spear – We could put up a bond for protection down the road. If it's the builder's that I know, they are usually pretty good.

Mr. Cracknell- Once the final Form J is signed, the HOA would hold the lot owner responsible for damages. Mr. Spear is responsible up until the final Form J is signed.

Mr. Rich- We could request they put up a bond – if somebody buys it and you don't have any leverage over the developer, it could be tough.

Mr. Cracknell- The rule of thumb is whoever controls the roadway so therefore it is Craig Spear's responsibility and it is his problem. The Form J releases the roadway to the town or the HOA.

Craig Spear- I have 4 lots left, if a bulldozer damages the road, I would maintain it is not my responsibility.

Mr. Cracknell- The HOA would take action against the owner of those lots.

Mr. Rich- Is the association aware that once you put the final coat and get our sign off, it becomes their fight against the HOA and whomever owns the lot.

Mr. Spear- I have made it as clear as possible.

Mr. Rich-[To Mr. Spear] I would feel more comfortable if Mr. Surface, President of the HOA association, is aware that once the Planning Board signs off on the road, it relieves you of the responsibility of that road. Your only liability is the lots that you have yet to develop yourself unless you sell them to someone else. That fight is between the lot owner and the HOA.

Mr. Cracknell- There is zero assurance that any of those lots will be built on.

Mr. Rich- I want to make sure that everybody knows what they are getting into. I want to see that road finished by the end of June.

Mr. LaCortiglia-[To Mr. Spear] I'd have Dave Varga there on June 30th for sign offs to inform the Planning Board that everything is done.

Mr. Spear- I told Dave I would report back to him after this meeting.

Mr. Cracknell- I will speak with Mr. Surface after this meeting.

Ms. Evangelista- Baldpate Road is in bad shape. The town streets take a real beating.

### **Lot 77 Thurlow Street Definitive Subdivision: Continued Public Hearing**

Mr. Carter opens the continued Public Hearing for Lot 77A Thurlow Street.

Bob Grasso, engineer, is present on behalf of the applicant, Jeff Horne.

Mr. Cracknell- You have a May 4th plan – the correct May 10th plans that Bob recently submitted have the waivers listed correctly. I have made the corrections on the Certificate of Vote and Bob produced a corrected set of plans. The only difference between the plans is Page 1 that lists the waivers. The final COV is here tonight.

Mr. Grasso- Requests the date of May 10th to be inserted in the COV showing the correct plans.

Mr. LaCortiglia- Motions that correction is noted.

Mr. Rich- Second

All in favor? 5-0; Unam

Mr. Rich- Motions to close the continued public hearing on 77a Thurlow Street.

Mr. Howard- Second

All in favor? 5-0; Unam

### **Development Review Guidebook Discussion:**

Mr. Cracknell- discusses the Development Review Guidebook with the Planning Board.

Mr. LaCortiglia- What you are looking for is approval from this Board or a recommendation to go to the Board of Selectmen for their approval? This is the roadmap for the 43D.

Mr. Rich- Move to have the Town Planner forward the Development Review Guidebook with a revision date May 12th to the Board of Selectmen consistent with his letter to the Board of Selectmen contained therein and ask for their comments and or approval as it is written and any requested changes that they may see so that we may take our final action and formerly submit it to them for final approval. We are sending to them for their comments, make any changes necessary first and then produce a FINAL copy. Include a deadline date of two weeks for comments so it is placed on the next Planning Board meeting agenda.

Ms. Evangelista- Second

Discussion?

Mr. LaCortiglia- There is nothing contained in the document that is not already contained in another document. This is a summary that simplifies the path that one takes a little easier. The clock is ticking for the 120 days.

Mr. Carter- You need to allow the Board of Selectmen the opportunity to comment.

Ms. Evangelista- We should only do this as a courtesy to the Board of Selectmen.

Mr. LaCortiglia- The 43D is between the Selectmen and the State. We are in the middle.

Mr. Rich- We sponsored the article at town meeting.

Mr. Cracknell- A suggestion: At the start of the meeting, I said that it the Planning Board could be added to the cover as a sponsor. Given the 120 day time limit, this is clearly a DRAFT should someone come in on the 121<sup>st</sup> day.

Mr. Rich- This does mirror what was passed at town meeting. There is nothing new in it. If we make a determination on erosion control, our determination can not be superseded by anyone else.

Mr. LaCortiglia - The erosion bylaws are the responsibility of the Conservation Commission.

Mr. Rich- Reads the bylaw in the Subdivision Regulations §365-57.

Mr. LaCortiglia- I think the bylaw was put in place because we [Planning Board] don't give an erosion control order.

Mr. Rich- Now what should be on our checklist is erosion control. As a checklist for this Board in the future when we get a subdivision is to address erosion control.

Ms. Evangelista- Site Plan review has erosion control.

Mr. Cracknell- The appropriate action to take is to add it in the Conservation Commission's repertoire. I will reach out to the Con Com.

Mr. LaCortiglia- This bylaw falls clearly under the responsibility of the Conservation Commission.

Mr. Chris Rich- With a permit application, everyone has to sign off on it. If the Conservation Commission has an issue with this that they request an application, that's the time for them to speak up.

Mr. Carter- Does erosion control come under our preview?

Mr. Cracknell-Yes, it does under our subdivision and site plan review. Based on what Chris stated that said if there was an ANR plan, that is when this gets used as an extra piece of protection.

Mr. LaCortiglia- There's no jurisdiction under the ConCom or the Planning Board. This is the "catch all." Nick will be adding the erosion control into the Development Guidebook and submit a Draft to the Board of Selectmen for a response to the Planning Board within 2 weeks time.

Mr. Rich restates his previous motion to have the Planning Board forward the Development Review Guidebook as written and dated May 12<sup>th</sup>, 2010, to the Board of Selectmen with a letter contained therein asking for their comments and approval as amended.

Seconded by Ms. Evangelista

All in favor? 5-0; Unam

{Mr. Surface arrives to the meeting}

Mr. Rich- Gives update of Little's Hill to Mr. Surface. We want to make sure that the HOA knows that once Mr. Spear completes the road, the fight is between the condo association and the developer of the lot. It will no longer be the responsibility of the Planning Board.

Mr. Surface- He has a responsibility to the association and to the developer. He as the developer is the intermediary and he needs to make sure he holds the contractors accountable.

Mr. Rich- Our only hook to Mr. Spear is the road. Does he have to approve every contractor?

Mr. Surface- Yes, that's being done through him. The HOA has no say who can build there or not.

Mr. Rich- We are out of the loop. Our only leverage is the surety for completion of the road – then he gets his money.

Mr. Surface- He still as he developer of the property, has the responsibility over his contractors. We as an association can still put a lien on the property if we see something damaged. It's his responsibility to do the same. We have to hold the contractors responsible as trustees. The only rights we have are to enforce the bylaws once the lots are complete.

Mr. Cracknell- Why don't you have him finish the road but hold some money for incidental damages for one year?

Mr. Rich- I am only talking about finishing the road and the sidewalks.

Mr. Surface- Although they are private roads and each homeowner has a piece of it, they are still Georgetown residents and should be protected somehow.

Ms. Evangelista- We can't force the developer to present the road to the town for street acceptance.

Mr. LaCortiglia- That road can not be accepted as a public road. That treatment plant falls under the HOA and will never be the responsibility of the town.

Mr. Surface- We as residents would like to consider requesting our roads to be public roads and accepted by the town in the future.

Mr. Cracknell- If the neighborhood was to want to request to the Board of Selectmen that these streets be accepted as public ways, then this board would need to revisit that and look carefully at the COV. We have to look at the waivers that were granted. The road will be done by the end of June – that was decided tonight. This board supported it's prior motion to have the development completed by the end of June.

Mr. LaCortiglia- Meeting adjourned at 8:45PM



