

**MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, July 8, 2009
7:00 p.m.**

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

Absent: Mr. Hugh Carter and Tim Howard

Board Business 7:00 p.m.

Mr. LaCortiglia- opens the Planning Board meeting at 7:32pm.

Minutes – 3/25/09

Mr. Rich- Motion to accept the March 25, 2009 minutes with corrections.

Ms. Evangelista- Second

All in favor? 3-0; Unam (2 absent)

Vouchers –

Mr. Rich- Motion to approve vouchers totaling \$1,861.10.

Ms. Evangelista- Second

All in favor? 3-0; Unam (2 absent)

Correspondence: FY10 Planning Board Meeting Schedule (November 11-Holiday)

Move to change the meeting schedule to November 18, 2009 as the only November meeting. Cancel meetings of November 11 and November 25 from the schedule.

Other Business –

186 East Main Street – Sign Application Form [Completed]

Whispering Pines- Request to release funds

Tom O’Connell – Manager of Artisan Development is present

The applicant requests release of funds totaling \$27,364.28.

Mr. Rich- The area is muddy but the engineer has approved the amount of the release, correct?

Nick Cracknell- Yes

Mr. O'Connell- Everything on the punch list is just about finished.

Mr. Rich- Thanks for donating the surplus trees to the Town.

Motion to release \$27,364.28 to Artisan Development of Whispering Pines.

Ms. Evangelista- Second

Discussion?

Mr. LaCortiglia- Keith, Jr. engineer of the BSC Group, who did the inspection, mentioned building a guardrail. Please explain.

Mr. O'Connell- There is an OSI structure which is a drainage culvert across Raymond Road and across Lot 3. Adjacent to Lot 4 and Raymond Road there is a drainage manhole cover with a steep drop off where Dave Varga [Inspection Engineer] would like to put up a wooden guardrail. I instead put up a block retaining wall for safety while still being able to clean out the structure. At my expense, I put up a block wall to clean up the area to make it safe and to sell the house. I spent the \$3,000 to make it right. It is an easement located between 2 Raymond Road and 4 Raymond Road.

Mr. LaCortiglia- We already have a covenant for that.

Mr. Cracknell- Keith says the guardrail was not called out on the plan because the steepness was not projected to happen in the design process. Dave is calling out for a 40' guardrail.

Mr. O'Connell- You may be better off with a 4' vinyl chain link fence as opposed to the guardrail.

Ms. Evangelista- Was the dropoff created due to a lot of water back there?

Mr. O'Connell- Where the headwall was installed, Dave wanted the drainage manhole flush with the sidewalk.

Mr. Cracknell- In Dave's letter he says that the inlet pipe headwall was not extended as shown on the plan. I am guessing they did not make it as long as it was supposed to be. It appears it was a mistake made by Longo, the original developer.

Mr. Rich- What would you do to correct it?

Mr. O'Connell- Due to all the kids in the neighborhood, I would install a black chain link fence. It appears the drainage manhole is in the wrong location.

Mr. LaCortiglia- It is located between 2 and 4 Raymond Road. We definitely need to look at it.

Mr. Cracknell- There is not a water issue. The danger is kids falling in the ditch. We need to get Dave Varga out there to look at the situation and make a recommendation. I will also set up a meeting with Peter Durkee.

Mr. LaCortiglia- [To Mr. O'Connell] In my opinion with all due respect, you bought the problem when you bought the property. If it's not built to specs, it is your problem.

Mr. O'Connell- With all due respect, I bought the tripartite agreement with a detailed list over 200 punch list items. If it's not on the list, I don't own them. I have gone above and beyond the tripartite agreement to make it right out there.

Mr. LaCortiglia- Let's see what Dave and Peter Durkee say.

Mr. Rich- Motion to release the money totaling \$27,364.28 and have the vice chair be authorized to sign the Form J on behalf of the Chairman who is not present.

Ms. Evangelista- Second
All in favor? 3-0; Unam

Mr. O'Connell- Paving will be done in August.

GAA – Continued discussion on recreational fields

Mr. Cracknell- The Board of Selectmen had a meeting on the 29th regarding the letter from the Building Inspector. The main issue is that the bylaw under Sec. 165-9 does not list uses and it is not clear. We are trying to decide what to do with Sec. 165-9. There should be some form of permitting for 165-9. The second issue is, "What is the right remedy for outdoor recreation?" We need to amend the definition of outdoor amusement and not touch the table of use schedule. The other proposal that has been offered by the GAA is to create a new definition and create a new line item in the Table of Use Schedule and should it be allowed in all districts? A municipal facility would be required to go through town meeting for funding and actual acquisition. (Exhibit 2 of Draft Comments – on file in the Planning office) I would like to get back together in a couple of weeks. I provided a letter to the Board of Selectmen last week.

There will be a meeting July 22, 2009 - ZBA members will be present along with Tillie, Harry and Nick from Planning.

Pondview Estates – Update from Highway Surveyor

Mr. Cracknell- I received an email from Peter Durkee that there should be an extension of the sidewalk at Pondview Estates. Peter suggests an additional 500' of sidewalk over the next 5 years. Provided the sidewalk has room to fit, I will set up another meeting with Larry Graham.

Chaplin Hills Update – Update from Jeremy Sentmen of Bond Safeguard

Mr. Cracknell- I spoke to Jeremy yesterday after several weeks. He informed me that the Bond Company had agreed to take steps to complete the roadway. The first step was to get Dave Varga working out there. They did agree to provide the town funding for Dave's inspection services. The word "reimburse" was confusing to me in the letter. {Mr. Cracknell reads the letter from Bond Safeguard referencing the Chaplin Hills Subdivision to the Board dated July 8th} Bond Safeguard states that it will reimburse the town in the amount not to exceed \$11,000 derived from an audit and an inspection services report to complete the project. If these terms are acceptable, please approve. He [Jeremy Sentmen] attached two estimates from Dave Varga dated November 5, 2008 that are on file in planning office). The next step is to provide a written response of support or not to Bond Safeguard. They will have a pre-bid conference and once they select a contractor from the bids, they will put together a schedule and a cost. Then they will submit to the town a settlement agreement with a scope of work. The punch list by Larry Graham in 2003 is what is defining the scope of work. We gave them a list of 3-4 contractors that have done business with the town to look at in the bidding process.

Mr. Rich- One thing I would be a stickler about is that Dave Varga should stay as our inspecting engineer and not become an employee of Bond Safeguard. I would rather see the letter say they will "advance" the town money into the m-account so as not to exceed \$11,000.

Mr. LaCortiglia- I think you could use your language in the response back to Bond Safeguard and not amend the agreement.

Mr. Rich- It is ambiguous in our Regulations. I would ask that they make a deposit into the engineering services/ m-account.

Mr. Cracknell- If the cost exceeds \$11,000, we have a mechanism in place in their letter to get mutual agreement on additional funds. There is no where near \$243,000 left of work out there. I will make the changes in my response that Chris has stated to the Board.

Mr. Rich- Motion to respond in writing to SafeCo that the terms are acceptable to the Board if the paragraph is changed with the amended text prepared by Nick Cracknell and noted in tonight's meeting. Refer to the handwritten changes made by Nick. {Mr. Rich

reads the amended text of the agreement to the Board that is on file in the Planning office}

Ms. Evangelista- Second

All in favor? 3-0; Unam

Mr. LaCortiglia- Nick will draft the letter and send it out tomorrow to SafeCo.

Mr. Rich- Incorporate in the letter the amended paragraph made by Nick Cracknell.

Mr. Cracknell- In summary, the terms of this agreement as articulated in the letter are acceptable to the Board if the first sentence of the second paragraph is replaced with amended text in addition to a new letter to be submitted to the Board. Do we need to have town counsel review the agreement and our response?

{The amended agreement sent to Bond Safeguard on July 9, 2009 by the Town Planner is attached and on file in the Planning office}

Mr. Rich- This is not a settlement agreement. We are only asking them to agree to our procedures.

Ms. Evangelista- I would like it clarified. My impression is that the applicant should be paying for legal services. The revenue enforcement bylaw states this should be enforced.

Mr. Rich- We do not want to spend the town's money or loose anything. We already have a total amount of money they are to be paid.

Mr. Cracknell- The question is, "Does it need to be reviewed by Town Counsel – not how will it be paid?"

Mr. Rich- We are only authorizing how the sum is to be transferred to pay for engineering services.

Mr. LaCortiglia- If they have any issues with what we are asking for; then we need to ask for payment from the Bond.

34 Thurlow OSRD – Update on Conservation Commission Review

Mr. Cracknell- About a month ago, the applicants appeared before the Con Com to discuss merging the land with the town. They wanted to create a larger open space. They will be coming back here to the Planning Board with a modification to the Definitive Subdivision plan to discuss a lot line adjustment.

Parker River Landing – Update on National Grid Discussion

Mr. Cracknell- I have had several emails from Steve Toll from National Grid. He is on vacation until July 14th. He will be meeting with Mark Mastroianni and I to deal with the drainage, the berm and the blocks at Parker River Landing. National Grid is demanding many more improvements than we have contemplated. Until we hear directly from National Grid, it is difficult for us do anything. However, Steve Toll did say he would meet with me after his vacation. If National Grid doesn't meet with us the week of the 20th, the Board should send a letter to National Grid requesting their attendance at a Planning board meeting.

Mr. LaCortiglia- We should get Town Counsel involved in this to tell us what our legal options are. Ask them if we can pull the bond or what do we have to do to get action.

Mr. Rich- [To Mr. Cracknell] Put in a letter that we are demanding a resolution within a certain amount of time; we will be forwarding to Town Counsel to seek enforcement to the Town of Georgetown any and all rights the town may have.

Ms. Evangelista suggests that the Planning Board make the first demand without requesting legal services and the board members agree.

Mr. Cracknell requests Mr. Rich's assistance to draft the letter to the Bond Company and make the first demand from the Planning Board without using Town Counsel.
{First demand letter from the Planning Board dated July 9, 2009 is on file in the Planning Office}

EDC – Development Guidebook

Mr. Cracknell- One of our discussion items was local permitting and setting up a developmental guide book. Mr. Cracknell refers to Exhibit 3 [*Ipswich Guidebook*] in his Draft Comments sent to the board.

I think it would be helpful to circulate between our landuse boards. All the Board members agree to proceed.

Town Planner – Technical Review Meeting

Harris Way Update:

Mr. Cracknell- I forwarded the mortgage agreements to the Board that were updated by Town Counsel. I submitted the request to the Selectmen and received authorization from Phil Trapani authorizing the use of \$2,687 in the Affordable Housing article (Article 36 #5707) for Town Counsel's review of the four documents received from Peter Confalone's attorney, Nancy McCann. I have all four documents including the original letter from Attorney Nancy McCann and forwarded them to the Affordable Housing

Taskforce for their review. I would suggest that the Affordable Housing Taskforce first have a discussion at their next meeting. It will roughly cost \$500 in legal fees.
{The four documents – Affordable Housing Component Agreement, Mortgage, Release of Covenant and the Subordination Agreement are on file in the Planning Office}

Mr. Rich- I received an email from a Selectmen regarding the Afford Housing Trust that has been approved by the Planning Board. We should ask them to attend the Planning Board meeting when we discuss this.

Mr. LaCortiglia- I asked the Board of Selectmen to discuss at their 13th meeting to support an amendments bill and lock down a process under which we come up with a Declaration of Trust. I sent it to Chairman Trapani. It gets difficult for the different boards to review the amended versions of the Trust document.

Mr. Cracknell– The Board of Selectmen is asking for input from the Planning Board. They realize the Planning Board, the Affordable Housing Taskforce and the CPC will all have input in this.

Ms. Evangelista- I have sent an email to the Board of Selectmen that they need to look at Salem's website. Everything they need to know is already on the Town of Salem's website.

Mr. Cracknell- We need to adopt one.

Ms. Evangelista- Is the Board of Selectmen asking our Board to make a decision?

Mr. LaCortiglia- The Board of Selectmen has not requested anything of any Board. They are asking as individuals to other individuals for their input to come up with a process. There has been no formal vote to do anything at this point. The Chair of this Board has asked me as Chair of CPC to start the process and request to have the topic on the Board of Selectmen's meeting agenda.

Mr. Rich- Motion to adjourn

Ms. Evangelista- Second

Meeting adjourned at 9:04pm.

Cont. Public Hearing(s): None