

Minutes
Georgetown Planning Board
Wednesday, June 24, 2009
7:00 p.m.

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

Board Business-

Minutes -

Mr. Rich: I move to accept the minutes from May 27, 2009 with corrections noted.

Ms. Evangelista: Second

All in favor; 4-0; Unam

Vouchers -

Ms. Evangelista: I make a motion to approve the vouchers in the amount of \$42,985.10

Mr. Howard: Second

All in favor; 4-0; Unam

Mr. Rich: Can we talk about the returned money for the bond. Who put the bond up? Was it his check? Did he put it up for the developer?

Mr. Cracknell: At the request of Atty David Harris, we had to recut the check to Adrian Carrullo, brother of the developer. It was originally cut to Fred Carrullo. We will need to sign the slip again.

Mr. Rich: Did the successor developer accept all right, title and interest for the bond? I don't want someone else coming in and claiming that money. We should have the original developer, the original owner of the check, sign off so that there is no confusion.

Mr. Cracknell: We will do that.

Correspondence -

Mr. Cracknell: There is not much to tell you on this. I have a meeting coming up with Peter Durkee and the building inspector on Thurs, July 2 to determine the street acceptances we will bring forward for the fall town meeting.

Ms. Evangelista: There are something like 64 streets in Georgetown that are not accepted on the list. We need to get going on this.

Mr. LaCortiglia: So at the end of the meeting on the 2nd, we will have a priority list for street acceptance. That sounds good to me.

Other Business -

186 East Main Street – ANR

Jim DiMento- Chairman, Parks and Recreation Commission

Mr. DiMento – We drew up a new no-cut zone and everyone involved is okay with it. I would like to request that we waive the application fee for the New Life Church.

Mr. Rich: I make a motion for the church to have the application fee waved. The New Life Church is working with the Parks & Recreation Commission.

Mr. Howard: Second

All in favor; 4-0; Unam

Mr. Rich: I make a motion to endorse the plan of land, Lot 8A & 8B, Deed Book 5285, page 436, 186 East Main Street, by Professional Land Services, date June 9, 2009.

Mr. Howard: Second

All in favor; 4-0; Unam

Jim DiMento passes around the plan and the Board discusses the plan.

Mr. LaCortiglia: All in favor of endorsing the plan?

All in favor; 4-0; Unam

Hugh Carter arrives at 7:45 p.m.

Harris Way Affordable Housing

Peter Confalone, Developer

Attorney Nancy McCann

Atty McCann: The subdivision was approved in 2003, we are talking about one Affordable unit. We could offer “in lieu” of that unit, an alternative acceptable to the Board. The regs at that time didn't have any guidelines regarding acceptability. Mr. Confalone has met with your Town Planner regarding what would be acceptable. We submitted a letter dated May 15 regarding what we would like to propose. Out of the 10 lots, 3 homes have been sold at a price average of \$731,600. We would like to make a \$87,000 donation to the housing fund, representing 4% of the 3 units sold. As each house is sold we will make an additional 4% of the selling price. You will never get less than 4% of the sales price or \$550,000 dollars (the floor), whichever number is larger, if a lot is sold without a house. We are proposing a first mortgage or a Planning Board covenant.

Mr. Cracknell: I think that it should come to \$240,000-\$280,000. We need to determine who will be the custodians of the trust. It is not impossible that we could create an affordable unit with that money. The agreement is pretty much what was in the letter. If we can create 2 units instead of one there is some advantage to that. We need to make sure the money that we receive is well spent and we create some units.

Mr. Carter: How does this stack up against the current bylaw?

Mr. Cracknell: It is consistent with the new bylaw. The only difference is the \$550,000 floor and I think that is open for discussion.

Mr. Carter: A year ago I would have wanted the affordable unit built on a lot in the subdivision but with all the work that we have done this might be the impetus to light a fire under some people to get this Trust going.

Mr. LaCortiglia: \$87,000 in hand is a great place to start and in right in line with the bylaw.

Mr. Rich: Should there be a default, tell me what you see our rights would be as a first mortgage holder?

Atty McCann: You would be the first mortgage holder on 7 lots in the subdivision. You could foreclose, You would be the first position. There is no way for us to default on this.

Mr. Rich: This could go on forever. I am looking at the worse case scenario.

Mr. Confalone: The Danvers Bank will subordinate to the town. Danvers Bank will hold the second mortgage and you will have the first mortgage. I owe the Bank \$390,000 – short money.

Mr. Rich: That takes some of my fear away. I don't want the town to become real estate brokers. If there is a second mortgage, they (Danvers Bank) will become the second in line and we will be first in line. I like the idea, the concept and I think that you did a great job. We are creating an Affordable Housing Trust Fund and this money will go into it.

Ms. Evangelista: Shouldn't we have a surety provision on this?

Mr. Rich: He (Confalone) is giving us a first mortgage and the Bank will hold the second mortgage.

Mr. Confalone: I know that I have an obligation to fulfill. It is all computed on \$550,000, which is fair. If I die, everything is clear.

Mr. Rich: If it is sold as a package the affordable plan goes with it. I am impressed with this.

Mr. LaCortiglia: What is your time line?

Mr. Confalone: 30 days to get certified funds.

Mr. LaCortiglia: Where are we with surety for the roadway separate from this?

Mr. Confalone: We have a tripartite agreement with the Bank. We haven't taken a bond reduction in years. We hope to finish this fall and get road acceptance for the spring town meeting.

Ms. Evangelista: Are you finished with Con Com?

Mr. Confalone: I will probably do Lot 1 next that has an OOC that is good until next year. We build one house at a time and sell it. Lot 1 will probably be in the \$500,000s.

Mr. Cracknell: Our next steps: The Board needs too accept the \$550,000 floor. The Affordable Housing Task Force will need to review this and we need input from Town Counsel.

Mr. LaCortiglia: I would like to send this to Town Counsel as soon as possible. We have 30 days.

Atty McCann: Questions for Town Counsel: What entity ought to be the mortgage holder? Do you want a mortgage or Covenant?

Mr. Rich: A first mortgage would be better. This is a payment “in leu of”. I would like to see a standard subordination agreement.

Atty McCann: We would like you to take vote to approve the alternative and how you will secure it, with a mortgage or a Covenant.

Mr. LaCortiglia: Why do you need a vote for the Bank?

Mr. Rich: So the Bank knows what will happen if it agrees to subordination. The Bank will have the terms and motion, subject to Town Counsel approval. What is the number on the tripartite?

Mr. Cracknell: Remember, the surety is being held on the affordable unit to make sure that it happens.

Mr. Confalone: The tripartite is \$119,000.

Ms. Evangelista: Do you have the decision on the subdivision?

Atty McCann: It says that we need to have the affordable unit before the 6th lot is released.

Mr. Rich: I would like to make a motion that we execute the Affordable Housing Agreement component, subject to approval of Town Counsel. That we agree to execute the Affordable Housing Agreement with my first mortgage language change on the Harris Way Subdivision with the attachments sent to Town Counsel. And, that we have enough in the Affordable Housing account.

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

Cont. Public Hearing(s):

Pondview Estates-Meeting and comments from Larry Graham

Mr. Cracknell: We will now open the the continued Public Hearing for Pondview Estates.

Scott Green, Developer, Pondview Estates

Mr. Cracknell: We went through Larry's letter from 2008. Larry had recommended to the board that the board grant waivers for the project. The developers needs to get feedback from the Board so that they

can make revisions and come before the board with those changes. Scott, his design engineer and I went through this very carefully.

Mr. Rich: Is the water looped?

Mr. Cracknell: There is nowhere to loop it to.

Mr. LaCortiglia: They are trying to see if we are looking for a through way. Your property abuts Mass Fish and Wildlife and the Gun Club.

Ms. Evangelista: Why wasn't an OSRD considered for this?

Mr. Cracknell: That is a good question. This has come back to us in different forms 3 times. I believe that this street is intended to be public. There appears to be only one access point to the Gun Club from this point, Prescott Lane.

Mr. LaCortiglia: Harry describes the access into the Gun Club from the street.

Ms. Evangelista: The OSRD will pick up that back piece.

Mr. Green: I came before Sarah and proposed an OSRD at that time and she suggested a conventional subdivision.

Mr. Cracknell: Let's go through the waiver request. There are seven waivers here. Larry's opinion is very clear with the exception of the sidewalks. Larry thinks no sidewalks are needed in this subdivision due to the size of the street and subdivision. We talked about running a sidewalk down Pond Street towards Lake Ave. I threw this idea out there. Larry has no recommendation about the sidewalk. For Larry, points 2-7 are very clear. Regarding the sidewalks, he has no recommendation.

Mr. LaCortiglia: Are we voting on waivers or offering guidance on the project?

Mr. Cracknell: We are offering guidance for Scott to go back and make changes. Nick walks the board through each waiver in Larry's Technical Review, the Board discusses and questions Scott Green, the Developer.

Mr. Carter: I would like to see the sidewalk down Pond all the way to Lake Ave.

Mr. Cracknell: The sidewalk should go all the way to the cul-de-sac and go right up to the pathway.

Mr. Rich: I would like to see one parking spot and one handicap spot in the cul-de-sac.

Mr. Green: That might be hard to do because the cul-de-sac is a bio-retention area.

Ms. Evangelista: I still think Scott would save a lot of money with an OSRD.

Mr. Cracknell: I just think at the end of the day an OSRD is not going to save him money or will look a whole lot different than what he has now. He already went before the board originally for an OSRD.

We would like to see him move forward.

Mr. LaCortiglia: Have we offered the applicant any recommendations on the sidewalk?

Mr. Howard: I am not for the sidewalk due to the drainage issues at the intersection of Pond Street and Lake Avenue.

Mr. Green: Scott mentions a swale idea he came up with Larry.

Mr. Cracknell: I will get input on the sidewalks with Peter Durkee. Number 6 is a waiver to waive the grades, Number 7, the pipe we will defer due to the chance of someone driving over it. This is going to be a public street.

Mr. Cracknell: Larry says that the closed drainage system Scott is proposing will work and recommends it to the Board. It is really the 800 pound gorilla in the room.

Mr. Carter: If Larry says that it is okay, I don't think that we should yank Scott around after all he has gone through in this design.

Ms. Evangelista: I would like to see some kind of maintenance surety on this drainage system.

Mr. Rich: The HOA would be required to file annual inspection reports showing the maintenance schedule.

Mr. Gary Fowler, Georgetown Selectman: I am concerned that come fall there will be hunters out with guns walking around the Fish and Wildlife property. There needs to be full disclosure on that.

Mr. Green: There will be.

Mr. LaCortiglia: I would like to move to extend the decision date for Pondview Estates to Sept 30, 2009.

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

Mr. LaCortiglia: I would like to make a motion to continue the Public Hearing to August 12, 2009.

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

Chaplin Hills-site walk update

Mr. Cracknell: I don't have a lot to add to this. I have sent messages to Jeremy Sentman at the Bond company in Chicago. I will keep plugging away about the status of his bidding. I have been in contact with the HOA that has been formed and have let them know the status and will update them as soon as I know more.

EDC June 18 Business Round table Meeting – update

Mr. Cracknell: We had a good business meeting at the Georgetown Savings Bank. It was well received. We hope to have one more meeting this year. There was strong support for our strategic plan. There seems to be strong support for expedited permitting. There was concern with the town boards having better communication and moving things along in a faster time line.

Ms. Evangelista: There were some comments that the boards in town were not easy to deal with. We assured them that things have changed and things are better.

Parker River Landing Update-National Grid

Mr. Cracknell: I got a hold of Steve Toll of National Grid. He agreed to try and get here next week for a meeting. Everybody at National Grid moved a couple of weeks ago to one office. Things have been up in the air as a byproduct of the move and he hasn't been able to get back to me or Pulte. He has met with Pulte a few times earlier this spring. Mark (Pulte) has been chasing for a meeting so we will all try to meet at the end of next week. The HOA and Con Comm will be in on the meeting also. We are obviously trying to resolve some the drainage issues in the back of the development.

Mr. Carter: Has National Grid caved any?

Mr. Cracknell: Pulte submitted a revised plan that included piping of the bermed area where the opening is in the rail bed. We have heard from Mark the National Grid was asking for several improvements to abate the drainage issues along the rail bed. They claim the drainage issues are a result of the construction which have not been proved. They want the berm removed and the ditch piped so they can drive across where the train used to go. Steve from ConComm doesn't seem to think it is a major problem for them to deal with. I am not sure this is everything that National Grid has asked for.

Mr. Carter: What about the blocks on the land?

Mr. Cracknell: Peter Durkee would like the blocks.

43D Application – Letter of Support

Mr. Cracknell: I have a clean copy of that letter of support in front of you for you to sign. It is a Letter of Support from the Planning Board for the 43D application. That application will be going in next week with a graph due in 2 ½ weeks. I will send a PDF to you all when it is done.

Georgetown Crossing- Sign Application

Mr. Cracknell: This sign application is informal. I think that it is worth having a Town Planner make a few comments regarding our sign section of our zoning bylaw. This sign would be more in keeping with the character of the shopping center than what is there now. There are 2 concerns: The street line is not defined; This sign would displace one of those old Sycamore trees. I recommended that they remove the existing tree, plant 2 more trees and put up the new sign. This will meet the Site Plan

Approval. The actual size of the sign has not been received or approved. The sign is probably double the size of the sign that is there now. The lighting is internal. I will let you know when I get the actual application.

GAA – Recreational fields discussion

Mr. Cracknell: We met (Tillie, Harry, Jon Pingree (ZBA, GAA), Paul Taraszuk (ZBA), Jeff Moore (ZBA), myself) Monday afternoon regarding the lack of clarity in the bylaw. As a byproduct of this meeting, I put together a draft list of zoning amendments for discussion only. I sent that out to the Board and the Building Inspector today. Number 1: We need to know what type of permit the ZBA needs to act under. A special permit can only be offered if that use is similar to another use already existing in the town. If this use is not similar to another existing use then it is not allowed and we need to amend the definition for outdoor recreation. Nick reads the 2 definitions from the zoning document memo. Definition Number 1: A special permit; Number 2 “As of right”.

Number 2: How do we want to approach outdoor recreational facilities. It is tricky and we have broken it into 2 tracks. Option A is to amend the outdoor amusement definition which is already on the books and already has its permitting requirements established for each of the 8 zoning districts. Right now it is allowed by special permit in 4 or 5 districts and not allowing it in the others.

Option B is to create a new definition for public or municipal outdoor active recreational facilities like parks, playgrounds, courts, recreational fields. To allow those uses as permitted uses in most of the districts.

I can see the pros and cons of each approach. It is not uncommon in other towns to have parks in all zoning districts “as a right” for Site Plan Review. Every community in this area does it a little bit different. The answer is not simple.

The Number 3 draft amendment is the Table of Uses goes with each track in Plan A and B.

The Number 4 final draft amendment is to make sure the Site Plan Review captures these public parks (with more than 10 off-street parking spaces) and if you want to build a facility it will trigger the Site Plan Review process.

Mr. Carter: Let's say we go with B, “As of right”. Who makes that determination? I am not saying that I agree with this. For me, it is special permit or nothing.

Mr. Cracknell: The ZBA makes that determination.

Mr. Rich: Town meeting is the ultimate public hearing. Before the town spends that money certain approvals need to be done. I think there are certain areas that you can do “as of right.” Other areas, not so.

Mr. Cracknell: There are a number of ways to tackle this. Chris has said that we should take a look at the 8 cells of all the districts and determine where this type of entity will be permitted or not permitted. Look at which of the 3 letters you want to put in the cell. There could be break points based on the size

of the entity, the usage, # of parking spots, etc. Amesbury has 8 breakpoints for their outdoor recreation. Maybe there will be 2 definitions. Then we don't have to clump a Harry Murch Park in with 8 soccer fields.

Mr. LacCortiglia: I could think about “as of right” if it doesn't impact a residential dwelling. This is why I was going with special permits myself.

Mr. Rich: Whatever you choose here allows for reviews. The difference between the Site Plan Approval and the special permit process is the right to deny. The table of use is it something we can deny or not deny. The Site Plan Review needs to be the driver to get them beyond the 4 findings.

Mr. Gary Fowler, Georgetown Selectman: What are the plans for 186 Main Street. Is it in process and will this be a process we can look at?

Mr. LaCortiglia: The problem is we don't have any process.

Mr. Cracknell: What we are doing trying to find a process so that we can move to Step 2 and Step 3.

Ms. Evangelista: I am not for this in a commercial and industrial area.

Mr. Rich: We could demand that a new business builds fields on the land as a part of their approval.

Mr. Cracknell: We need to look at the definition. Do we need 2 definitions? We need to look at our 8 districts and go from there. We are going to need to look at this for the fall town meeting.

Ms. Evangelista: We need to define active and passive municipal recreation.

Mr. Cracknell: Think about Number 3, the application of the definition. I will get some input from the Parks & Recreation folks. I would like the the Board to look at the 6-8 pages of the Site Plan Review. We need to familiarize ourselves with the code for parking, traffic impact, lighting, etc.

Mr. Rich: We will need to have rules and regulations on requirements.

Little's Hill update -

Mr. Cracknell: I went to a site visit prior to the last meeting with Dave Varga and met with the contractor and the developer. It was primarily to get Londonderry Lane completed and a lot released. Dave did an audit on the entire project and went up to Littles Hill Lane which is the piece that is incomplete. Dave went back to the site a week later and met with Craig Spears to go over the punch list. Craig wants to change from a Tripartite agreement to a Bond. We are 2.5 times and he is only at .5. He many not come back asking for a Bond.

In terms of signs and August completion, Sharon from Con Com gave me the template and a photograph of a sign used in another project and approved by Con Com. The company is looking for the template. We should have approved, uniform signs for all projects.

Mr. Howard: I make a motion to adjourn the meeting at 10:30pm
Mr. Rich: Second
All in favor? 5-0; Unam