



TOWN OF GEORGETOWN
Georgetown Planning Board
Business & Public Hearing - Meeting Minutes
September 23, 2009
7:00 PM - Town Hall, 3rd floor Meeting Room

Board Members Present:

Harry LaCortiglia, Vice Chairman
Christopher Rich
Matilda Evangelista, Clerk
Tim Howard (*arrived at 7:35*)

Absent: Hugh Carter, Chairman
Minutes Recorder: Patty Pitari

Applicants/Participants:

Nicholas Cracknell, Town Planner
Gerard M. McDonald, Senior Project Eng.
(in for Larry Graham Associates, Inc.)
Bob Grasso/Ed Lardiere, Owners Railroad Ave.
Attorney John G. Cleary of Haverhill
(for Railroad Ave.)
Rick Salvo, representative for Scott Green
(for PondView Estates)

H. LaCortiglia, Acting Chair, called the meeting to order at 7:05 pm.

Motion: C. Rich, seconded by T. Evangelista to pay Patty Pitari the minute's recorder for tonight. All in favor 3-0. Motion carries unanimously.

Minutes

Motion: C. Rich to accept the minutes of July 22, 2009, N. Cracknell stated he would like to go to the next meeting with the minutes. C. Rich withdrew his motion.

Motion: C. Rich moved to postpone the approval of the July 22, 2009 minutes until the next meeting, seconded by T. Evangelista. All in favor 3-0. Motion carried unanimously.

Vouchers:

N. Cracknell stated we have 3 vouchers totaling \$4,736.00 to BSC Group, I reviewed the inspection reports and communicated directly with the applicants for all 3 projects and they have had more than there 14 day window for review for comments and he recommends approval.

Motion: C. Rich to pay 3 vouchers totaling \$4,736.00 to BSC Group, seconded by T. Evangelista. Discussion: C. Rich asked if there is sufficient money in the M Account to cover them, with a positive response from N. Cracknell and no further discussion, H. LaCortiglia called the question. All in favor 3-0. Motion carried unanimously.

Correspondence

Attorney General's Office Comments – OSRD Amendments

N. Cracknell stated as presented in Exhibit 2 in his comments to the board is the letter from the A.G.'s Office that questioned the OSRD amendment from Town Meeting, being the legality related to a couple of cases that had been heard at Superior and Appeals Court, in Westward and Bellingham.

N. Cracknell's Summary -Nick stated he believes the A.G.'s Office may have read our bylaw quicker than they might have wanted to and made the assumption that our bylaw actually mandates that if you had more than 10 acres or 10 lots, and now 2 lots with the amended version from Spring Town meeting, that you not only had to apply for a Special Permit, you had to get it, which was the Westward case. Westward required for a large residential development that an applicant had to receive or be granted a Special Permit before you could do anything, and that ran a foul of the Subdivision Control Law which essentially says if you follow the cookbook of any City or Town that tells you how to subdivide land as of right, you have a right to do that and the Town can't require you to do a Special Permit and our bylaw doesn't say that. The response we got from the Atty General's office on Sept. 1st, states they want to strike the provision that says you have to file an OSRD Special Permit application if you have two or more units or 10 acres.

N. Cracknell stated he contacted Jonathan Eichman of K & P after speaking with the Town Administrator, and Chairman of the BOS, to find out if his hunch was right, and that what was stated in the letter doesn't appear to be on point. Jonathan agreed with his assessment and he spoke with the A.G's Office, and they stated they did not pick it up when they reviewed it, and they did make the assumption we were requiring a Special Permit rather than just the application, so now the 90 day period has lapsed, they have no ability to reverse themselves, and in speaking to Jonathan we don't need to amend the old language, but we need to go back to Town Meeting and do it again.

N. Cracknell passed out an OSRD handout with the wording underlined and bolded, marked as Exhibit A, (*see attachment*).

H. LaCortiglia stated, so now the changes from May Town Meeting were denied, so we are no worse off today than we were before Town Meeting, and if Tillie wants to make some further changes to tweak it we can bring it to the next Spring Town Meeting.

C. Rich suggested perhaps preparing a report for town meeting, and then stated it may be best to put the discussion off until we have more people present.

T. Evangelista asked about the timelines after Town Meeting and denial process of OSRD.

T. Howard arrives at 7:35pm.

Other Business:

a) Railroad Ave – Lot Release Request (Minor Modification) & Rail Trail Discussion

Present: Robert Grasso, Owner/Applicant – Railroad Ave. & Ed Lardiere, Owner/Applicant
Attorney John Cleary of 476 Main St., Haverhill, Ma.

N. Cracknell's Summary – 3 Items for Railroad Ave. tonight are:

- Item #1 - Lot release for 6 & 8 as the applicant inadvertently referenced the Certificate of Vote on the form rather than the Covenant for the Form G, the applicant is here to confirm the lot release of 6 & 8, and correct the information on the form.

Motion: C. Rich Motion to correct the Scribner's error on the lot release, Form K, seconded by T. Evangelista. All in favor 4-0. Motion carries unanimously.

- Item #2 - A minor modification to the COV, Mr. Grasso was here about a year ago to request the street be accepted as a public way. There is a condition in the Certificate of Vote, that there be a Homeowners Association, where the street is intending to become public there is no need for the Homeowners Association prior to the release.

T. Evangelista asked if Peter Durkee was in approval of accepting the street. H. LaCortiglia stated there was a conversation and an easement that would have been going to Mr. Danilecki, and another about sight view, the hedges and the street line painted on Moulton.

Mr. Grasso noted you don't need an easement as its public property and the Highway Dept.'s responsibility.

Motion: T. Evangelista, seconded by C. Rich to approve a minor modification item 4 (a) for the Approval of the Definitive Subdivision of Prism Realty, L.L.C, dated December 14, 2005, and recorded in the Essex South District Registry of Deeds at Book 25836, Page 446, which eliminates the requirement in Item 4 (a) for the creation of a Homeowners Association. All in favor 4-0. Motion carries unanimously.

C. Rich noted on the 2 page document, where it had Page 1 and 2, he changed it to read, Page 1 of 2 and 2 of 2 (on the modification itself). There was no objection.

- Item #3 – Nick stated this is to complete the process for the Rail Trail Easement, Sheet 4 of 9 the plan approved by the board. Town Counsel recommended getting a Certificate of title by the owner, and yesterday I received the title certificate for the easement area. In speaking to Attorney Cleary we can make the 3 portions of the plan clearer in that the 2 easements that Lot 1 relates to drainage and easement 2 relates to the Rail Trail.

Attorney Cleary presented a Certificate of Title with Addendum A. Attorney Cleary stated Mr. Grasso took the recorded plan and revised it and was going to turn it into an Addendum A, and attach it to the easement itself, I thought it was better from a title perspective to go back to the plan that was already recorded so when you look at it it's written as Exhibit A.

N. Cracknell stated this is not an actionable item; I would like Jonathan Eichman to look at it.

Both owners of Railroad Ave signed the Easement.

C. Rich stated you have a majority of signatures, and I notarized Tim and Harry's signature.

Attorney Cleary stated Mr. Grasso delivered the Deed yesterday to Mrs. Danilecki, and they will be recording it.

N. Cracknell asked about the old name Prism Realty and Railroad Georgetown Realty Trust, Mr. Grasso stated they changed the name. N. Cracknell stated I think if you change the name you need to re do the tripartite, or have something on record and the bank is on notice. Nick asked Mr. Grasso to confirm that, with him next week Mr. Grasso will contact N. Cracknell.

H. LaCortiglia noted he thought the minor modification needed to be filed with Town Clerk.

b) Chaplin Hills Update

N. Cracknell Summary – In Exhibit 4 of my notes is Mr. Varga's site inspection report and revised punch list which was sent to Mr. Sentman for review, Also:

- We were waiting to hear from Mr. Jeremy Sentmen who is the agent for the bond holder with the insurance company out of Chicago that holds the bond for the completion of the subdivision and roadway. Dave presented an inspection report and cost estimate for about \$209,000 which includes everything on the DSP and the COV including some remedial work for the roadway.
- This report and punch list with associated cost was forwarded to Mr. Sentmen 2 ½ weeks ago, and I received an email from Paul Gardner who is taking over for Jeremy Sentmen, to meet next week with myself and Dave Varga, review the information so the bond company can decide to back the policy, develop a settlement agreement.
- N. Cracknell's working assumption is that they will hire the contractor's because they can probably do it for significantly less. We still need a settlement agreement from the bond holder which will define the scope of work and schedule hopefully for our next meeting.

H. LaCortiglia stated this doesn't look like it will get started by snow. Nick agreed, but we voted last fall to provide snow removal to that street. Harry stated that it could be a quick call to Peter Durkee just to find out. Brief discussion on any elevated structures. There was no association required it was always intended to be public. T. Evangelista expressed her concern of this being delayed to long. Nick will be at the next meeting on this.

c) Little's Hill Punch List

N. Cracknell's Summary - Craig Spears reviewed inspection report and punch list, I don't believe he has any concerns, also:

- N. Cracknell received email today from Craig with updated synopsis, on Londonderry Lane, on the last house, what should occur in early to Mid-October, to finish that first street off the main road, including curbing and signs.
- Signs – Craig is working with the Conservation Agent and they are working with the towns sign contractor, and they are showing good faith.

- Consider a Minor Modification - H. LaCortiglia stated the next time we deal with this would the board wish to consider making a minor modification to the vote to clarify the discrepancy between the verbiage of the decision and the Plans, as the verbiage states that there should be 2 signs, and they put them both at the beginning of Londonderry and the end, and the plan shows the sign should be at the end of Little's Hill at the cul de sac and Londonderry Cul-de-sac.

C. Rich stated in if the wording is incorrect the wording always rules over the plans.

d) Stone Row Lane Extension, Lot 14 – Pre-construction Meeting Update

N. Cracknell stated they had a pre-construction meeting yesterday with the applicants, the contractor, Dave Varga and several Department Heads we were on the site for about 50 minutes and Dave has already completed his pre-construction conference report, it has been signed by myself and the applicants and it is already in the project file. I believe they have already started doing some clearing on the common driveway.

It was decided to start the Public Hearing and put off the Rec. Fields to later in the evening.

Pondview Estates Continued Public Hearing (posted for 8pm)

Motion: C. Rich, to open the continued public hearing for Pondview Estates, seconded by Tim Howard. All in favor 4-0. Motion carried unanimously.

Documents provided: Fax of 9/22/09 from L. Graham & 9/23/09 handout from L. Graham.

Rick Salvo, in for Scott Green stated at our last meeting August 26th we submitted a package, which addressed the June 2009 comments. We received more comments from the reviewer yesterday and late this evening. The most important addition that we have made to the plan which was the discussion relative to providing an easement ultimately turned into a deeded piece of land back to the Town, now known as lot 8, which is shown as a 20 ft. wide strip of land which extends from the end of the cul-de-sac to the land that is owned by the Commonwealth. After the meeting we submitted by email stating that the strip of land is 20 ft. wide (approx. 8,333 sq. ft.) shown on the lot layout plan as not to be considered a separate buildable lot and to be deeded to the Town of Georgetown as open space, which then would hopefully supply a second means of access into the open space land that's adjacent to the project owned by the Commonwealth, the additional access would be the some 580 linear ft. of sidewalk that we are committed to building down Pond Street, which would also provide access to the Fish and Gun Club as well.

C. Rich asked if on the deed to the Town, if it will state that it's being transferred for the purpose you stated and is not a buildable lot, but for the access for the general public.

H. LaCortiglia stated, or that it also be possibly given to the Town under the Conservation Commission under Chapter 40 §8C. C. Rich just wants to make sure it's deeded in for public access, for the use and enjoyment for the citizens of the Town and the Commonwealth.

R. Salvo stated if the Town has a specific requirement we will deed it as the Town wishes.

R. Salvo stated that also included in last submission was the list of requested waivers, it seems that the reviewer is on board with the requests we made, and I am hopeful that within the next week we can meet with the reviewer and come back to the next meeting.

C. Rich stated the last time we spoke there was going to be an unpaved side of the street that was going to be grass, and who is responsible for maintaining that grass?

Salvo stated the intent is that the people's yard space would go right to the road.

Nick stated unless conditioned by the board, technically it's always the town's responsibility to maintain that piece of land/road; usually the abutters maintain the turf belt. It may be designated on the plan as a grass belt.

C. Rich voiced his concern about the snow having to be pushed back it will be on that turf belt.

Discussion took place on this area (turf belt) with T. Evangelista's concerns as well as no fences being constructed along that front setback, vertical granite curb vs. slope granite, and how to deal with some proposed signage. These items could stipulated in the vote. Harry noted concern with the 580 linear ft. of sidewalk being vertical granite curb; Salvo stated the Highway Dept. requested that.

Discussion took place on the wetland buffer zone; T. Howard believes they are within 50'.

Salvo stated he will check with the applicant and the Conservation Agent.

Mr. Gerard McDonald, Senior Project Engineer with H.L. Graham:

Mr. Gerry McDonald passed out a report dated today 9/23/09, that the Board and Planner has not seen as of tonight, other than the fax from Gerard M. McDonald, Senior Project Engineer for H.L. Graham Associates Inc. via fax dated 9/22/09.

N. Cracknell asked G. McDonald if he sees any major defects or problems with drainage.

G. McDonald stated he didn't see any, a full review of the calculations have not been done until now, so the comments in this report are not specific to the calculations themselves. I didn't see anything in the calculations that the infiltration system won't work as proposed, some minor tweaks here and there with respect to the overflow.

G. McDonald stated as it was designed there was insufficient cover over pipes as they went out to the gutter to Pond Street, we asked them to bend it out to the curbing moving the overflow

further from the property line to the North. I haven't walked it yet. It is an overflow; it won't discharge unless you get a 100 year storm.

H. LaCortiglia asked what they are doing about it.

G. McDonald stated the pipe is a 6 inch pipe and it's the last 100 ft or so of the pipe, it's still a pair of pipes it but shouldn't be unsightly.

H. LaCortiglia suggested getting a view of this and look into this as an issue.

T. Evangelista asked about #12 on sight distances. Brief discussion followed on the speed limit.

H. LaCortiglia asked if Mr. Salvo could show the measured sight distances and Larry Graham is also suggesting the applicant pay for and provide speed limit and street intersection sign. Mr. Salvo will check with his client and get back to the board.

C. Rich noted in reference to L. Graham's report, on his quick review in the first paragraph, small requests like putting your name on the plans and on page 2 in bold, the title blocks need to conform number 4, 8, 10 have things that need to be done, 13, 15, 18, 22, 30 and 32 for the next meeting please ask Mr. Green were you stand on it.

R. Salvo stated he would just comment on #32, the grade leaving Pond St. which runs at 1% for 60 ft. you're Subdivision Regs require a maximum grade of 1.25% for the 1st 200 ft. of an intersection, we have requested a waiver for 1.5%, and I would look for feedback from the board.

G. McDonald stated we are leery of anything close to 1%. Salvo stated he doesn't have an issue changing it.

H. LaCortiglia stated we have already given you guidance on that waiver.

H. asked for audience participation. There was none.

Pondview Estates Extension of Time

Motion: C. Rich to approve the extension of time for Pondview Estates (Form H) to December 31, 2009. Seconded by T. Evangelista. All in favor 4-0. Motion carries unanimously.

Motion: C. Rich to continue the hearing for Pondview Estates to October 14, 2009, seconded by T. Howard. All in favor 4-0. Motion carries unanimous.

Back to Board Business

e) **Recreational Fields Continued discussion** – N. Cracknell stated he revised the amendments again, dated 9/21/09. He would like to prepare a final draft by the end of September and present it to the Board of Selectman by early to mid October.

Nick stated rather than have Active and Passive split by ownership, Public and Private, what was suggested was to maybe set it up for major and minor projects instead and stick to the impacts.

I reframed the definitions to major and minor, the size being 5 acres or more of active rec would be major, 5 acres or less would be minor, and the number of fields, more than 1 active rec field used for organized sports would be major, and it would require a Special Permit from the ZBA, minor would not.

Nick stated he is clarifying the language the triggering mechanism, and add a couple of exemptions, the 1st exemption does not require site plan review and the second exemption, more than 5 parking spots requires site plan review, less than 5 would not. I leave that out there to the board. (See attachment dated 9/21/09).

Additional Items Discussed:

- The Board voiced its concern in regard to parking.
- H. LaCortiglia put out a scenario of someone having 3 acres in residential, and only having to get a building permit and propose 4 parking spaces. Nick explained, no it's the use, in the bylaw where you have a use that's not listed, the most important piece is the principal use and accessory use. You can't have two principal uses on a lot.
- Nick explained where you have a use regarding parking under the zoning bylaw it is ill defined to all how much parking you should have that's not listed, however the bylaw says if it's not listed you go to the Building Inspector and he or she tells you how much is required. That number would be easily obtainable by the Building Inspector, and N. Cracknell stressed Site Plan Approval would be needed.
- Discussion on Article IX Parking and Loading
- T. Evangelista suggested adding a definition to the definition section of the bylaw.
- H. LaCortiglia was concerned about the "by right" and making certain it doesn't have holes in it and it not conflict with other bylaws we have.
- It was decided that Nick will get the ITE Matrix to the board.
- C. Rich reads Outdoor Passive Recreation and stated when you go to Minor Outdoor Activity matter of right in every district, that includes, but not limited to, and where it gets to concessions and bathrooms it could be right next to someone's house lot, I have a problem with that. T. Evangelista stated there should be a buffer.
- N. Cracknell suggested to clarify now that the rink has to be an outdoor, the active rec field is not plural, I can see concessions coming out, and that can become a major, and the bathroom is more difficult, as well as concession stands, I could see those being major triggers, I think we need to be clear about the off street parking.
- C. Rich would like to see Site Plan Review if we allow concession/baths and the size and amount of parking.
- Address Criteria with someone coming in with 5 parking spots, with IT manual.
- Perhaps split up by size of fields.

H. LaCortiglia let N. Cracknell know that amendment #4 165-83, and 165-9 look good.

Discussion on Site Plan Approval for Rec. Fields

N. Cracknell stated I am not convinced that 1 field can work with just Site Plan Review. I am comfortable that Site Plan process can mitigate the impacts.

C Rich stated under SPA the list under C. Exemptions I suggest where it says no permit for construction..... insert the word below after the word listed, **after further thought, C. Rich stated actually otherwise in subsection below would be better.**

N. Cracknell stated I will amend with those 4 words, and strike the (s) on fields and take out concessions under minor project.

Minor Outdoor Active Rec Facility – Page 2 of the Draft

C. Rich stated under Minor, everything after off street parking facilities, make playgrounds singular, to singularize the word rinks, make boat launches (launch), and I don't mind leaving in concession while we think about it. Nick suggested leaving in bathroom for now also.

H. LaCortiglia asked the question a parking lot can be considered a minor active outdoor rec facility, under minor, the second sentence "principal use of such facilities shall include but not limited to"

N. Cracknell stated what I want to change is off street parking as an accessory use, not a principal use.

It was decided to discuss accessory baths and concessions next time.

T. Evangelista stated we really need someone here from Park and Rec. next time.

Nick will continue to work on parking and loading.

Adjournment:

Motion: C. Rich to adjourn, seconded by T. Evangelista. All in favor. Motion carried. The meeting was adjourned at 9:17pm.

Next Planning Board Meeting, October 14, 2009

Respectfully Submitted
Patty Pitari, Minutes Recorder

Date Approved: _____

See next page for Action items from this meeting.

Action Items Person Responsible	Action Required	Due Date
Call P. Durkee snow removal Chaplin Hills,	Nick Cracknell	Next meeting 10/14/09
Next meeting Chaplin Hills - Nick	Nick to attend	Scheduled for next week
Railroad Ave. – Mr. Grasso	To contact Nick, re: Old name Prism and New Name on tripartite agreem.	
Little’s Hill – Nick/Spears/Varga	Check on bounds/signs	
Little’s Hill – Harry LaCortiglia	Consider Minor Modification on verbiage	
PondView – Mr. Salvo	Check with Conservation on Buffer zone with applicant and vertical curbing.	Next meeting
Pond View – Mr. Salvo	Proposed signage for open space entrance and turf belt ideas.	Next meeting
PondView – Mr. Salvo/Green	View of 6” pipe drainage Insufficient coverage	Next meeting
Pondview – Salvo/Green	Sight distances & Signs for speed limit and intersection #12 on L. Graham’s report	Next Meeting
PondView- Salvo/Green	on page 2 in bold the title blocks need to conform number 4, 8, 10 have things that need to be done, 13, 15, 18, 22, 30 and 32 & name on plan	Next Meeting
Rec. Fields – Nick	ITE Matrix to the board	Next meeting
Rec. Fields – Nick	<p>*Wording to be added: Under SPA C. exemptions insert <u>otherwise in subsection below</u></p> <p><u>*strike the (s) on Fields</u></p> <p><u>*make words singular under Minor (pg 2 of draft)</u></p>	