

**MEETING MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Memorial Town Hall- 3rd Floor**  
**Wednesday, September 8, 2010**  
**7:30p.m.**

**Present:** Mr. Hugh Carter; Mr. Tim Howard; Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp- Asst.

Absent: Chris Rich absent for meeting

**Board Business 7:30p.m.**

**Minutes- April 14, 2010**

Mr. LaCortiglia- Motion to accept minutes of April 14th with corrections.

Mr. Howard- Second

All in favor? 4-0; Unam

**Vouchers- \$2,269.72**

Mr. LaCortiglia- Motion to accept the vouchers.

Mr. Howard- Second

All in favor? 4-0; Unam

**Correspondence-**

**Little's Hill Fence Update- K&P**

Mr. Cracknell- There was a number of questions raised at the last meeting. The main one was whether the 6' stockade fence was required by the new owner, the Town. Town Counsel reviewed the COV, the Definitive Subdivision plan and the Special Permit that specified the 6' stockade fence as part of the approval. The answer to our initial question as to whether the conditions of approval run with the land and all successive owners and the answer was "yes." A 6' stockade fence should stick. The next question was, "Could you modify that question?" The answer again was "yes." They agreed on a split rail fence in lieu of a stockade fence. We need to invite both parties back to the Planning Board, especially the Park and Rec., with a written agreement with the abutter. Finally, the last questions were: "Should we be putting a statement in our decisions specifying a time period less than perpetuity? The answer was "yes, if that's our intention." Lastly, "Can we retroactively do that for prior approvals?" The answer was "no." (Refer to Kopelman & Paige memo dated Sept 7, 2010 which is on file in the Planning office)

They have to come back here and have it reviewed by the Planning Board. We could run into an issue in the future.

In this case for special permits, it's enforceable. The Planning Board is releasing the land to the developer. It might be difficult to enforce that over time because it's not a zoning issue. A Definitive Plan with this type of issue is not so clear.

Ms. Evangelista- When I read #1, the abutter was not satisfied.

Mr. Cracknell- It is clearly the Planning Board and the Building Inspector's responsibility to manage the review and approval process. There's not much this Board can do if the Building Inspector and town engineer do not find fault with the installation.

Mr. LaCortiglia- Motion for Nick to inform Park and Rec. that the Planning Board advise them to request a minor modification to Little's Hill.

Mr. Howard-Second

All in favor? 4-0; Unam

Mr. LaCortiglia- The holder of the land is the only one that can make the request.

Mr. Cracknell- The good news is that this is relatively a simple issue to remedy between the two parties.

Mr. LaCortiglia- Move to waive the filing fee from the Park and Rec. when they submit the minor modification.

Mr. Howard- Second

All in favor? 4-0; Unam

Ms. Evangelista- I think the Selectmen should be aware of this and Nick agrees to forward the memo from K&P to Board of Selectmen.

Mr. LaCortiglia- Requests CIP report from last year that was sent to Fin Com. It is filed with Town Clerk.

### **Street Acceptances- Update**

Mr. Cracknell- Last Tuesday, August 31, we went on record for the Order of Taking for the 5 streets of Northwoods Estates. We made it by 4 hours for the order of taking. Regarding 1 Pineapple Lane - Artisan Developments signed it on the 11th day in enough time. We therefore got Deeds from everyone in Whispering Pines. We took all the streets via Deed. They are now publicly accepted streets. (Chapter 90 money next year will be \$3,800 - \$4,000/year) I put together a list of streets worth considering for Town meeting which is in Exhibit 7 of the Draft Meeting Comments. Two to three streets is reasonable to accept at Town meeting. Belleau Woods could be a taking per

Town Counsel. Town Counsel will tell you that it is better to get a Deed Conveyance than a taking because of the risk. The Deed is 100% full proof and you are 100% protected. Most individuals want their streets accepted. There are another twelve streets that have not been accepted. If we could get three of these streets ready for Town meeting, that would great.

Mr. LaCortiglia- Requests that Longview Way and Tiger Row to be included for street acceptance purely by linear foot, there is more money to made for the Town.

Mr. Cracknell- Once we've chosen the streets, town counsel will look at one or two Deeds from the subdivision. Town Counsel needs to look at the registry of Deeds at the Subdivision of who owns today one or two deeds from that subdivision. There are no map and lots in Georgetown for any streets or ways.

Mr. LaCortiglia- Motion to authorize Nick to engage Town Counsel for the purpose of investigating the next two streets to be accepted.

Mr. Howard- Second

All in favor? 4-0; Unam

\*Planning Board signs Form B ANR Approval for 12 & 14 Prescott Lane.

**Other Business –**

**ANR Application - 94 Elm Street**

Mr. Cracknell- It has no frontage on a public way and it is not a buildable lot.

Mr. LaCortiglia- My question is the map- the assessor's map is different from the map presented by the applicant.

Mr. Cracknell- The Deed references the plan and shows the correct lot lines. IOA Parcel 40 then is correct as far as the Assessor's map is concerned.

Mr. Howard- I motion to endorse the plan as presented.

Mr. LaCortiglia- Second

All in favor? 3-0; Unam (Ms. Evangelista abstains)

Mr. Howard- They don't want to lose that parcel for any potential development.

**Caribou Ct. Subdivision – Revised Building Location**

Mr. Cracknell- The applicant, Mr. Tidd, went before the Conservation Commission last week. It's a one lot court. The buyer would like to move the house where it was previously shown on the approved drawing. They want to move it closer to the cul-de-sac and donate land (Parcel A) to the Town for conservation. They also want to reduce

the length of the driveway. Con Com said they needed a new Notice of Intent in order to vote on this. The applicant is not sure if they want to re-file. They are considering it. This proposed plan would only be jurisdictional to this Board. The paved turnaround is now proposed to be porous pavers instead of pavement. I prefer the porous pavers.

Mr. LaCortiglia- I can understand why the Con Com wants a new hearing.

**Subdivision Amendments for Consideration {Exhibit 5 of Draft Meeting Comments}**

Mr. LaCortiglia- I am requesting that we advertise with two consecutive weeks notice the amendments listed from the Town Plauner, plus the three amendments I have added which are:

- 1) One building per lot
- 2) Release of lots for security and the Bond multiplier and
- 3) Bond or deposit for construction of ways and installation of services

The purpose of this being on our agenda is to establish a list to put in the notice for a future public hearing process.

Mr. Cracknell- Regarding Sec. 365-6- one building per lot- Some towns consolidate this so you don't have to go before two Boards. It's a majority vote by the Planning Board.

Ms. Evangelista- I look at this as the Planning Board is responsible for 2 buildings on one lot in a subdivision.

Mr. Cracknell- Some towns like the checks and balances of between the two boards, ZBA and Plauning Board. We need to discuss whether ZBA wants to keep the zoning jurisdiction for two single family structures on one lot as well as the Plauning Board under the Subdivision Rules & Regulations or whether it makes sense to bring it under the Plauning Board jurisdiction.

Mr. LaCortiglia- It's not MGL 40, it's 41 so we need to make the clarification.

Ms. Evangelista- If the request for two buildings on one lot is in a subdivision, the decision should be made by the Planning Board and if it is just lots elsewhere than a subdivision than it should be the ZBA's decision. So if you're going to take it off, you should properly take it away from the ZBA.

Mr. LaCortiglia- Perhaps in all fairness, we should post and have a Hearing to discuss this.

Mr. LaCortiglia- Motion to have the Town Plauner post a notice for the Subdivision Amendments listed under Exhibit 5 and add additional amendments from email of Sept. 8<sup>h</sup> from Mr. LaCortiglia §365-6, §365-32C and §365-27C in the appropriate publication for a public hearing to amend subdivision regulations.

Mr. Howard- Second  
All in favor? 4-0; Unam

Mr. Cracknell- We will need to develop language for these amendments as Harry has indicated in his previous email.

Ms. Evangelista- I'd like to see as part of the discussion the LID Developments. Check with Boxford on the fees they charge for street acceptances in their subdivision regulations. They list all expenses and they do get money from the developer for legal involvement in accepting streets.

**Zoning Amendments for Consideration**

Mr. Cracknell- Asks for the Board to consider the 40R document and the building height. Should there be a modification to the definition? The Building Inspector would like a clarification on the definition of basements, property storage and trailer storage on a property. He also questioned the front yard setback. He has asked for clarification in the code for trailers. Lastly, there is a question of projections on a building- should this require a variance? We need to hold a hearing on this, not the ZBA.

Ms. Evangelista- I've always had an issue with this. There seems to be a conflict.

Mr. Cracknell- I'm the primary author of the zoning amendments. We hold a hearing and we invite the ZBA as well as members from the community to add their input.

Mr. LaCortiglia- In the ZBA, these have been identified by those Boards that need clarification to make it better. I think we should work on the technical language and they are the originators.

Mr. Howard- Motion to adjourn the meeting at 9:10am.

Mr. LaCortiglia- Second

All in favor? 4-0; Unam