

**MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, June 9, 2010**  
**7:00 p.m.**

**Present:** Mr. Hugh Carter; Mr. Harry LaCortiglia; Mr. Chris Rich; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp – Asst.

**Absent:** Mrs. Matilda Evangelista; Mr. Howard arrives late

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

**Minutes – Oct 28, 2009**

Motion: Mr. LaCortiglia- Motions to waive minutes until next week.

Second- Mr. Rich

All in favor? 3-0; Unam (Ms. Evangelista and Mr. Howard are absent)

**Stone Row - Amendment to the Protective Covenants**

Tim Ruh, applicant/owner, 8 Stone Row Lane- Passes to the Planning Board the signed petition that was requested by the Planning Board showing support of the neighbors on Stone Row Lane the second amendment of the Protective Covenants.

Mr. Tim Ruh- There are two items to discuss tonight. One was the unfinished business from the last meeting - the second amendment to the covenant which prohibits all terrain vehicles except fro registered motorcycles that can operate on the paved driveway portion of the lot. My request is for approval to record these amendments.

Mr. LaCortiglia- Is this an insignificant change to the COV?

Mr. Cracknell- Yes

Mr. LaCortiglia- Move that we accept this second amendment of the Protective Covenants as a minor modification of the Definitive Subdivision, Lot 14, Stone Row Certificate of Vote, and to approve the additional restriction.

Mr. Rich- Second

**Discussion?**

Mr. Rich- Therefore this is an insignificant change to the definitive subdivision, Stone Row, Certificate of Vote. For the sake of discussion, mopeds don't have to be registered to be legal.

Mr. Tim Ruh– The covenant is just another prohibitive act or provision that keeps with the nature of Stone Row Lane. We don't want to turn it into a motorcross site.

Mr. LaCortiglia - I don't think that anyone is going to buy those 3 lots or build there without understanding the protective covenants. The owner of the property can put any restriction he wants on his property. Only the two direct abutters can enforce it.

All in favor? 3-0; Unam (Ms. Evangelista and Mr. Howard are absent)

Mr. Tim Ruh – Second item for discussion – At the May 26<sup>th</sup> Planning Board meeting regarding Item 8C of the COV - Copies of Deeds for each of the 3 lots shall be submitted to the Planning Board prior to closing. We approved them at the last meeting. What has to be changed is one of the parcels has a potential purchaser. She wants to make sure there are rights to pass and re-pass over the extension. Therefore I have added number 6 to the Deed to what the Planning board approved at the last meeting. I am asking for a vote to accept the Quit Claim Deed template as stated. Stone Row Lane is public and the extension is private.

Mr. Rich- Motion to allow paragraph number 6 to the Quit Claim Deed template for Stone Row extension.

Mr. LaCortiglia- Second

All in favor? 3-0; Unam (Ms. Evangelista and Mr. Howard are absent)

Mr. Tim Ruh- I will obtain the vote from the Planning Office and take to closing showing you approved this template.

### **Vouchers – Total \$2,528.00**

Mr. Rich motions to approve the vouchers.

Second- Mr. LaCortiglia

All in favor? 4-0; Unam (Mr. Howard arrives)

### **Appointments - CPC Appointment**

Mr. Chris Rich- Move to re-appoint Mr. La Cortiglia as Planning Board Representative to the CPC.

Second- Mr. Tim Howard

All in favor? 3-0; Unam (1 abstention- Harry LaCortiglia)

### **Correspondence –**

#### **Parker River Landing Mitigation –**

Mr. Harry LaCortiglia- Move to deem the modification of the Parker River Landing plan a Minor modification.

Mr. Rich- Second

All in favor? Motion carries unanimously 4-0

**Waiver of Further Notice / MGL C 61B Section 9 – Update from Attorney**

Mr. Cracknell- Town Counsel confirmed that the only waiver the applicant is seeking is a requirement that the property owner provide the town departments a 90 day notice. They still need to hold the auction and it is scheduled for this Friday. All departments have signed the waiver except the Planning Board. This property will stay in the program or have to re-enroll in the fall. The new owner has every incentive to keep it's current use.

Mr. LaCortiglia- Motion to authorize the Planning Board Chairman to sign the Waiver of Further Notice pertaining to the notice of auction for the Georgetown Country Club.

Mr. Howard- Second

All in favor? 4-0; Unam

**Development Guidebook – Review Final Draft**

I will be meeting with Patty Pitari and will have the final document ready next week. The Board of Selectmen will approve it at their next meeting.

**Update on Little's Hill Subdivision Plan – Craig Spear**

Mr. Cracknell – We have a request from Mr. Craig Spear to extend his subdivision permit to July 14 ( 2 week extension) to complete roadway improvements. Mr. Spear sent a letter to the Planning office and it is on file in the planning office.

Mr. Rich- Move that the request to extend the Little's Hill subdivision permit be granted as submitted by Mr. Spear to July 14, 2010.

Mr. Howard- Second

**Discussion?**

Mr. Rich- I am not in favor of granting a 2 week extension.

All in favor? 0-4; Unam (Motion does not carry)

**George Cominsky – Water Conservation Discussion**

George Cominsky is present for the Water Conservation Committee. Also present is Tim Purinton with the Division of Ecological Restoration that is part of the Department of Fish and Game and also Paul Lowenstein. We received a grant to address water conservation issues in Georgetown primarily to protect the Parker River, a highly stressed water basin. Part of the grant agreement is to do public outreach to other boards to help us address water conservation issues. Developers will be looking for waivers, you ask for litigation. Special permits certainly require some give back to the town. Paul and Tim are both Planning Board members and have dealt with this issue.

Mr. Tim Purinton - I worked with the town to help pass the open space residential development bylaw a few years ago - Why does Fish and Game care about water conservation? We help communities restore flow to their rivers for flow restoration like removing dams. If you don't have flow in a river, you don't have a healthy and completely functioning river. This is a very important project for us. We want to use Georgetown as a model and take to other communities throughout the state.

Mr. George Cominsky- We also received a staff assistance grant to help us at their disposal. Tim's department works throughout the state and their programs have been very helpful and they came to us regarding the grant. Paul can address some of the things that have been started in town and plans for moving forward.

Mr. Paul Lowenstein - In addition to the fact that the Parker River is a highly stressed basin to conserve water. Georgetown is very near to it's DEP withdrawal permit under the water management act. You are at the limit of how much you can take out of the ground. Another constraint is you have a filtration plant that has been running up to 20 hours/day to keep up with water demands. Creating more capacity can incur a lot of costs. You want some flexibility with economic development and you need water supply capacity. I come from Sharon and they have a lot of parallels. We have reduced our use by 20%. We have done some things with the water, lawn and landscape, Country Gardens, to educate residents on water conservation. Non-essential water use spikes up in the summer. Recently, we had kids at the Pennbrook School go home and pull their water bills and give presentations on how to better conserve water. The newly formed water conservation commission has just passed a rebate for high efficiency toilets and front load washer and dryers. There are a lot of advantages to the new low flow toilets. They do pay for themselves over the life of the toilet with or without the rebate.

Mr. Cominsky- In new development, perhaps you [Planning Board] can address these issues with developers. I know you look for feedback from the various departments.

Mr. Rich – Did you have a checklist for a new developer that we could use for new projects? Just a list of bullets would be helpful.

Mr. Paul Lowenstein – I have experience with water banking that worked very well with a project in Weymouth. They put this system in and based it on Title 5. Over a decade, they reduced their water use from 4.8 million gallons to 4.1 million gallons to get them out of the red zone. Meanwhile, development kept going. This was an administrative consent order, not a bylaw.

Mr. Rich- In the application process, it can be added in that we ask the developer, "Inform us how you're going to assist us with the Town's water conservation program?"

Mr. Purinton- Ipswich did subtle changes to the “Protective Zoning Bylaw.” Mr. Curtain passes out a handout with some ideas used in Ipswich. {Handout dated Sept. 25, 2009 and is on file in the Planning office} He mentions that Larry Graham has experience with pervious pavement applications in some of his projects that reduce costs. He indicates that re-charge is a big issue and reducing storm water runoff and encouraging low impact development are great ways to chip away at this issue. We can advise you on making any changes to your Protective Zoning Bylaws.

Mr. George Cominsky requests that a Planning Board member and/or a Board of Health member attend monthly meetings with the water commission. Mr. LaCortiglia states an interest in attending on behalf of the Planning Board.

### **Bailey Lane – Informal discussion on roadway improvements and subdivision options**

Mr. Cracknell- I received a call from Bill Bartlett, owner/applicant, to meet with he and Tom Manna, engineer, regarding Bailey Lane. The plan submitted two years ago show 2 potential ANR lots on Bailey Lane. Eight acres was going to be retained on the 50 ft. right of way of Bailey Lane. In 2008, the street was not listed on the official town map. Therefore they didn't have a right to submit a plan. Now they have presented a citizens petition to have Bailey Lane added back onto the Official Town Map and their preference is for it to be added as a public way. We had a meeting and the decision two months ago was that the Planning Board add it to the 1984 Town Map after review from Town Counsel. It should have been listed as a private way in 1984 and the Board agreed to add it as a private way. Mr. Bartlett was also in support and came back to work on a definitive plan. We met last Weds. I sketched an OSRD approach and demonstrates this on the map for the Board to donate two thirds conservation land. Both town departments would have an interest in the OSRD plan. I asked them to come and discuss an OSRD layout with the Board or revert back to a definitive subdivision. I recommended that regardless of what plan they choose, the Board would like to see a widening of the road and improvements of Bailey Lane. There are questions about whether it meets vital access standards in it's existing form. Do you feel [Planning Board] want to go with a Conventional or an OSRD plan? I am proposing a site walk. The only thing not on my sketch is that I included a 25' wide cart path that should remain as part of the open space. All the lots could be easily 40,000 sq ft. I think it is important to maintain some sort of access without going down the slope in order to get into the site.

Mr. LaCortiglia- Maybe we should stay at 50,000 sq. ft.

Mr. Bartlett- My preference would be the original ANR plan with as minimal change to Bailey Ln. This road has been that way forever. My personal preference is to make small improvements to the road. We want to dispose of the lots as soon as possible.

Mr. Cracknell- It could be two ANR lots with a large 8 acre lot was the original application. The second phase would be subdivided with three additional lots on the 8 acre parcel.

Mr. Carter- What's the by right?

Mr. Cracknell- Nothing is by right unless you fix Bailey Lane so it's passable. The as of right would be the two ANR lots once the street is laid out and has adequate access and I'm guessing 2 or 3 lots off of a lane. It's either four or five house lots. We do have a groundwater protection district. It goes through the large lot.

Mr. Carter- Therefore there will be 3-5 lots due to a special permit.

Mr. Cracknell - Does it make sense to upgrade Bailey Ln or utilize the ANR frontage to transfer one of the units over to Bailey Lane to create 3 lots?

Mr. Carter- [To the applicant] From a practical point of view, why wouldn't you want to do the OSRD?

Mr. Bartlett- My fear is the approvals won't come for more than a year. The OSRD would make a beautiful property. If you could expedite the process, I don't want this to be hung up for 1 ½ years.

Mr. LaCortiglia- The Town Planner was directing you to do this in the most effective way.

Mr. Cracknell- For what it's worth, a parcel over 10 acres requires you to file an OSRD application even if you want to do the definitive plan. I think it's the right thing to do and it will save you time. It will leave a lighter footprint. I think the town would have an easier time on this project since we just went through this process with Lot 77 Thurlow Street.

Mr. Tom Manna - Regardless of the plan we choose, we will be held to the same standards. We'd like to keep it as a country lane with the improvements we do to the road. We'd like to schedule a site walk.

Mr. LaCortiglia- Let's schedule an informal site walk – Saturday, July 19<sup>th</sup> at 9am.

Mr. Bartlett- There are two Deeds.

Mr. Cracknell- What we need to see the evidence of what the Town actually owns. It's not clear what the town actually accepted in 1973 and 1974. Whoever grants permission to upgrade the road, let's make sure it is either the Town or Mr. Bartlett. If it's privately

held, we never know what the owner would say. Pieces of Bailey Lane were transferred to the Town and is on record at the Registry of Deeds. If there is a third party that owns a piece of Bailey Lane, we need to find that out now before you do any improvements there. I can coordinate a meeting with Peter Durkee and the Fire Dept. after the site walk.

Meeting adjourned.