

MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, May 26, 2010
7:00 p.m.

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

Absent: Mr. Chris Rich; Mr. Tim Howard

Board Business 7:00 p.m.

Minutes – None

Vouchers – Total \$297.50

Mr. LaCortiglia- Motion to pay vouchers totaling \$297.50.

Ms. Evangelista- Second

All in favor? 3-0; Unam (Mr. Rich & Mr. Howard not present)

Appointments - CPC Appointment deferred to next meeting

Correspondence –

Chairman to sign Thurlow Street ANR Decision

Mr. Hugh Carter, Chairman, reads the Decision for the Thurlow Street ANR plan that was endorsed - Lot 77 and 77A Thurlow Street. {Mr. LaCortiglia crosses out “77A” on the Decision page and the Chairman and Ms. Evangelista put their initials next to the correction }

Waiver of Further Notice – MGL C 61B Section 9 {Exhibit 2 – Draft Comments}

Mr. Cracknell- Refers to memo entitled, *Waiver of Further Notice Pertaining to MGL C 61B Sec 9* relating to the Georgetown Golf Club. It was acted on by the Board of Selectmen at their last meeting. The intentions of the bank and the person holding the mortgage of the debt is to go to auction. His intention is to re-advertise and re-notify to all parties. My impression is that all those entities are required to be given notice 90 days prior to auction. The Board of Selectmen were notified of the last auction in January. This document says that the Planning Board received notice through the Board of Selectmen. The Town through the Board of Selectmen waived their notice. The bank’s intention is to have the auction on June 11, 2010. This waiver needs to be approved by the Planning Board, Board of Assessors and Board of Selectmen. Town Counsel has reviewed the form and said this was consistent with the bank’s steps to move forward to have someone control the site.

Mr. Carter- Who’s holding the auction?

Mr. Cracknell- The Black Swan Country Club wants to clear the title. They have stepped into the shoes of the bank and have only purchased the debt.

The club potentially may not be able to be re-opened if we do not waive our rights to be given notice. Someone needs to purchase the title. We don't know what they are doing out there now. Someone has to get a hold of that title to operate the business and be able to open the club.

Ms. Evangelista- Sentence in red is questioned by Tillie. [Letter on file in Planning office] I think it should be cleared up by Town Counsel and explained to us.

Mr. Cracknell- This form they have given us is directly related to Statue 61B and the statute requires they give 90 days notice prior to an auction. We got the April 28th notice but we did not receive the June notice. We are jeopardizing the auction on June 11 by not acting on this. The Selectmen have coordinated with Town Counsel. We have an asset in the town and we need to keep it viable while protecting the town's interest. We should conditionally vote to move this forward. I don't know what will happen if we wait to sign waiver at the next meeting on June 9.

Mr. LaCortiglia- I don't like the title of this document. I'd really like to see Exhibit A that they say in their letter is attached and we have not been given prior notice.

Mr. Cracknell- This is not waiving your right of first refusal. This will not be in 61B on July 1. I would ask you to consider making a motion to have the document re-written by the June 9th meeting. You will at least be telling them to have the document reflect reality. Town Counsel reviewed this with the Board of Selectmen.

Ms. Evangelista- We need something clearly stated in the file. We don't really know what we signed if we choose to sign this document.

Mr. Cracknell- Consider giving the proponent an indication of what this Board is willing to agree to sign. After discussion, Mr. Cracknell agrees to send a memo to the Town Administrator to answer the following questions: [May 27, 2010 memo below]

Mike,

Last night the Planning Board reviewed the "*Waiver of Further Notice Pertaining to MGL C.61B Section 9*" (Waiver Form) and had the following questions that they would like answered prior to voting on this item at their June 9th meeting:

1. It looks like the Waiver Form is asking the Board to waive their notice under the statute without a "notice of intent" being submitted by the Applicant. Does Town Counsel consider the letter adequate notice under the statute?
2. The Board was unclear whether the Applicant is seeking to waive the notice requirements for a 90 day notice prior to the sale of the property via the auction

- or, whether the Applicant is also seeking to have the Town's waive its right of first refusal if the property is sold for, or converted to, a use outside the 61B program. Please advise.
3. Exhibit A is referenced in the Waiver Form but was not included in the Planning Board packet. The Board would like a copy of Exhibit A prior to voting on this Waiver Form.
 4. Prior to voting on the Waiver Form, the Planning Board would also like a status report from the other four municipal boards or commission and whether they have signed the form.

Ms. Evangelista- Asks if other departments have signed the document and Nick agrees to look into it.

Mr. Carter- Is there time for them to continue doing work out there?

Mr. Cracknell- Yes

Development Guidebook – Review Draft

Mr. Cracknell- I submitted as voted by the Planning Board at the last meeting the May 13th version to the Board of Selectmen. We're shooting for a final draft to the state by June 7th. I received comments from several department heads but not all. I have added more checklists. The Board of Selectmen will formalize a new committee called the Development Review Committee. They would be a filter for anything of substance coming through the pipeline. We would only mandate in guidebook these individuals of the Development Review Committee and they will meet once a month and are only obligated to review 43d projects. Other projects would be reviewed on an as-needed basis. I cleaned up steps (Pg. 13 of 46) There are flowcharts and a checklist for each flowchart for the staff to use. The document is for all land use permits with a separate chapter for the 43D program. Also, there is an Appendix H and a matrix for land use permits and timeframes have been added. Lastly, I created a building checklist which is similar to the blue building permit document that is currently being used. This should be used for all construction related activities. Nick states he has created a form for occupancy permits and Completion of Construction form. These are included in the Development Review Guidebook.

Ms. Evangelista- Asks to add a fee for a 43D project.

Mr. Cracknell- Suggests that we give notice in the paper if we decide to change the fee schedule. Nick agrees to give the final Draft of the Development Guidebook to Board of Selectmen on June 7th.

Belleau Woods:

Mr. Cracknell-Tom Hebert appeared at the Planning Board meeting. Curbing is requested to be removed from his father's land. Nick and Steve P. (Conservation Agent)

went to the site. The street is not public and they don't know the owner. There is money in two m-accounts. The town plows, salts and sands. It would be an issue for someone to make changes to the street. It will need to come up for spring town meeting to be accepted. We need to figure out who has title. In the meantime to move forward to remove two pieces of granite curbing by Mr. Hebert. My concern is the curbing is holding the road together so it needs to be removed correctly with an apron. I am concerned about the integrity of the roadway and the flow pattern of the street drainage will be affected. My hope is the m-account money could pay Dave Varga, inspection engineer, for a site inspection.

Ms. Evangelista- Move to have inspection engineer review the situation if the m-account is sufficient and accessible for such purposes.

Mr. LaCortiglia- Second
All in favor? 3-0; Unam

Mr. Cracknell- Says he has funding in expense budget to cover this if the board needed to use it and M-Account is not accessible.

Little's Hill – Property Bound Adjustment

Nick refers to memo in file – everything worked out to the satisfaction of the land owner and everything is recorded.

Stone Row – Minor Modification to COV

Mr. Cracknell refers to Exhibit 4 of his Draft Comments regarding the minor modification of the conservation bounds. No action is needed tonight.

Other Business –

Pondview Estates – Request to Release Lot 2 (Mr. Jeff McMath, applicant, is present)

Mr. Cracknell- At the last meeting, Chris Rich wanted to see the bill of sale and the transfer the document that Chris has reviewed. They have a Purchase & Sale Agreement for Lot 2 which is being requested for a release of the Form K. Lot 2 has an existing structure.

Mr. Jeff McMath- Scott Green, previous applicant, had a P&S on Lot 2 and we are following through with it. Lot 2 passed the perc test. The new owner knows about the drainage easement and the driveway is being moved. A new septic system is also being put there.

Mr. LaCortiglia- Are they giving you the right to abandon the driveway and show it as lawn on the plans?

Mr. Cracknell- [To the applicant] The trick for you is to dig the detention basin before getting to binder. The buyer will have to be aware if this. You have to make sure there is a safe passable driveway off of Pondview Lane, but have the other one removed with a hole in the ground.

Mr. McMath- I foresee doing the road and off-site. We will not wait on the sale of a house to do the off-site. We anticipate starting construction right away. I met with Conservation last week. We want the road in before winter. If I'm lucky it will be August or September. Georgetown Realty Trust now owns the property.

Mr. LaCortiglia- Motion to release Lot 2 of Pondview Estates subdivision and approve the Form K.

Ms. Evangelista- Second

All in favor? 3-0; Unam (Mr. Rich and Mr. Howard not present)

Stone Row - Form K Lot Release Request & Surety Request {Exhibit 6 of Draft Comments}

Mr. Tim Ruh, applicant - I requested a meeting with the Board of Selectmen. The surety request amount is \$44,999.83.

Mr. Cracknell- Refers to the Deeds, Lot Release Form K and Final Conservation Restriction that's been approved by DCR and the ConCom.

Mr. Tim Ruh – It's awaiting Board of Selectmen signatures.

Mr. LaCortiglia- Refers to Dave Varga's punchlist and all the underlined items. Are they to be added to a spreadsheet?

Mr. Tim Ruh- They have all been added to the spreadsheet. The revised spreadsheet should be dated with the 21st. Regarding #10 on the report – Dave found only three bounds. Four are missing. We found bounds right behind the underground electric. No bounds were required in the original order of conditions. Dave Varga requested bounds and we agreed to seven at the pre-construction meeting. We agreed to seven total bounds, two will be pipe. This number was approved by Dave who generated the punchlist.

Mr. LaCortiglia- Motion to approve the Form K to be signed this evening and held by the Planning office until the surety check is deposited.

Ms. Evangelista- Second

All in favor? 3-0; Unam

Mr. Cracknell- Asks the Board to consider voting to endorse the Draft Deeds.

Mr. LaCortiglia- Surety is \$44,999.83

Mr. LaCortiglia- Motions to stipulate that the Board has reviewed the draft deeds for Lots 1,2 and 3 and approves their form.

{Conservation Restriction is requested by the Board once it has been registered.}

Ms. Evangelista- Second

All in favor? 3-0; Unam

Mr. Tim Ruh- Refers to the document of the *First Amendment of the Protective Covenants* allowing for horses on the large 19 acre lot of the Stone Row Lane Extension. One prospective buyer asked about using motorcycles and dirt bikes. They are allowed by right now but it is not the intention for motorcross on this lot. This adds to what is already approved. Tim reads the entire covenant to the Board with the only exception being that “registered motorcycles may be operated on the paved driveway of a lot for the purposes of access and egress to Stone Row Lane Extension and the parking and storage of the vehicle on said lot.” This prevents a motorcross area back there. It was supported by the neighbors. This adds a restriction for a potential buyer. On the 19 acre parcel, 12 acres are conservation land with 7 unrestricted. On the 3 acre lot, only .1% is conservation restricted.

Mr. Cracknell- This is the final document to be recorded that states that no dirt bikes are allowed on the Stone Row Lane Extension.

Mr. LaCortiglia- Is concerned that neighbors should agree to the amendment in writing as they had done with the previous amendment. I would like to see a petition from the homeowners. We have to actually vote on whether this is a minor modification or a major modification. A good faith sign off would suit me better.

Mr. Ruh- Says he will get the signatures from the neighbors and bring back to the next meeting.

Mr. Cracknell- The Planning Board has already voted on 1,2 and 3. [To Mr. Ruh] Just bring in the second amendment and the third with a signed support from the neighbors for the third amendment.

Mr. Ruh- I never had a problem with horses on the large 19 acre lot and I will proceed with a separate petition. Mr. Eric Zadina had the petition signed.

Ms. Evangelista- I think this is why people move here so they can have horses on 19 acres of rural land.

Mr. LaCortiglia- Motion to adjourn?

Ms. Evangelista- Second

All in favor? 3-0; Unam

