

MINUTES
GEORGETOWN PLANNING BOARD
Memorial Town Hall – 3rd Floor
Wednesday, August 11, 2010
7:30 p.m.

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

Absent:

Board Business 7:30 p.m.

Minutes – March 24, 2010; July 28, 2010

Meeting opens at 7:34pm.

Mr. Rich- Motion to accept minutes of March 24, 2010 and July 28, 2010 with changes.

Ms. Evangelista- Second

All in favor? 5-0, Unam

Vouchers – None

Correspondence – 19 Nelson Street – update

Mr. Cracknell- Gives summary update of project. I met with John Metivier to understand what went wrong with that application on the building height of the new home being constructed at 19 Nelson Street. It is to go before the Zoning Board of Appeals next week. The roof height is about 5ft taller than what the code allows. I'm trying to see if there is some degree of mitigation that could be considered by the ZBA. The applicant submitted a letter to the ZBA and the neighbors on 8/4/10 that outlines their proposed mitigation. We'd like to know how effective the amendment was and improve upon it in the future to see if it is doing what is supposed to do.

Ms. Evangelista- Did ZBA ask for any input?

Mr. Cracknell- I volunteered to coordinate a neighborhood meeting with the builder, homeowners and their legal representative. I don't think it would hurt to get the Planning Board input. From the last discussion, they removed part of the hill in order to meet the requirements of the building height on topsoil. What was the goal in 2006? Was it related to design? If it was related to design, it doesn't seem to be consistently managing the issue.

Mr. Rich- It should be incumbent upon us [Planning Board] to come up with a workable definition for building height. They [Building Department] should have a checklist of components an applicant has to meet. This is not the first time this has happened. People should not be building structures and then getting approvals. They need the approvals ahead of time.

Mr. Carter- The definition was solely to address the building height.

Mr. Cracknell- This will be brought to Town Meeting. The current inspector has developed a checklist to be used moving forward. This definition may be addressing the issue that came before the Board in 2006. It may need amending because it is not effective. We need to understand it's objective.

Mr. Rich- The building inspector is the enforcement officer that says an architectural drawing does not meet our codes.

Mr. LaCortiglia- Next Wednesday is ZBA's Discussion on this issue. This will eventually require a public hearing and will ~~give~~require notice.

Other Business –

Spofford St. Subdivision Concept Discussion: Pre-Application Conference {Attorney McCann is present for Spofford Street}

Mr. Cracknell- This is a pre-application conference. The applicant has submitted a yield and a cluster plan. This is classified as an informal discussion. The ConCom agent is here tonight. We had a departmental meeting as well this morning. We are also looking to all the department heads for their input. Paul Nelson is here as Chairman of the Conservation Commission to provide his input. The other important aspect is the size, intensity and design layout of the development plan.

1. Does this property make sense to be reviewed under an OSRD Application?
2. The applicant is looking for feedback on the size, intensity and general design layout of the development plan.

This is the first of many meetings if it becomes a formal application under the OSRD with a special permit application. There will be a public hearing with a notice to abutters. We had a site visit with Steve P. in ConCom, Harry LaCortiglia and myself.

Atty. Nancy McCann is present for the applicant - Sales Day LLC is the property owner. With me is Scott Cameron who is the project manager with McKenzie Engineering in Danvers. We just want feedback from the Planning Board at the beginning stages of this project. The property is off of Spofford Street and consists of 75 acres. We are looking

to develop it as a single family subdivision. We are required to do an OSRD plan. Your regulations work well with this property. Scott Cameron will walk you through the Conventional Subdivision plan and the OSRD plan.

Mr. Cameron refers to the location of the property on the map as two parcels. The entrance would be off of Spofford Street on the northern portion of the site. Our conventional or yield subdivision plan shows the plan with a roadway system A & B. The plan is indicated as Page 1 of 2 on the plan which is on file in the Planning office.

Ms. Evangelista- Asks about the constraints of the property?

Mr. Cameron- The constraints are the wetlands and the slopes. Mr. Cameron discusses the OSRD concept plan which is indicated as Page 2 of 2 on the plan which is on file in Planning office. The OSRD bylaw gives us greater flexibility and creativity in the design of the subdivision. The bylaw also encourages the preservation of open space and preserves the property while reducing the amount of impact to the property. We would match the topography of the existing hill and minimize cuts. The limited disturbance would be 6-8 acres. The majority of the property could be preserved under open space requirements. There would be 55- 65 acres of open space preserved which encompasses Baldpate Hill. We can still meet the 60% open space requirement and perhaps go more than that. The OSRD plan shows 14 lots with individual septic systems.

Mr. Rich- Asks for the water system to be looped. How many units are planned?

Mr. Cameron- Conventional Plan – 13 lots; OSRD Plan – 14 lots. I did perc test holes in each of the lots off Road B. They had no water as far down as 10ft. in the subdivision cross section for a 50 ft. right of way is 43 ft. wide. With an OSRD, we want to reduce the roadway cross section by 15 ft. through waivers.

Ms. Evangelista- You are going to build on roughly 15 acres with 2 acre zoning that gives 7-8 homes. You are saying 13.

Mr. LaCortiglia- We may need to see waivers.

Mr. Cracknell- It is important for the client to point out what the waivers are. There are two common driveways. These right-of-ways are allowed under the code through a special permit. It is important for the Planning Board to understand how real that conceptual yield plan is and determine how many units are in the development. This is a conceptual yield plan and it is allowed by-right with two special permits with a common access driveway.

Ms. Evangelista- Did you make another access way to this proposal?

Ms. McCann- No. We have access off Spofford Street. It's been laid out in the area with the least width of crossing.

Mr. Cracknell- They have not filed a plan with ConCom to deal with the crossing. This may be a problem with Conservation and the Board of Health.

Atty. McCann- Our only official filing is with the ConCom to set the wetland line that is indicated on the plan you see tonight. Your input is important. How wide does the crossing have to be?

Mr. Carter- I believe you have the cart before the horse. You should be dealing with ConCom first and not waste your time and money here.

Mr. Rich- I am curious how you see it, Steve [ConCom Agent]?

Mr. Steve Przyjemski – Per the regulations, the yield plan is one lot.

Mr. Cracknell- I don't think anyone is being asked to make a decision. They are presenting a concept/idea. We know there are two wetlands crossings. These crossings are really important issues.

Ms. Evangelista- I am not happy with that crossing. Spofford Road is a narrow road. I would like to see the access way coming through if there's drainage down on Spofford.

Mr. Rich- Asks for lineal footage of the roadway in the OSRD plan.

Mr. Cameron- 1,440 is the total.

Atty. McCann - The more information we can gather now is important.

Mr. Carter- I do like the OSRD plan.

Mr. Rich- This Board is sticklers about the turnaround access of emergency vehicles on roads.

Mr. LaCortiglia- Could you design the storm water management to not use sloped granite curbing?;

Scott- We would certainly look at LID(low impact development) features here.

Atty. McCann- What roadway width is ~~desireable~~desirable?

Mr. Carter- The lesser the better. Less impervious surface the better.

Mr. Howard- How wide is Spofford St?

Mr. Cameron- 18 – 20 ft. wide. The cul-de-sac- pavement circumference is 75 ft.

Mr. LaCortiglia- Cedar Lane is close to perfect in width.

Atty. McCann- Questions the slope?

Mr. LaCortiglia- The more you can safely adhere to the topography the closer your are to the OSRD intent. I can echo the consensus from the Board that I am leaning toward the OSRD plan.

{All other Board members are in agreement.}

Ms. McCann asks the Board about an agreement with waivers that would impact the OSRD design.

Mr. Rich- I think that if it's done safely and maintained, this Board will work with the developer to go to a 9% slope.

Ms. Evangelista- What size are the lots?

Scott- $\frac{3}{4}$ - 1 acre are the lot sizes.

Discussion:

Frank Coppolino, professional analyst- I am an abutter on 30 Spofford St. I also own Lot 21A. I have lived there for 32 seasons. Baldpate hill is the highest elevation in Essex County. {Shows Exhibit A as the proposed entrance which shows a lot of water}

Mr. Coppolino submits a plan that is passed around for the Board's review. The photos Mr. Coppolino presents to the Board were taken in March. What you have is a hill with a network of streams and bubbling water that comes out of the ground. The other concern I have is considerable impact. If I were analyzing this – we are facing an ecological and environmental disaster. Once you start disturbing the property, I will probably not have a house. These photos represent any time between October and June of this year. My fear is that septic will be bubbling up through my property. You have to be there to see this. I say this as a professional and from seeing this for 32 years. The surveyors were up there from Nov. 13, 2009 – Dec 5, 2009.

The intermittent streams are not intermittent. The volume of water is tremendous. Exhibit A and B is tremendous. When I say ecological, I will be presenting photos to the National Heritage. (Mr. Coppolino passes photos to the Board of plants and animals

found all over the property.) This will have considerable impact on these species. This is all informational. He agrees to send a CD to Attorney McCann as well as the Planning Board.

Mr. LaCortiglia- They will have to delineate all of Baldpate Hill. You are right. It is important that we look at that critically. We need very accurate numbers. I just want you to know that it is not soley runoff. The hill fills up and it does this over the course of several weeks.

Mr. Cracknell- The issues are important for the Board to review. I suggest you consider that the application go to ConCom seeking a delineation and seek informal feedback of the crossings. It would make sense to get feedback from ConCom on the crossing. We need to address the issue of endangered species there which could have a major impact before they come back here. The Board of Health of has to be comfortable with the perc test. They need to get the feedback of those two Boards before they come back here. We should also have Larry Graham look at all the waivers after Con Com and Board of Health has given us guidance.

What's most important to get addressed is making sure the wetlands issues are resolved.

Ms. Evangelista- I am in favor of the OSRD but I'm concerned about the waivers. (Road width and slope) I am thrilled that the Con Com agent and Mr. Coppolino are here.

Mr. Przyjemski- I can ask the Commission about this tomorrow night. You may not get a decision. You will receive comments based on the regulations.

Mr. Cracknell- Are you saying that the applicant must file a Notice of Intent or they may not get an answer? From a practical standpoint, I would have a fear that other Boards approve things that are in conflict from another Board.

Mr. LaCortiglia- The OSRD and the Definitive have the same identical crossing. It is a non-issue for this Board. Should we review and move forward with a decision?

Mr. Rich- Our approval is contingent upon the approval of all the other Boards. If the applicant wants to take our Decision to the ConCom, that's their discretion.

Mr. Przyjemski – The applicant could file a Notice of Intent, you will get more formal feedback.

CR- What percentage of the 80 acres is wet?

Scott- 15% - 20%

Mr. Rich- What percentage do you need for roadways?

Scott- 2 acres would be road

Ms. McCann- Thanks the Board. We will also be working with the new development review committee. We will be running this in parallel tracks. We will then decide the next step with the input from Conservation and come back with a more detailed plan. A site visit right now would be a bit premature. We can do an NOI. We will get more engineering done first.

Mr. Rich- I also just want to remind you of the Affordable Housing component for this project.

12 & 14 Prescott Lane – ANR Lot Line Adjustment Plan

Mr. Cracknell- John Paulson is the surveyor. The original plan did not show the easement. George Cominsky gave me a copy of the deed and the original plan that was sent to your surveyor. I presented the revised plan to the Assessors office. That strip has been shown as fee ownership of Wildlife management. Their impression is that it is an easement. The reference to the easement is on your deed.

Mr. LaCortiglia- My understanding is the deed itself was given to the Town of Georgetown. I don't know when it was deeded to the town. Your frontage changes. That is a 10' ft wide strip that ends at the cul-de-sac and the deed reflects that the easement is owned by the Town of Georgetown.

Mr. Cracknell- There should be a plan reflecting the donation. John Paulson needs to make the correction to the mylar. As long as John gets it right, the Board only needs to sign the corrected mylar.

Mr. Rich- Motions to adjourn and move to executive session with no intention of coming back to the general meeting. Executive Session is for the purpose of discussing litigation for Chaplin Hills.

Mr. LaCortiglia- Second
All in favor? 5-0; Unam

Roll Call:

Mr. Carter - aye
Mr. Howard- aye
Ms. Evangelista- aye
Mr. LaCortiglia- aye
Mr. Rich- aye

Meeting adjourned at 9:58pm.

EXECUTIVE SESSION MEETING MINUTES
GEORGETOWN PLANNING BOARD
Memorial Town Hall – 3rd Floor
Wednesday, August 11, 2010
10:10 pm

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

Absent:

Mr. Rich- Motions to adjourn and move to executive session with no intention of coming back to the general meeting. Executive Session is for the purpose of discussing litigation for Chaplin Hills.

Mr. LaCortiglia – Second
All in favor? 5-0; Unam

Roll Call:

Mr. Carter - aye
Mr. Howard- aye
Ms. Evangelista- aye
Mr. LaCortiglia- aye
Mr. Rich- aye

Executive Session: Chaplin Hills

Board enters into Executive Session at 10:10pm.

Mr. Cracknell- We need to talk about moving forward.

Mr. LaCortiglia- Chris asked about certain dates. As far as SafeCo responding – there was a filing date and a receipt date. The original date to respond was August 12th and they have been given an extension to September 3rd. They are to respond tomorrow with the extension date. I don't see why if we are moving forward would want to grant them extra time. Then we get a default ruling. SafeCo was granted an additional 2 weeks.

Mr. Cracknell- My impression is that they would go to the judge to ask for the extension.

Mr. Rich- My impression is that the attorney [Kopelman & Paige] get the permission from the Board before granting the extension. I think we lost a very good opportunity to force them to come over to our side.

Mr. LaCortiglia- If the judge declared them in default, this would be over.

Mr. Rich- He does not have the authority to grant extensions.

Ms. Evangelista- It is a courtesy to talk to the Town Administrator.

Mr. Cracknell- How do we proceed?

Mr. Rich- We need to let Kopelman & Paige know of our disappointment. You have 20 days to answer a summons.

Mr. Carter- Refers to the schedule from the court. The planning office received this tracking schedule and it is on file in the planning office.

Mr. Cracknell- They had very good reason to believe that the extension would be granted by the judge and provide no benefit to the town.

Mr. Rich- Based on our meeting with K&P, to hold their feet to the fire and granting an extension without approval from the Board, we feel was inappropriate and any further extensions have to be brought to the Planning Board for approval.

{ All Board members agree with Mr. Rich's course of action above }

Meeting adjourned.