

GEORGETOWN PLANNING BOARD
Wednesday, August 25, 2010

Attendees: Harry LaCortiglia, Chairman; Matilda Evangelista; Christopher Rich; Tim Howard, Nick Cracknell, Town Planner; Laura Repplier, Minutes

BOARD BUSINESS

Mr. LaCortiglia calls the meeting to order at 7:40 pm.

CORRESPONDENCE

19 Nelson Street

Mr. Cracknell – The ZBA met for the second time regarding this house, which was built 5-6 ft taller than permitted. The Building Inspector cited them. They applied for a variance. There was interpretation of the building height regulations & the ZBA considered reasonable mitigation instead of reducing height. I introduced the applicant & owners the idea of landscaping walls to reduce the visual impact, landscaping with evergreens to screen the lower stories on that side & rear. The ZBA approved the application 5-0. The applicant did a better job in showing how they arrived at that situation and it came to be built higher than allowed. They showed the mitigation how it would affect neighbors the community. Ed DesJardins said the mitigation was significantly better than denial of variants & the removal of the roof. The meeting was well run & deliberation was comprehensive. There was good questioning, the neighbors were helpful. This outcome is best of a bad situation. The current Building Inspector will lead us that way in future, always checking for understanding of many questions. It will come out of the 20 day appeal period & move on. Should we change the definition of height? We should work with the ZBA & building department to evaluate if anything needs to be expressed better in the zoning definition.

Mrs. Evangelista – I commend you for bringing it all to a good, satisfactory conclusion.

Mr. Cracknell – I am hopeful, though some neighbors were not present.

Mr. Howard – How tall is the retaining wall?

Mr. Cracknell – It is already 4-4.5', increased 18" to come up to the first floor height, to screen 3.5 story height from that side. It looks better than it did when it first started. The mitigation costs about \$20-25k, so the applicant didn't get a free ride. It was a real cost to fix it.

Planning Board Members – Kudos to Mr. Cracknell.

Whispering Pines – Release of Funds

Mr. Rich – I reviewed the information packet on Whispering Pines that the Inspection Engineer signed off. In his opinion he endorses the release of \$14,320, subject to a brief explanation of “inspected by others”.

Mr. Cracknell – Yes, this was before our current inspector.

MOTION to release the balance of the tripartite agreement of \$14,320 to Artisan Development.
Mr. Rich / Mr. Howard /

Mrs. Evangelista – Is this what the selectboard was discussing on Monday?

Mr. Cracknell – The Board of Selectmen (BOS) ordered the taking of 1 Pineneedle Lane.

Mr. Rich – It was in foreclosure anyway.

Mr. Cracknell – The BOS received a signed deed from Deutsche Bank. We will receive the deeds & record them on Monday. The street acceptance plans will be recorded.

MOTION AMENDED to release the balance of the tripartite agreement \$14,320 to Artisan Development. Authorizing Mr. LaCortiglia to sign as chair. Mr. Rich /

Rich Williams, Artisan – I hired my own counsel to prepare the deeds, got signatures, the deed for the roadway and lot owners. They have been recorded. It was a substantial expense.

Mr. LaCortiglia – We always pay for road acceptance anyway. It is from Chapter 90 monies for every foot of roadway we accept. That’s why we keep accepting roads.

Mr. Rich – The town is only picking up the expenses of counsel telling us everything is OK to go ahead. The applicant paid everything else. We may have made some money on the deal.

Mr. Howard – The trees aren’t looking good. What happens if they don’t make it.

Rich Williams, Artisan – The trees were stressed as there was no rain for 2 months, but all look like they will make it now. I have extra trees up there and could replace it, but don’t expect it to happen.

Mr. LaCortiglia – Any there any undeveloped lots?

Rich Williams, Artisan – No, I started the last one this week.

MOTION AMENDED to release the balance of the tripartite agreement of \$14,320 to Artisan Development. Authorizing Mr. LaCortiglia to sign as chair. Mr. Rich / by unanimous consent / Vote is unanimous

Little's Hill – Fence Update

Bypassed as there is no information.

OTHER BUSINESS

12 & 14 Prescott Lane – ANR Adjustment

Mr. Cracknell – Two significant changes were made from the last meeting. A 10' strip was added as easement. The plan was adjusted to show 10' area as in fee ownership to Town of Georgetown. It has been recorded in book and page. It affected the remaining frontage for Lot 16A. So parcels Y&X were reduced slightly in accordance with the easement changing. I think it is right now.

Mr. LaCortiglia – Neither lot has less than 160' frontage, as required.

Mr. Cracknell – The signage is there to show that town owns it.

MOTION to endorse and sign the plan “Lot line adjusted plan at 12 & 14 Prescott Lane, Georgetown, MA” revision dated 8/11 and 8/19/2010. Mr. Rich / Mrs. Evangelista / Vote is unanimous.

Mylar plan is signed by GPB members.

Caribou Court Subdivision

Rep: Mr. Nilson Tidd, Owner

Mr. Nilson Tidd, Owner – I requested an extension, as mentioned in my letter. It was approved in 2004, but was held up by legal issues for a couple of years.

Mr. Rich – Was this before the new law?

Mr. Cracknell – Yes, that was September 10, 2008. The date it was set to expire was Dec 3, 2010.

Mr. Rich – This falls within the new statute?

Mr. LaCortiglia – Yes.

MOTION to extend the sub-division permit for Caribou Court to Dec 3, 2012 – Mr. Rich / Mr. Howard /

Mr. Rich – Would that be consistent with the new Economic Development Reorganization Act signed Aug 5, 2010 – Sec 173A of that act?

Mr. LaCortiglia – It is a moot point, as far as I am concerned. I don't remember ever not extending in the past.

Mrs. Evangelista – Why would we go beyond the 2 years?

MOTION to extend the sub-division permit for Caribou Court to Dec 3, 2012 – Mr. Rich / Mr. Howard / Vote is unanimous

Mr. Nilson Tidd, Owner – Is there a fee?

Mr. Cracknell – As I understand, based on board conversations, it had not previously been changing fees for minor modifications because the fee commences at \$500 per lot. It is a minor modification. It seems excessive if it is minor.

Discussion of dates, relevant to changes in statute and progress of project.

Mr. Rich - \$500 per lot seems excessive, so a reduced fee would be in order.

Mr. Cracknell – My recommendation would be that half that fee would be appropriate as a ceiling.

MOTION to reduce the fee to \$250 – Mr. Rich / Mrs. Evangelista / Vote is unanimous.

Mrs. Evangelista – I would like the Town Planner to get in touch with Town Counsel to discuss whether consider extensions as part of

MOTION to ask the Town Planner to consult with Town Counsel to clarify whether any approval of 173A of Act relevant to the Economic Development Reorganization covers any project that is in existence only due to a then in-existence extension – Mrs. Evangelista / Mr. Rich /

DISCUSSION

Mrs. Evangelista – “The Act includes a significant provision for land use permit granting authorities, one that will extend the duration of certain land use approvals” What is certain land use?

Mr. LaCortiglia – The bottom line is if they come forward within the period, it is automatically extended. We regularly extend them anyway. It is in the benefit of everyone if the land is developed and tax revenue comes in. If there were a valid reason to not extend, the board could find a legitimate reason not to extend.

Mr. Howard – If the permit expires, so does the buildability.

MOTION to ask the Town Planner to consult Town Counsel to clarify whether any approval of 173A of Act relevant to the Economic Development Reorganization covers any project that is in

existence only due to a then in-existence extension – Mrs. Evangelista / Mr. Rich / 1 Aye, 3 Nay

Subdivisions Water Conservation Checklist

Mr. Cracknell – Three weeks ago I met with George Comiskey, Tim Purinton, and Paul Lowenstein looking at water concern measures. Tim gave a 1st pass at amendments to make subdivisions more water friendly, with Low Impact Development (LID), looking at stormwater management. There is also a set of water conservation and stormwater checklist for new subdivisions. The difference between site approval and sub-division approval includes water conservation techniques, including swales, and high efficiency appliances. Those items made more sense to us to go to the Water Commission as it is their regulations rather than ours. We would look at the road design, stormwater etc. The others go to the Water Commission to see if they adopted the necessary state provisions. New developments have lighter water use – according to the Planning Board, Water Department, and Conservation Commission. Tim Purinton provided handouts at the site visit at Partridgeberry Place, Ipswich. It was an opportunity to see LID techniques. There are 20 lots in a cluster sub-division, so we saw LID techniques at work. It would be useful as we go along to set a date to get together again and talk with Tim again. We should get the rest of the board to do another visit to see the Partridgeberry solutions. The project was not originally approved with low impact construction. It was retro-fitted, so needs adjustment.

Subdivision Regulations – Amendments

Mr. Cracknell – Looking at water conservation and LID techniques, if we are going to make adjustments for that there are also other adjustments. In particular, the Thurlow St development with court concern by the Fire Department. I know that pull boxes are no longer required by the Fire Department as there is a proliferation of cell phones. They also enumerate the fee schedule for special permits, not waivers for modifications. We need a 2-tiered structure for modifications, etc. A list of changes of changes should put on a list & prioritized. Once we get through LID, we can go on to this with some board members working with me.

Mr. LaCortiglia – Is there a list?

Mr. Cracknell – The list is on page 3 of my comments for this week. There is a list for subdivisions, and a longer list for zoning.

Mr. LaCortiglia – It should go out by email and be added to.

Mr. Cracknell - And put on the next agenda for Sept 8, regarding who would like to work on the amendments. We need a more complete list, and need an action item of who is working on it. I am preparing draft amendments for discussion.

Mr. LaCortiglia – Send it out and we'll collect the list for the next meeting.

Official Town Map – LTA Request

Mr. Cracknell – I don't have many comments to offer, in addition to the comments at the last two meetings. The draft map in ArcView will adjust when 7 streets are added next week. We need to get ahead of MVPC and decide how much work needs to be done to bring the new map to town meeting. We need to find out what the necessary hours might be. We can now give him an ArcView map and he can work from that.

Mr. Rich – When bring a street to town meeting for acceptance, do we also certify that it is ADA compliant?

Mr. Cracknell – No.

Mr. LaCortiglia – What in regulations require that?

Mr. Rich – Don't we require a certain number of handicapped curb cuts?

Mr. LaCortiglia – Add that to the list.

Mr. Cracknell – I will ask Dave Varga if our current specification is up to standard.

Mr. Rich – And include at any request at town meeting that it has been signed off by the ADA Co-Ordinator. Old roads would be grandfathered, only new construction would be affected.

Mr. LaCortiglia – The regulations relate to the latest standard, if not, we will add it.

Mr. Rich – At Littles Hill one of the items was the handicapped ramp. It was in that plan.

Mr. Cracknell – It is in there, but the question is to how explicit it is.

Mr. Rich – In the future Chapter 90 funds will ask if it is ADA compliant. It will ask for certification. If it is on file, it will be easy.

Mr. Cracknell – I will meet Jerrard before the next meeting to get an estimate of time for the next meeting. MVPC sent out a message from Mel King Development Corp, Roxbury. They are putting on a mixed use real estate training seminar in Framingham, for 3 days. I would like to go. It is \$300 for non-members. I asked to go with a scholarship. They authorized that I could go for the members fee of \$150 as it is professional development, as it would be useful for dealing with mixed use development in Georgetown.

MOTION to authorize expenditure of up to \$150 for tuition purposes for the Town Planner to attend the upcoming Mel King Institute seminar and immediately adjourn after the vote – Mr. Rich / Mr. Howard / Vote is unanimous.