

Meeting Minutes
GEORGETOWN PLANNING BOARD
Wednesday, March 24, 2010
7:00 p.m.

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

Absent: Mr. Hugh Carter (arrives at 8:10PM)

Board Business 7:00 p.m.

Minutes – July 8, 2009 & October 14, 2009

Mr. Rich- Motion to accept the July 8th meeting minutes with corrections.
All in favor? 3-0; Unam (Mr. Howard and Mr. Carter absent)

Vouchers –

Ms. Evangelista- Move to accept the vouchers of March 24, 2010.
All in favor? 3-0; Unam
{Mr. Tim Howard arrives at 7:15pm}

Correspondence –

Ms. Evangelista- reads the memo from Elizabeth Tollman, resident of Littles Hill subdivision, who is requesting two front yard bounds lowered to the original grass height as was discussed at a Planning Board meeting in January 2010. {Ms. Tollman's letter is file in the planning office }

Mr. Rich- Reminds the Board that they originally agreed in January to having a front marker beside 28 Londonderry. It was our intent that it be a flush marker in the first place when it was discussed in January. I need to remind you [Ms. Tollman] that the granite bound marks your property and the conservation land.

Ms. Tollman states that she is ok with lowering one and keeping the other at the height it is now.

Mr. Cracknell- I spoke to Mr. Spear and he agreed to work with the Tollmans to lower the bound to the original height flush with the ground.

Mr. Rich- Makes a motion that the Planning Board authorizes Mr. Spear lower the bound flush with the ground and it be completed within 21 days from today's date, March 24,

assuming there is no objection raised by the Conservation Commission within 7 days of this decision. Nick will notify the ConCom of the Planning Board decision and copy Ms. Tollman. [By unanimous consent the motion is amended as stated above]

Mr. Howard- Second

All in favor? 3-0; Unam (Ms. Evangelista abstains & Mr. Carter absent)

Mr. LaCortiglia-States that this is conservation land and the approval from the ConCom is a courtesy to their board. All Planning Board members agree with the recommendation.

Ms. Tollman- States that she will send an email follow up to the Conservation Agent, Town Planner and Mr. Spear informing everyone of the decision and her approval of the decision.

Other Business –

Pondview Estates – endorsement of plan Scott Green, developer is present

Mr. Cracknell gives summary of project to date that was approved in January, 2010. I received the forms and easements from the attorney for Pondview Estates. We also require the Release of Liability form. However, I suggest a few edits. The intent of this document in the event of an emergency is that we be covered for liability. In the event of an emergency if the town had to provide any services, the town would be reimbursed by the developer and has the release of liability to do so. The applicant has made the editorial changes and executed the documents. I recommended Mr. Green strike the exception clause for Lot 2 and Scott has agreed to make the change. I would ask that Mr. Chris Rich review the deed language or I can have our own town counsel review them.

Mr. Howard- What do you need to change?

Mr. Green- We will be upgrading the septic system and moving the driveway. I have to have a Title 5 done on the septic.

Mr. LaCortiglia- The deed to the open space does not mention the Conservation Commission which you will want to note for tax purposes. Should it mention we are in receipt of the draft deed? There is a septic form you will need to complete from ConCom.

Mr. Cracknell- The Certificate of Vote requires that all documents be recorded and turned into the Planning Board prior to endorsement.

Mr. LaCortiglia-May I make a suggestion that the Board accept all the documents except for the Quit Claim Deed.

Mr. Cracknell- The Covenant would need signatures from the Board.

Ms. Evangelista- I would feel more comfortable with Town Counsel reviewing these.

Mr. Green- I am releasing the mortgage to the Town. The Town is getting it free and clear.

Mr. Cracknell-The Form N and Form G, Release of Liability for subdivisions is our current form but I recommend some changes. Mr. Cracknell presents for m to the Board members. {Revised form is on file in the Planning office}

Ms. Evangelista- Move that we endorse the subdivision plan for Pondview Estates as revised and dated 11/9/09.

Mr. Rich- Second

All in favor? 4-0; Unam (Mr. Carter absent)

Mr. LaCortiglia- Asks for new deed in standard language and form from Con Com. We will need copies of all required documents before going to the next step. All Board members agree.

Forms Discussion

Mr. LaCortiglia- Notes that there is no completion date on the Form G, page 2. Board members agree to insert onto the form the completion date - **2 years from June 1, 2010.**

Mr. Rich – The VP of mortgage signed in blue ink and therefore the Registry may not accept it. If it is rejected by the Registry, by unanimous consent the Board will be able to re-sign the forms.

Street Acceptances Update: Sage Rd, Raymond Rd, and Pineneedle Lane Sawmill Way, Bayberry Ln., Waldingfield Rd., and Rosemarie Ln.

Whispering Pines- We have all the street acceptance plans. They will be reviewed by Town Counsel. The developer just needs to be successful in getting the deed easements from the seven owners. They believe they will have them all for town meeting acceptance.

Northwoods Estates- We are doing a friendly taking of the roadway due to the deceased developer.

Little's Hill Affordable Housing Acct – Transfer of Funds

Mr. Cracknell refers to Exhibit 3 of Draft Comments that (\$72,000 - \$78,000) needs to be transferred to the Affordable Housing Trust from the care of the Planning Board.

Ms. Evangelista- Make sure you state it is a transfer!

Mr. LaCortiglia- Move to recommend to the Board of Selectmen and Town Meeting voters that the funds be transferred from the Little's Hill Account to the Affordable Housing Trust.

Mr. Howard- Second

All in favor? 4-0; Unam (Mr. Rich absent; leaves meeting at 9:15pm)

Mr. Cracknell- Whatever the total balance is today, it will transfer to the Affordable Housing Trust. We may have to do another transfer in two years when we get the next deposit of \$2,222 from Mr. Spear.

Parker River Landing Project – update (Mark Mastroianni is present from Pulte Homes)

Mr. Cracknell- We have been trying to finish this over the last 12 – 18 mos. The blocks were put there to control or regulate off-road vehicles that Pulte put on town property according to the ISH. The berm was put in and we have gone through a number of meetings and met with several homeowners on a site walk last week. Tillie Evangelista, Harry LaCortiglia and Paul Nelson was there and Steve P., Conservation Agent. Option B submitted to the Planning Board was agreed upon by all parties. I recommend that the Board endorse this to get the project finished this spring. {Copies of this Option B plan are on file in the Planning office }

Mr. Mark Mastroianni – Mike from Marchionda & Assocs. is here tonight and has come up with Option B that was agreed upon by all parties. Concrete blocks will be removed from the access to the National Grid property. Access will be restored along the access area. We went to ConCom last Wednesday and they approved this plan. Pulte has approved, HOA has approved. We are here tonight for the final approval from this Board. National Grid gave a final approval. A lot of work has been put into this and we are ready to move to forward. What we have offered is more than generous. No culvert is being put in. They decided to fill in the area instead of putting in a culvert. This plan shows 6 trees in the back that I agreed to today with Con Com.

Mr. LaCortiglia- There was a landscape plan proposed years ago and the willow trees were proposed out there so ConCom is happy they are being planted there.

{Mr. Hugh Carter arrives at 8:05 pm }

Ms. Evangelista questions the elevation of the pipe to the engineer for this project.

Mike from Marchionda Assocs - At the last conservation meeting, I was able to raise the pipe on the plan to the elevation they were looking seeking. There will be slight ponding there. The pipe will pull the water away when it floods.

Mr. LaCortiglia- It is flagged as a wetland there. They have to protect it under their bylaw.

Mike from Marchionda Assocs. - We are maintaining the wetland.

Mr. Ed DesJardins of the HOA, Parker River Landing- I just wanted to thank everyone for the large amount of time that was put into this project.

Mr. LaCortiglia- Did we get consent from ConCom that they are in approval?

Mr. Cracknell- The Conservation Agent stated in an email that the plan is acceptable to the Conservation Commission.

Mr. Mark Mastroiani– We received approval from National Grid, the Parker River HOA and ConCom. We now just need approval from the Planning Board to do the work in the spring. National Grid is revising the access agreement that had expired.

Mr. Mastroiani- I want to be assured that this Board has no outstanding issues after we complete this project. Therefore, Pulte would like to know that we will have our bond released in a timely fashion after the completion.

Mr. Rich- Is there any outstanding issues for the HOA?

Mr. Ed Des Jardins- They have taken care of the small items after the storm.

Mr. LaCortiglia- Motion to consider the minor modification of the subdivision plan and to approve the plan Option B project resolution and drainage improvement plan dated 3/34/10. {Option B plan is on file in the Planning office} Upon completion of the project, the developer will be encouraged to apply for release of the bond. This is the final item on the punch list.

Mr. Rich- Second

All in favor? 5-0; Unam

Public Hearing(s):

2010 ATM – Zoning Amendments:

40R Smart Growth Overlay District – Deferred

Mr. Carter opens the Public Hearing for the 40R Smart Growth Overlay District and reads the legal notice.

Mr. LaCortiglia- Move to defer the discussion of the 40R Smart Growth Overlay District.

Mr. Howard- Second

All in favor? 5-0; Unam

§165-9: Conformity with Schedules Required

Mr. Cracknell- You have to make sure the use is allowed. Currently, if a use is not listed on the use schedule, the Zoning Compliance Officer or the Building Inspector can direct you to go the ZBA to obtain authorization to put that use on your property. The bylaw is silent as to what type of permit one would need to apply for if one was needed. We are seeking to clarify the use in Sec. 165-9. If you need to apply for a special permit, the ZBA will hold a hearing and render a decision. The other thing we did to clarify the language was to add - If you have a use not listed and you are claiming the use to be similar, then you could seek a special permit to maintain that protection.

I went to the Park and Rec. Commission meeting 2 weeks ago to present to them where we were last September on the recreational fields. We agreed to work together to bring it to a close over the next few months so we could make some amendments to the definition.

Ms. Evangelista- Motion to close the Public Hearing.

Mr. LaCortiglia- Second

All in favor? 5-0; Unam

Discussion?

Mr. Rich- Motion to forward to Town Meeting the Planning Board approval and require that this change be voted upon favorably by members of Town Meeting in order to effect change.

Ms. Evangelista- Second

All in favor? 5-0; Unam

Lot 77 Thurlow Street:

Mr. Carter opens Public Hearing for Lot 77 Thurlow Street – Mr. Carter reads the Public Hearing Notice.

Jeff Horne – Applicant – This project is on Assessors map 12, Lot 77

William Holt, project engineer of Professional Land Services- This project is 2.3 acres.

The ANR was signed off on a couple of months ago to create a buildable lot. We are

proposing to create a 12' wide driveway and meet all the required setbacks. Rear of lot is state forest. There are no common utilities on this lot.

Mr. Rich- Regarding our public safety policies - Can emergency vehicles turn around there?

Mr. Cracknell- We have not yet received their comments.

Mr. Holt- Larry Graham provided comments regarding the location of the hydrants that we will be changing on the plans. We are asking for a waiver for the turnaround.

Mr. LaCortiglia- States that a letter from ConCom dated February 23, 2010 to the Planning Board is on file in the Planning office. {Harry reads the entire letter to the applicant and the Planning Board members }

Mr. Jeff Horne- I will talk with ConCom about his comments in his letter. We will file with ConCom if we need to.

Mr. Cracknell- It is a one lot court like Blarney Ct. This application creates it's own frontage. They are asking for waivers like the turnaround which Larry can give his comment.

Mr. Rich- The cul-de-sac- radius?

Mr. Holt- 60'

Mr. LaCortiglia- Regarding the proposed grading- the drainage from the driveway will pool on top of the neighbor's septic system on the other lot.

Mr. Holt- There will be a swale there.

Mr. LaCortiglia- You own the other lot but it is a separate lot. I have a concern about that water moving onto another lot.

Mr. Horne- There is a chance the road will be paved the whole way. It is still up in the air.

Mr. Graham-Refers to the 32 comments in his technical review letter to Board.

Most important ones are:

Driveway – greatest concern for the Board. The board should look at the most recent project on North Street and look at what waivers you granted on that subdivision and apply to this subdivision. These tow projects are very similar.

North St. required paving of the first 50' and I recommend it for this one. I suggest that the applicant change the driveway location and allow both lots to use a portion of the front drive. Gravel would be at the turnaround. The driveway should be built wider than 12' to allow for fire trucks. Larry refers to a sketch he created with a drawing of an easement. Off of the right of way, the Board of Health drainage does not affect. You should include in the plan a drainage easement that the grading comes under the control of the Planning Board. If you don't have an easement there, it gives you no control over the lot grading.

Mr. Cracknell- I agree if this is only for the outlined lot as shown on the plan, shouldn't they have provided all drainage plans during this approval process?

Mr. Graham- If on a definitive subdivision plan you're not within the right of way and you're not within an easement, then you don't control that land.

Mr. Rich- When the same owner owns both estates, the easement by operational law is extinguished.

Mr. Graham- What I believe is in your regulations is that it states that all easements must also stay to the Town of Georgetown.

Mr. Rich- We are also talking about something that falls within a subdivision.

Mr. Cracknell- All drainage related to driveway construction should be shown on the plan that is getting approved. We need to see the plan and see the grading. If there is water coming off that driveway, the Board needs to see it and not defer it to another Board.

Mr. Graham- I agree – but if you don't put it in an easement, you're going to lose it. If you don't show the easement, the Board of Health has nothing to protect.

Mr. LaCortiglia- Questions the driveway on Larry's proposal.

Mr. Horne, applicant- I'd rather not combine the driveways. I'd rather have two separate driveways.

Mr. Rich- You have site distance issues that have to be resolved.

Mr. Cracknell- Do you have the ability to shift the driveway and move to the west?

Mr. Horne- Is there a reason to preserve the hilltop?

Mr. Graham-Yes, you should try to preserve the land according to the bylaw.

Mr. Rich- Can you move the driveways closer together?

Mr. Horne- Can I think about your suggestions for a little bit?

Mr. Graham-Cul-de-sac, driveway, site distance are key points to consider.

Ms. Evangelista- How many waivers are you asking for?

Mr. LaCortiglia- As a recommendation I would like the driveway to be paved 50' from the entrance.

Mr. Cracknell-Do you want to schedule a site walk?

{Site walk is scheduled for Saturday, March 27- 9am}

Mr. LaCortiglia- Motion to continue Public Hearing for 77 Thurlow Street to April 14, 2010 at 8:45pm.

Mr. Howard-Second

All in favor? 5-0; Unam

Motion to adjourn at 9:35 pm