

Meeting Minutes
Georgetown Planning Board
Wednesday, January 14, 2009
7:00 p. m.

Board Business 7:00 p. m.

Present: Mr. Hugh Carter; Mr, Harry LaCortiglia; Mr. Tim Howard; Mr. Christopher Rich; Ms. Matilda Evangelista; Mr. Nicholas Cracknell, Town Planner; Ms. Carol Fitzpatrick, Minutes Recorder

Absent:

Minutes: December 10, 2008

Mr. LaCortiglia: Chris Rich arrived at 8:15 pm that evening. Let's make a note of that on the minutes at the top by the attendance. I have no other corrections.

Mr. LaCortiglia: I make a motion to accept the December 10, 2008 minutes with the corrections noted.

Mr. Howard: Second

All in favor? 5-0; Unam

Vouchers: \$9094.26 -six vouchers in total. BSC, Dave Varga: Blueberry Lane; Rock Pond; Whispering Pines; Deer Run- inspection of entire project and closed out by Dave Varga; a \$200 deficit for Blarney Court is mentioned & not included here; \$206 carry over to set up BSC pre-construction meetings; WB Mason vouchers: \$1570.00.

Mr. LaCortiglia: Motion to accept the vouchers for \$9094.26

Mr. Howard: Second

All in favor; 5-0; Unam

Correspondence:

a) 65 Jackman Street-request to release \$2,500 bond (Form J)

Mr. Cracknell: This was a site plan review. We pulled the file from the basement. I didn't get a chance to go through it – it's 2 inches thick. The question is whether a building permit has ever been issued on this project. If the permit had been issued then this money would have been posted for this project in order to have the planning office to sign off on the release of the lot. A building permit will not be issued without a sign out from our office. No building permit has ever been issued for this address. Surety will be posted again prior to the construction of the project. Site plans don't expire.

Mr. LaCortiglia: I think they wanted to build an addition to a garage. I don't know what happened after the OOC was issued from the ConCom.

Ms. Evangelista: Do you know why the planning board asked for surety?

Mr. LaCortiglia: Wetland planting was the ConCom issue.

Mr. Rich: Is this a dead issue? How long is the approval good for?

Mr. Cracknell: Site plan reviews can go on forever. They need a building permit first to execute the project. If the file is complete, they need to post surety in advance and pay \$2500.

Mr. Howard: I have never heard of surety for an addition.

Ms. Evangelista: We need to be careful when we are asked to return money. I think we need more detail on this. We are all new and this happened before us.

Mr. LaCortiglia: What was the purpose of the bond, what were they providing surety to the Planning Board for?

Mr. Cracknell: I can figure that out once I look in the file. We can continue this until the next meeting.

Mr. Rich: Who is requesting the release?

Mr. Cracknell: The attorney representing the applicant. I can't believe that they will have a problem with us postponing this 2 more weeks after all these years.

Mr. LaCortiglia: We need to pull the site plan approval from 2003 and see what it says.

Mr. Rich: Has anything been done to the property?

Mr. Cracknell; No building permit has been issued. That is all I know.

Mr. Carter: Do we need to send someone out to look?

Mr. Cracknell: Let's start with looking at the file and a drive-by wouldn't hurt.

Mr. Howard: Motion to request to postpone the discussion of the release of the \$2500 Bond to the next meeting.

Mr. LaCortiglia: Second

All in favor; 5-0; Unam

b) Whispering Pines Tripartite agreement

Mr. Cracknell: This is just a record of the amended tripartite to the Board. The tripartite was signed and co-signed by the developer. Later in the agenda we will get to the issues in front of the CC and the orders of conditions to be extended. What I would like to do is go to the next CC meeting and go before the CC board and advocate the Board's position to get those extensions for the roadways and 3 or the five lots need an extension on the OOC. Right now the developer has signed the P&S but has not closed on the property due to the OOC and the conditions that have not been met. The BOH have been squared away with respect to those extensions on the septic permits but they have not gotten the extensions from the CC. Steve P. and I are going to do whatever we can at the next CC meeting to get this across the finish line and have the project get started.

Mr. LaCortiglia: Had the applicant formerly applied to the ConCom for the extension?

Mr. Cracknell: I believe they did. There are many question at this point for the commission. The bank was not represented at the meeting, it was the developer's attorney from the buyers side. Hopefully we can resolve these issues at the next CC meeting and thing can get done according to the original approvals.

Pulte Homes update

Mr. Cracknell: We provided Mark Mastroianni on behalf of Pulte with the completed Form J, which was a release of all the funds with the exception of \$200,000 per the board's last meeting. Mark has contacted National Grid again to set up a follow-up meeting as we requested with myself, Steve P from CC, and Steve Towle, the lawyer from Nat. Grid, to talk about our agreement for the components at the rear of the site: the blocks, berm and planting plan. I am trying to coordinate that with Steve to see if we can have the meeting in the next couple of weeks. I prefer to have the meeting here in Georgetown and not in Westboro. Mark is trying to close that loop and get a formal response from Nat Grid that we can share with the rest of the board. I will keep you posted.

Mr. LaCortiglia: Regarding the Larry Graham letter and the as-builts for Parker River Landing, there are a couple of changes to be made to Page 2 of the revised plan before the acceptance?

Mr. Cracknell: I presume that Mark got that letter and that Pulte will be making the required adjustments and that will be a part of our final sign off. That will not be lost in the shuffle. Larry will not loose that in the shuffle.

Other Business -

Deer Run-Extension of Time form:

Mr. Cracknell:The project as I understand from speaking with Dave Varga is complete. There appears to be a few punch list items for the developer in getting their COC from Steve and CC for wetland-related permitting. The required CC Signs need to put on the granite markers around the conservation areas . We have not received as-builts. That needs to be done prior to releasing the surety. And I am not sure the HOA documentation has been put together properly. There are 4 lots, 2 are occupied, 2 are not being built on at this time. It is a 4 lot subdivision, it is a private way, there's drainage, there are basins, and a paved roadway that all need to be maintained by the four owners in the association. It is convoluted and complicated in how the project has been developed. It has been transferred by several developers over time and I don't think that the documents were put together properly the first time. There is some kind of HOA that has been put together but the Attorney is not clear on what has been recorded. He has sent me a boilerplate on that he thinks is an appropriate HOA for the development. I am not so sure he is there. I would like to have Chris look at it. We are not ready to sign off on the HOA. I will bring any info from CC before the board at the next meeting.

Mr. Carter: We don't release any funds until we have a signed HOA, right?

Mr. Cracknell: I would like to get a form H signed. Dave told me that it is complete. The fill is affecting the drainage from the roadway/driveway the CC would like the developer to put the culverts in.

Mr. LaCortiglia: There are drainage problems with water coming down from other properties in the area. Larry Graham was brought in on that. Be very careful with the water drainage issues.

Mr. Rich: The basins are lined with rip rap.

Mr. Cracknell: I think it is worthwhile for the developer in working with CC on the existing drainage issues be given the extension they asked for, a 6 week extension (Feb 6) that is 4 weeks from now.

Mr. LaCortiglia: Why don't we go to a quarter?

Mr. Cracknell: I don't have a problem with that. Why don't we go to 3/31?

Ms. Evangelista: the HOA, was that agreement linked to any problems for that area?

Mr. Cracknell: It is only for the property.

Mr. LaCortiglia: I would like to make a motion to authorize the Chair to extend the period of time for the Subdivision Permit for Deer Run to March 31, 2009.

Mr. Howard: Second

All in favor; 5-0; Unam

Mr. Cracknell: The Form J came in today at 5 pm with some form of an attempt for an HOA. There was a request under the Form J to release \$30,000 of the surety which is almost \$40,000. Atty Harris was aware that the HOA was needed to release the surety and that is why the HOA was attached. What I have said to the applicant regarding this fax is that I would recommend to the Board that we send this fax off to Dave Varga for him to evaluate the reduction in surety with relation to the items that need to be completed, such as the as-builts and have the CC signs put up by the end of the week.. Dave should also receive some feedback from Chris Rich on the HOA since it is a legal exercise.

Mr. Carter: Are those culverts going to come into our jurisdiction? Does the CC possibly have no jurisdiction?

Mr. Cracknell: We will look at that. I am not sure. I will speak with Steve to see if they have jurisdiction. Again, I will ask Dave to look at the email, focus on the as-builts and the CC agents letter, the HOA material and make some kind of decision by the next meeting (the 28th) to see if some of the surety can be reduced. We need to withhold a sufficient amount of surety to finish the culverts .

Mr. Rich: I have a problem that the applicant did this at 5pm on the day of the PB Meeting

Mr. LaCortiglia: Would it be possible to get a copy of the decision? I was not on the board at the time, in 03.

Mr. Cracknell: Motion to send the fax to Dave Varga for his review and estimate of costs for surety

Ms. Evangelista: Second

All in favor; 5-0; Unam

Stone Row-neighborhood meeting schedule

Mr. Cracknell: There is not much to report here. I called one of the two applicants last week to see when the meeting had occurred and it has not yet been scheduled to the best of my knowledge. I did request notice from the applicant I spoke with that I would be notified a week in advance and have other board members also attend the meeting. I will put another call in this week to the applicant and to other members that have been in communication with Michele and myself.

Mr. Carter: Has anyone from Stone Row called the office to see if there have been any meetings?

Mr. Cracknell: I believe not. Michele was going to call one of the neighbors who was in attendance at the last meeting on Dec 10th to request a copy of the original Covenant.

Mr. Rich: Didn't one of the neighbors say they were going to provide it?

Mr. Cracknell: One of them was supposed to do that. Michele was going to call this afternoon. I will make sure we do that.

Ms. Evangelista: Has Michele been keeping a record of all of the contacts? This has been going on for a long time.

Mr. Cracknell: Stayed tuned and we will get back to you on this

Whispering Pines - ConCom memo

Mr. Cracknell: I gave you the overview. I do plan on attending the meeting (ConComm) on next Thursday. The intention of the memo is to give a brief overview and why we have done what we have done to see this project through to closure. I am not aware that there are any outstanding issues that we haven't been presented with. The applicant's Attorney will be there and possibly a representative from the Bank. I will cc a memo and send it to the board in advance if I do one.

Subdivision Review - Pondview Estates and Twisdenwood Farm

Mr. Cracknell: I would like to send a letter with permission of the Board after we read it in advance of the 28th and send it to the applicants of Pondview and Twisdenwood Farm reminding them that they are in extension and that their extension lapses the end of March. That we would like to have them here before the Board in the beginning of March and show us where they are in their design process because the project has to move forward or be withdrawn. We need to give them some notice in advance.

Mr. Rich: Please separate them. I will not participate in Twisdenwood.

Mr. Cracknell: I will separate them and draft 2 different letters. They are 2 very different circumstances. Pondview Estates was supposed to do some soil evaluations with Larry because there have been problems on that piece of land in the past that Larry is well aware of. Larry has a long set of experience in dealing with this piece of land for other developers. The weather is now working against us I think we do need to hear if that is the only issue with that development. Twisdenwood has backed up and said they will look at the OSRD because they missed that in their application requirements. They are now up against the weather and the market. Twisdenwood needs to get the perk test to get the OSRD. The BOH will not do a perk at this time of the year. I am not suggesting that the board will

cut them off on the 31st. They need to provide us with a status report in a face to face mtg. Just the applicant needs to be here.

Amendments Subdivision Regs: Continuation of the Public Hearing

Mr. Cracknell: Opens the continuation of the Public Hearing on Amendments to the Subdivision Regulations

Mr. LaCortiglia: The subcommittee met on Jan 6. We can do the amendments as motions.

Mr. Carter: Let's do them as motions.

Mr. LaCortiglia: I make a motion to change Chap 365.51 C (1-2), by strike paragraphs 1 & 2 and replace with the following wording: There shall be a total of twelve (12) inches of compacted gravel base provided as required in Sketch "B" provided in two compacted lifts of six (6) inches each. Compaction shall be ninety five percent (95%) of theoretical density.

Mr. Rich: Second

All in favor; 5-0; Unam

Mr. LaCortiglia: I make a motion to 365.51K The suggested change is add the following sentence to the end of the paragraph: In the event that the planning board waives the vertical granite curbing requirement to allow sloped granite curbing, the construction standards for installation shall conform to Sketch "B".

Ms. Evangelista: Second

All in favor; 5-0; Unam

Mr. LaCortiglia: I make a Motion to change the existing language to 365.52 A & B, Strike both paragraphs A and B; replace with the following wording:

(A) All materials shall be removed for the full five (5) foot width of the sidewalk. Construction standards shall conform to sketch "B".

(B) There shall be a total of twelve (12) inches of compacted gravel base as required in sketch "B" installed in two (2) compacted lifts of six (6) inches each. The compaction shall be ninety-five percent (95%) of theoretical density. The final maximum sidewalk cross slope shall be one and a half percent (1.5%) with a construction tolerance of plus or minus one half percent (0.5%).

Mr. Rich: Second

All in favor; 5-0; Unam

Mr. LaCortiglia: I move to revise Sketch B with more detail insets and a change to the overall sidewalk slope to 1.5% .

Mr. Rich: Second

All in favor; 5-0; Unam

Mr. LaCortiglia: I make a motion to redraw Sketch E, replacing the detail of the Sloped Granite Curbing with the Mass Highway Standard drawing. Subcommittee also suggests adding a vertical granite curbing detail to sketch "E".

Mr. Rich: Second

All in favor; 5-0; Unam

Mr. Howard: Motion to allow the use of up to \$500 from the Planning Board expense account for updating the Sketch B&E. (Larry Graham estimates \$250 for each sketch.)

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

Mr. Cracknell: With regard to 365.39, all we are trying to do is get what we obtain of a definitive subdivision. They always show you where the houses are going to go.

Mr. Rich reads amendment.

ARTICLE V Contents of Definitive Plan Editor's Note: See MGL c. 41, § 81Q.

§ 365-39. Attachments.

B. Site survey map. A site survey map shall contain a title block, bar scale, north point, permanent monument with its height above mean sea level related to USCGS data, existing and proposed topography based on a current survey showing date of survey, contours at two-foot intervals, existing watercourses and drainage ditches, including direction of flow, with existing spot elevations from their respective source of entrance into the subdivision to their respective termination or exit therefrom, swamps, other bodies of water and low areas subject to flooding, all existing drainage structures with elevations, natural and historic features, major site features such as rock ridges and ledge outcroppings, outline of existing and proposed buildings, driveways, streets, trails, etc., exact location of percolation tests and of test pits, if any have been taken, with attached table showing date of test, reading of maximum groundwater table elevation and core samples, all related to USCGS data, floodplain zoning limits, adjacent developments. Proposed streets, driveways, building locations and lot lines shall be shown in a general manner. Scale shall be one inch equals 40 feet unless the Board previously authorizes a different scale. It shall show existing streets in or within 100 feet of the subdivision, indicating location and name, type surface and width of pavement and right-of-way, profiles within subdivision, spot elevations outside to define grades. It shall show existing utilities, size, type and location as to water mains, drains and culverts, wells, septic tanks (fields), gas, electric, telephone, cable television and other overhead or underground utilities. **[Amended 7-18-1973 (Amdt. B)]**

Ms. Evangelista: I have amendments from other communities that are easier to read. I think this is mindboggling.

Mr. LaCortiglia: It is dense. It is all there. It does sound like legalese, doesn't it?

Mr. Rich: Rather than break it down sentence by sentence, it is better to do it this way.

Mr. LaCortiglia: Motion to amend 365.39 Paragraph B to be as read by Chris Rich and referencing the memo by Nick Cracknell on Jan 14, 2009 regarding Subdivision Amendments to subsection 365.39

Mr. Rich: Second
All in favor; 5-0; Unam

Mr. LaCortiglia: The only other thing is an update to some of the forms and Michele is doing that.

Mr. Cracknell: And the fees. I did not get to these this week.

Mr. LaCortiglia: I would like to make a motion to continue this Subdivision Regulations Public Hearing to Feb 11th 2009.

Mr. Howard: Second
All in favor; 5-0; Unam

Planning Board Budget Memo

Mr. Cracknell: This was submitted to the town administrator on the 23rd of December. I sent it out before Christmas. It is for level services. It does represent the transfer of the \$2000 from the expense account into salaries to cover the minute taker and other administrative costs that we might have during the calendar year. What I have been asked to do is to substantiate the number with a breakdown of how the salary is spent. I have also been asked to give a budget with a 5% reduction.

Mr. Rich: I have a problem with one thing. If we line item positions and pay we are glued to it. You broke it down. I would request that we have the latitude to do with the board feels is right with the level funding.

Mr. Carter: If it is one line item in the budget, let's give them one number.

Mr. Rich: Let's keep it 2 items and not 5 items.

Ms. Evangelista: Did we return money last year?

Mr. Cracknell: Yes, not a lot, because we did the Pictometry and it was \$3000. We returned less than \$1000. We definitely have money coming in.

Mr. Rich: Another department in the town had its budget voted by line item and when they wanted to combine the pay with the pay of another position it couldn't be done because it was voted at Town meeting that way.

Mr. Cracknell: There is a Fin Com meeting on Feb 4th.

Mr. Rich: I propose a motion that we present the Planning Board's budget as detailed on page 4 from Nick Cracknell's memo of 12.23.08 to the Financial Advisory Board

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

Mr. Cracknell: Second item on the agenda: Potential Zoning amendments for the spring town meeting. There are 4 zoning amendments that I can think of. There are at least 10 items within the amendments that could be changed. Send me an email with items that bother you. Inclusionary bylaws are probably

the most difficult. The second relates to a Wind bylaw. It exists by the states. There is a Green Communities Act offering \$10M in state grants that we could take advantage of.

Mr. LaCortiglia: We would love to see the model bylaw.

Mr. Cracknell: Let me bring the model forward and you can look at it.

Mr. LaCortiglia: Are you envisioning an overlay district for the wind power?

43D Rezoning

Mr. Cracknell: Reads Article 1- General Provisions

National Ave Industrial District Zoning map changes

We should consider rezoning the residential lots along National Ave from Residential A to Residential B in order to better align the zoning district boundary within the lot lines

Mr. Cracknell: I met with Tom Kennedy, the developer who came before the town meeting 2.5 years ago. Nick shows the National Ave property maps. Nick shows all of the districts on Tom Kennedy's maps. In his mind if he is going to use his property for commercial use. What is the public purpose of the the arrowhead coming into Rowley? He has a site that is bifurcated by wetlands on both sides. My guess is that that they took a measurement in the 60s and 70s. Mr. Kennedy presented his issue to me on Monday morning. What do we do with the wedge; why is it here and why do we keep it? Some of today's regulations may not make sense for some of our local land use.

The upside is to create a commercial tax base for the town. I want to be able to differentiate the present from the past. We need a committee and staff, a feasibility study. We want 43D to staff the development of these properties.

Mr. Rich: Someone like Tom Kennedy will build no matter what. People were made to be afraid at the town meeting that some businesses would go out of business if these big box stores went through.

Mr. Cracknell: We should consider rezoning the back wedge of the land. The best use of this land is retail. I think we need a larger 43D district. We are fighting with a lot of other communities for this. We need a very open and transparent process between now and town meeting including the PB, CC and the Zoning Board. There are 92 acres, minus the wetlands and and buffers and we probably have 40 acres of developable land. Kennedy, the Mirra family and Berry have talked to Mass Highway about building a Park and Ride on that land. The Mirra family and the Enos family are on board with us in favor of expanding the 43D rezoning district within the town. There is a large amount of wetlands within these properties. Permitting is a big disadvantage for these property owners.

Mr. Carter: What would happen if the maximum amount of square feet gets developed as industrial/commercial? We get a certain amount of tax revenue for that. How does a Park and Ride eat into that tax basis?

Mr. Cracknell: It could be substantial. We will get nothing because it will be tax exempt. Nothing that we will do will take away Mass Highway's right to do this. They can potentially take up to ½ of the

buildable 45 acres by eminent domain to do a Park and Ride. They are working on a 1-2 year time frame and are way ahead of us. They want vacant land. They are now doing appraisals. If there are buildings out there on the land I can't believe they would tear them down. There must be some synergy between a Park and Ride and something beyond a donut shop. Then we need to decide which side is best for development.

Mr Carter: I think we need to move forward.

Mr. Cracknell: My gut is telling me we need to go with a 92 acre 43 D district and see what that gets us.

Ms. Evangelista: Would Mr. Kennedy consider mixed-use development?

Mr. Cracknell: I don't know. That is a great point Tillie. We need to see what goes with a Park and Ride. 40R is mixed use.

What I would propose at the spring town meeting is to leave it the way it is. We need to address this back piece (wedge). Let's get this 43D set up. The default position is to wait until January 28th. If this (43 D) gets through the town meeting in May, they have 60 days to consider. You have 120 days to then review all of the local bylaws and before we are open for business. I don't know if we want to do this without doing a feasibility study in accordance with the Master Plan. You don't want to do it unless the state funds it. I would like your endorsement to take this map to the Economic Development Committee meeting.

Mr. Rich: I make a motion to permit Nick to attend the Economic Development Committee meeting with Tillie

Mr. Howard: Second

All in favor; 5-0; Unam

Mr. Carter: Motion to adjourn the meeting at 9:35 pm

