

**MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, September 9, 2009**  
**7:00 p.m.**

**Present:** Mr. Hugh Carter, Chairman; Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp, Asst.

**Absent:** Mr. Tim Howard and Mr. Chris Rich

Mr. Carter opens the meeting at 8:15PM.

**Board Business 7:00 p.m.**

**Minutes** – August 12, 2009

Mr. Carter opens the meeting at 8:15PM.

Ms. Evangelista - Motion to accept minutes of August 12, 2009 with amendments.

Mr. LaCortiglia- Second

All in favor? 3-0; unam

**Vouchers** –

Ms. Evangelista - Motion to accept vouchers totaling \$896.15.

Mr. LaCortiglia- Second

All in favor? 3-0; unam

**Correspondence**

- 34 Thurlow Street Decision for a modification to an OSRD approved plan is signed by the Planning Board.

**Stone Row - Pre-construction Meeting/ Form M**

Mr. Tim Ruh is present to request the Form M approval before beginning construction and to hold the Preconstruction meeting.

Mr. Ruh - This Form M is one of the documents that has to be recorded with the registry of deeds. The Pre-construction meeting is to take place next week. Our goal is to put down the driveway before December 1, 2009.

Mr. LaCortiglia- Move to grant the subdivision permit for 14 Stone Row and sign the Form M.

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

### **Parker River Landing – update from National Grid**

Mr. Cracknell- I have emailed National Grid on several occasions. The last email I received was 2 weeks ago today. I never received an update. I suggest to the board that I draft a second demand letter to National Grid. I have heard nothing so far. I will put more pressure on Steve of National Grid. I will bring the second level letter to the next meeting so that we can vote on it and send to the DPU.

Ms. Evangelista requests that we register the letter and get a signature.

Mr. Cracknell states he will draft the letter and bring to the Board at the next meeting.

### **Chaplin Hills Punch List from Dave Varga**

Mr. Cracknell- I forwarded the punch list to Jerry Sentmen of Bond Safeguard. They authorized us to go out and do the punch list and compare with Larry Graham's 2004 estimate for the same work. They would evaluate the punchlist whether they want to proceed and if they do, they will then produce a settlement agreement and establish a tripartite agreement for the work and penal sum to complete the project. I do have concerns given the amount of the estimate is considerably higher than 5 years ago when it was done by Larry Graham. The estimate has doubled for several reasons. I believe his numbers are reliable given that I have spoken to another developer with a similar project. (Tom O'Connell of Whispering Pines) Our next move is to push the insurance company for a response.

Mr. LaCortiglia- In Dave's report, there were a number of catch basins that needed a lot of work. Dave pulled all the covers and inspected the basins. This is why it is so important that a construction engineer is present all through the construction phase.

Ms. Evangelista – Who paid for the snow plowing last winter?

Mr. Cracknell- The Town of Georgetown through the vote of the Board of Selectmen with the intention that the subdivision would be complete by this winter. We are going as fast as we can but we are waiting for a response. I will draft a letter stating we are looking for a response I will put a deadline for a response of 2 weeks (next meeting date is 9/23/09).

Ms. Evangelista- December 1 should be the deadline to have the roadway completed.

Mr. Cracknell- They will have a hard time meeting this deadline. They have to send a draft settlement agreement to the Planning Board which has to be approved by Town Counsel. Then they have to execute it and do the bidding for a contractor.

Mr. LaCortiglia- Motion for the Board to give authorization to the Town Planner to forward settlement agreement to Town Counsel immediately upon receipt for the Chaplin Hills punch list.

Ms. Evangelista- Second

All in favor? 3-0; unam

### **Little's Hill Punch List from Dave Varga**

Mr. Cracknell- I forwarded the inspection report and invoice from Dave Varga to Craig Spears. I said we would process the invoice and site inspection report at the 9/23/09 meeting for payment to give Mr. Spears the opportunity to make any appeals. However, there is still issue with the signs and monuments.

Mr. LaCortiglia- There is an agreement Mr. Spears made with us when we extended his subdivision permit to December 31 that all stone bounds required on the approved plan are to be installed by October 31. The signs have a deadline for installation of August 1.

Mr. Cracknell – He is well aware of those deadlines as I email him weekly. I instructed him to contact Steve in ConCom directly regarding the signs.

Mr. LaCortiglia- Was there any discussion about the fact that the plans and the Decision conflicted? Dave Varga made note of a discrepancy and that the signs have not been installed. In Condition #6, access to the open space shall be identified by signs in two locations – on Londonderry Drive and the end of Londonderry Drive at the cul-de-sac and Hillside Drive's cul-de-sec. The plans show that the intent was to have two signs, one at the cul-de-sac of Little's Hill Lane and one at the cul-de-sac of Londonderry Lane. Item #6 in the Decision erroneously states it differently.

Regarding the composition and size of the signs and wording– these decisions should be made by the Con Com. They are using a composite sign now that lasts a long time.

Mr. Cracknell - We should go with what the Con Com uses vs. what the Decision says.

{Mr. LaCortiglia and Mr. Carter agree with that approach. Ms. Evangelista abstains due to being an abutter}

### **Whispering Pines Update**

Mr. Cracknell - Mr. Dave Varga of the BSC Group has submitted an inspection report and the M-Account has been replenished. We will have the invoice submitted at the next

meeting for payment. Today Dave is meeting with one of the developers and pave in the next 2 weeks.

**Other Business –**

**Recreational Fields – Cont. Discussion (Jim Dimento, Park & Rec. Commission is present)**

Mr. Cracknell- I have spoken to several folks of the GAA and Steven Przyjemski Con Com Agent; and Jim DiMento ,Park and Recreation Commission Chairman. Four proposed draft zoning amendments dated 9-09-09 are passed out to the Board and Mr. DiMento for review. They discuss the first amendment, 165-9. “Conformity with schedules required.” There is some ambiguity under site plan review. The ZBA has the authority to decide if it’s a similar use and secondly to decide or not to issue a special permit. This is a global amendment and affects any use.

{Draft Zoning Amendments on file in planning office }

Mr. LaCortiglia- I agree that Zoning Amendment 165-9 has ambiguities. We need to clean it up.

Mr. Cracknell- I will make this available to anyone in the planning office and on the website.

Mr. LaCortiglia- I agree that to put it on the web is a good idea.

Ms. Evangelista - I disagree that it would be confusing to people seeing numerous Drafts. Only the final document should be posted.

Mr. Tim Ruh- Are the five findings still necessary in this?

Mr. Cracknell- Yes, they are required. Next set is: Amendment 165-7. “Definitions and word usage.” I have drafted three new definitions that don’t exist in the current the bylaw.

Mr. Jim DiMento – Does that definition exclude clubs like the gun club? Where would they fit?

Mr. Cracknell- Those are the type of questions that we need to address and look into.

Ms. Evangelista - The word “commercial” is not included in the definition.

Mr. Cracknell- The word “commercial” can be inserted in there if that makes it clearer. I ask that everyone carefully look at the definitions. It will be the responsibility of the Zoning enforcer to determine which use it fits in. Mr. Cracknell reads the three definitions which are on file in the planning office. “Passive” means recreation trails. Some are ambiguous. “Outdoor passive” is more about how it is used. It’s less important who owns it. The use is more important.

Mr. Jim DiMento - I would like to see “C” clearly defined as a park. I would like to see it defined light recreational use and non-defined fields and non-permanent structures.

Mr. Cracknell- Yes, we should be as clear as we can be in the language. The Building Inspector, Zoning enforcer, has to make a determination as to the principle use for the property.

Mr. Jim Dimento - I am worried about the separation of “B” and “C” in §165-7.

Mr. Cracknell- They are both “as of right.” There is not additional permitting. You would need site plan review to make a change in the use. The way this is currently drafted:

Municipal active vs. municipal passive - there is no difference. The use would only be relevant if the use were private to begin with vs. public.

Mr. LaCortiglia- Outdoor amusement definition. What is that?

Mr. Cracknell- Reads the definition from the bylaw. To be clear, there is no use in the zoning definition for a municipal recreational facility. Therefore, if the zoning says you can’t do it, you can’t do it.

Mr. LaCortiglia- Is there some reason why we couldn’t re-work the definition of “Outdoor Amusement” as it exists now to reflect municipal and private recreational facilities?

Mr. Cracknell- Yes, however there are many shortcomings to this approach. It doesn’t address the process that is undertaken to secure money to create an outdoor facility. That’s why this draft works and creates new definitions. In most districts, municipal uses are generally allowed in our current zoning.

Mr. Jim DiMento- My dilemma is that when given a small field for recreation, there are many restrictions to what I can do with it’s use. He suggests Definition C becomes a more park like definition. I would vote for this as it is worded now and it’s to my advantage but different things do come up.

Mr. Cracknell- We can’t write something that might reverse itself in 15-20 years.

Ms. Evangelista- What you need now is a process of when you find land, what issues you have to address before you go through the passing of papers. That would help us as a Board.

Mr. Jim DiMento- It becomes more difficult to find a large piece of land where it is not overridden by a developer who also wants it.

Mr. Carter- Asks question: What is the difference between site plan review and special permit? What additional protection does a special permit get those abutters?

Mr. Cracknell- For example, the Special Permit process goes through ZBA. If the applicant follows all the correct procedures and the project meets all the requirements of the regulations, I doubt the ZBA would deny the project on arbitrary grounds. The abutters will have one more venue of appeal after Con Com. It becomes more of a delay tactic than something your over turn in the court of law.

Mr. Carter- What are the differences between the two processes?

Mr. Cracknell- Site Plan Review is more difficult to deny. It is an approval with conditions 95% of the time. You can deny it if it represents a serious public safety concern and it's documented. That is not the norm. It is easier to deny a special permit.

Ms. Evangelista- I would say one of the differences in the site approval process is that you don't want to come up with a denial. You want to make conditions on the applicant and they have to meet them.

Mr. LaCortiglia- The ZBA, the permit granting authority has the discretion to look at a particular project and state the reasons it doesn't work.

Ms. Evangelista- The best way for doing special permit requirements is to list the things we want in black and white in the definition. We have to be very specific so it is help up in court.

Mr. Cracknell- What you are advocating is that if we go the special permit route, we better define for the user what requirements are necessary.

Mr. Carter- Why not afford the abutters to this recreation field-use the maximum protection rather than a by-right slide it through with a quick site plan review? There's no way to deny a site plan review unless you have a serious safety issue.

Mr. Cracknell- Almost every project coming in under site plan review will have 16 pages of Conditions in it's Decision that will regulate the process and protect the neighborhood.

Mr. LaCortiglia- I don't think we should have just one layer of safety through site plan review- permitted by-right in certain areas. There should also be a second layer of defense at the ZBA.

Mr. Carter- Let's mitigate whatever we can to make it palatable for the abutters. Where special permit is considered, maybe it doesn't belong here. I don't think Town meeting is helpful in this type of situation for the abutters who represent less than 1% of the population.

Mr. Tim Ruh, resident of Stone Row- I only have an issue with B, page 2 of the definition – one field vs. a mega plex of 7. It may be by a permitted use one field. A mega plex of 6 fields would have a significant impact on a neighborhood. It seems that the extra protection of a special permit would not be a bad thing for something of that size.

Mr. LaCortiglia- Is a mega plex “by-right”?

Mr. Cracknell- Yes. It sounds like we should amend “A” and “B” in the definition to a “major” and “minor” in the definition. Major = a facility over 5 acres of active recreation; Minor = under 5 acres of active recreation. “Passive” would remain the same.

Mr. DiMento – Keep in mind how much you can use a grass field vs. astro turf.

Mr. Cracknell- What is important to understand, if this is a special permit, I'd like to know what Jim DiMento's process is and what is the flowchart that he uses procedurally? This isn't about just abutters; it is about the best interest of the Town. I suggest we keep working on this and I will work up a modified draft of the amendments for the next meeting.

Mr. LaCortiglia- Are we looking at these amendment changes for Fall Town Meeting, particularly §165-9?

Mr. Cracknell-Yes

Mr. DiMento – I will give the Board a map that indicates what land is currently available in Town.

### **AHTF Recommendation for Harris Way Settlement**

Mr. Cracknell – The Affordable Housing Task Force voted after our last meeting on 8/26/09 on both proposals from Peter Confalone and failed to get a majority. They came up with a counter motion that is included in your packet that requests the developer

provide the Town the \$87,000 in lieu payments for the sale of the first 3 lots and instead of taking 4% of the average sale price for the remaining 7 lots (balance of \$250,000 - \$275,000), the AHTF asked the Planning Board consider asking the developer for the fee and deed to Lot 10 instead of additional in-lieu payments. I inquired to the AHTF if Lot 10 is intended to be an affordable house? The task force had not voted definitively on what would happen with Lot 10. It may be sold. The money and the lot would go to the Trust. I forwarded the vote of the taskforce to Nancy McCann, Attorney, for Peter Confalone of Harris Way. She discussed it with Peter Confalone and I received an email response this afternoon. Nick reads the response from Nancy McCann on behalf of Mr. Confalone. The letter states that the donation of Lot 10 is not an alternative acceptable to Mr. Confalone as it is at the entrance to the subdivision. {Letter on file in planning office}

Mr. LaCortiglia- The original decision could have said Lot 10 should have been restricted to Affordability with a time line for compliance. I am glad the developer is trying to make this creative offer.

Mr. Cracknell- I suggest that we send it through for one more pass of Town Counsel. Then the Board could vote at the next meeting.

Mr. LaCortiglia- Motion for Town Counsel to review the agreement with corrected Item #4 and have the documents ready for a Decision at the 9/23/09 meeting.

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

Mr. LaCortiglia-Motion to adjourn.  
Ms. Evangelista- Second  
All in favor? 3-0; Unam

Meeting adjourned at 10:07PM