

Minutes
Georgetown Planning Board
Wednesday, February 11, 2009
7:00 p. m.

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

Absent:

Board Business 7:00 p.m.

Minutes – January 14, 2009; December 3, 2008

Mr. LaCortiglia: I move to postpone the approval of the January 14, 2009 and December 3, 2008 minutes until the next meeting.

Mr. Howard: Second

All in favor? 5-0; Unam

Vouchers – 3 invoices @ \$1817.99

Mr. LaCortiglia.: I make a motion to approve the vouchers totaling \$1817.99

Mr. Howard: Second

All in favor? 5-0; Unam

Correspondence -

Blueberry Lane-Snowplowing

Mr Cracknell: We got a letter from one of the sole homeowners, Mike Keenan on Blueberry Lane. This is on the agenda for tonight. There has been some miscommunication between the 2 parties, the homeowner and the developer, regarding snow removal. Having just read these two letters this afternoon, I would like continue this to the next meeting to get these two parties to speak to each other and resolve the issue.

Mr. LaCortiglia: I make a motion to postpone the discussion of correspondence for Blueberry Lane to the next meeting

Mr. Howard: Second

All in favor? 5-0; Unam

Mr. Cracknell: We have received notification and a copy of the surety rider from Safeco. insurance for Pulte homes which is the bond reduction to \$200,000 from \$706,000 (a \$506,000 reduction) for Parker River Landing. This notes that they are aware of the reduced Form J by \$506,000.

There is a letter dated Dec 16, 2008 from Safeguard Insurance Co., the Bond holder for Chaplin Hills. Their engineer Jeremy Sentman will contact Jonathan Eichman prior to inspection of the site and review the documentation that Michele and I sent them, the bond holder, back in November. We notified them to make good on the bond and they honored our demand by implementing the process needed to complete the work. The engineer should be contacting us. Nick will contact Mr. Eichman to see if he has been contacted.

Mr. Rich: Are we adding up the legal costs relating to this bond to the total costs of finishing that road? If we are not then we need to change that.

Mr. Cracknell: I don't think we are adding those up right now. I don't know what the steps are to actually do that. I think that we spoke with Jonathan in the past with respect to Whispering Pines and I think that came out of our Affordable Housing line item. You cannot get that out of the bond without suing the Bondholder. You can not go after snow removal because it is not covered by the Bond. I don't know if we can recoup costs from Chaplin Hill and Whispering Pines.

Mr. Rich: If they default and the town prevails, I would like to see what our document says. Just a simple sentence, that if they default and the town prevails, that the town is entitled to have its attorney fees covered along with the principal covered against the Bond.

Mr. Cracknell: I will talk to Jonathan and see if that is within bounds.

Mr. Rich: We don't have to talk to Jonathan. I would like to just see the document. We tell them to produce a bond. Do they sign a contract with us when producing the Bond?

Mr. Cracknell: I will get you all the documentation and you can look at it. If there is a remedy that covers ourselves and the taxpayers regarding paying for snow removal, we need to put that in our process moving forward.

Ms. Evangelista: We have a \$10,000 check from Whispering Pines?

Mr. Cracknell: We haven't got it yet. They needed to have their septic plans extended, they may have expired. I don't know how long the septic plans are good for. They had all the approvals from the BOH, but they had to go back to get their OOC extended. They should be closing any day.

Other Business:

Whispering Pines – Form K Partial Release of Covenant for Lot 1

Anthony Franciosa – Developer

Mr. Cracknell: This is regarding Lot 1, Map 19, Lot 48 of the Whispering Pines subdivision on Warren Street. The Covenant for this corner lot relates to tree planting along the edge of this lot as

well as maintaining a 250 ft. site line at the intersection across this Lot. The prior owner of the Lot as well as Mr. Longo did not record a Declaration of Covenant so these gentlemen did it a day before the last meeting as required in order to sign the Form K. Here is the Form K to be signed and it meets all of the original conditions for signature. It is the original homestead that will be removed and replaced with a single family home. It is the only lot never released in Whispering Pines.

Mr. LaCortiglia: I make a Motion to release the Map 19, Lot 48 for Whispering Pines.

Ms. Evangelista: Second

All in favor? 5-0; Unam

65 Jackman Street – Discussion of Bond Release Request

Mr. Cracknell: You had asked me about this in January to dig out the file and find out what the \$2500 was taken for. An application for a site plan review, March 2003, was on file for a 3700 sq. foot garage to house commercial vehicles. Nothing has been built. The site plan has not lapsed. Georgetown and most communities do not have an expiration on site plan approvals. They did follow up with a letter indicating they are asking to withdraw their Site Plan Approval and asked for their \$2500 bond back. We can return the money and should.

Mr. LaCortiglia: Was that actually a Bond or a M account?

Ms. Evangelista: It was a cash Bond.

Mr. LaCortiglia: I make a Motion to release the \$2500 Bond on 65 Jackman Street.

Ms. Evangelista: Second

All in favor? 5-0; Unam

Amendments to the Subdivision Regulations – Continued discussion

Mr. Carter: I would like to open the Public Hearing.

Mr. Cracknell: Do you want to do the amendments for the subdivision regulations for the next meeting? All we were going to bring forward on the meeting on the 28th is the fee amendments. I think we should kick this off for 2 more weeks. I haven't looked at this in over 2 weeks. We will come back with a recommendation on the fees. You all have this from October, the last time the fee document was updated. I will email it out to the whole board tomorrow so you can start looking at it for the next meeting. Tillie, Harry and I will go over before the next meeting.

Mr. LaCortiglia: I haven't had the chance to look them over.

Mr. Carter: We will move that to the next meeting.

Mr. Rich: I make a Motion to continue the Public Hearing on the Amendments to the Subdivision Regulations to the next meeting on Feb 25th.

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

Deer Run- Inspection Report from Dave Varga

Mr. Cracknell: You have this in your packet from Dave Varga. We got a handwritten note this afternoon from the applicant's attorney indicating that the engineer that produced the as-built plan which Dave Varga reviewed as part of the main context of his letter. They are meeting and discussing what needs to be done to bring this to closure within the next week to two weeks. They would like to defer this agenda item until they talk with me next week and be back in here on the 28th to get things worked out between the engineer and Dave Varga. Odds are this will be a month before they are back here. We could have them back here on March 11th.

Mr. LaCortiglia: I make a motion to have the applicant Deer Run join us on March 11th.
Mr. Howard: Second
All in favor? 5-0; Unam

Subdivision Review – Pondview Estates and Twisdenwood Farm

Mr. Cracknell: I had put in a call to Scott Green. I have not heard back from Mr. Green on Pondview. Soil tests need to take place. It looks like we may be running into a problem.

Mr. Rich: I can't participate in the Twisdenwood discussion.

Mr. Carter: Do we have an extension on Pondview?

Mr. Cracknell: Both have been extend to end of March.

Mr. Cracknell: We have not heard from Pondview for 6 months. We have not heard from the applicant of Twisdenwood for 2.5 months. The applicant (Twisdenwood) is working with Mr. Dean Chongras. He is well aware of the problems. Dean Chongras plans to come before the board on February 25th. At that point you can decide what your want to do. These two projects are very different.

Mr. Carter: Twisdenwood has show an interest in coming in. Pondview hasn't done anything.

Mr. Cracknell: They both have until the end of March.

Mr. Rich: I make a motion that if we do not have any action or adequate response to the design engineers required from Pondview Estates by March 31st, that it be considered by vote on motion that it be denied.

Mr. LaCortiglia: I make a motion that this gentleman joins us on the 11th of March to the satisfaction of the Board and all of the outstanding issues (Larry Graham's issues) if not we will deny his Definitive Subdivision Application.

Mr. Rich: What do we expect by the end of March?

Mr. Cracknell: I think that we should expect the applicant to adequately address the engineering concerns as expressed by Larry Graham in the letter from September 2008. They should complete this by the end of March at a minimum. I have spoken with the (Pondview) applicant that they agreed to do perk tests and there is earth to be moved and nothing has been done.

Mr. LaCortiglia: At this point we do not have the info that we requested.

Mr. Howard: Look at what has been going on with the housing market. I don't think he wants to withdraw.

Mr. Cracknell: We are not always clear that we need to have information much before the last minute. Everything has to be reviewed with Larry and everything has to be approved.

Mr. LaCortiglia: I don't think that we ever extended the hearing to the end of March. I don't think that we have done an extension of the Public Hearing.

Mr. Cracknell: We need to check that out. We have to look and see what it was.

Mr. LaCortiglia: We need to put the Public Hearings on hand for both Twisdenwood and Pondview for March 31st.

Mr. Cracknell: We need to have a rational and have some milestones on this (Extension of Time, Form H) to tell us what the dates mean. I will look into it with Michele.

Mr. Howard: We need to pick a meeting date prior to the extension of time date (March 31, 2009) when everything is due.

Mr. Cracknell: I will try to get him (Scott Green) in on the 11th. I will send him a letter letting him know that the continuation of the Public Hearing is on the 31st. There may still be a procedural glitch. It is not fair for the neighbors, the abutters, to wait 8 months until they hear from him again.

Mr. Carter: We need to put a time frame on this and we need to be clear. If we don't have a response to your letter by the 31st then we need to have a motion.

Update on Zoning Amendments for Spring Town Meeting (includes 40R presentation) & Update on 43D Application for Route 133/I-95 Corridor

Mr. Cracknell: Mr. Kennedy would like to change that land from Residential (B) to Industrial (IA). Since then we have asked that a special permit be filed for that land if it involves a building over 30,000 square feet.

Mr. Howard: The way I understood it 3 years ago, the way it was zoned would have meant that we would get a big box store.

Mr. Cracknell: The Enos properties are industrial. They will still need a special permit if it is retail. There was one before, now there are two.

Ms. Evangelista: So what happens to your 43D if a big box goes in there?

Mr. Cracknell: A box can go in there today. It has not been presented to us to have the sole purpose to have a big box. It still is going to abut a residential district.

Ms. Evangelista: In any zone you need a 100 ft buffer. That was the big issue.

Mr. LaCortiglia: The adult entertainment district is the 800 lb gorilla in the room.

Mr. Cracknell: He cannot use that land because it is zoned residential. That is what you have with split-zoned properties. It can only be used as open space. Where in the code is that buffer requirement?

Mr. Howard: There are different setbacks for residential property and industrial property.

Mr. Cracknell: I am familiar with the wetland setbacks, but I am not familiar with other setbacks not addressed by Mr. Kennedy. Tillie has mentioned a 100 foot buffer due to the zoning district and I was unaware that this was also an issue.

Mr. LaCortiglia: If we rezone then the buffer goes away.

Mr. Cracknell: The is true and if the people of Georgetown don't want a big box this is a way to keep it out. Again, this issue was not addressed by Mr. Kennedy.

Mr. Cracknell: We need to get out of the small little shoe box that all we can do here is a big box. This property has 2 opportunities to fail. If the town doesn't like it, each board will deny the special permit. You couldn't get Genzyme to put up a building with the way it is zoned today.

Mr. Howard: I am in favor of changing the zoning.

Mr. Cracknell: Other than big-box retail, every other use will likely be more attractive to Georgetown. The arrowhead makes no sense.

Ms. Evangelista: How will this tie into the 43D?

Mr. Cracknell: We are going to take a 5 minute recess.

Mr. Rich leaves the meeting at 8:42pm.

Mr. Carter: We will now reconvene the Public meeting.

Mr. Cracknell: In answering Tillie's question, under the 43D program, I am saying that the full build out is at least 50,000 SF for commercial or industrial land uses. We will present this to the Economic Development Committee meeting on Friday. Then we will then present it to the Selectmen the following Monday night. When we have the joint Public Hearing the Selectman will also know what we are talking about.

Mr. Cracknell: It is more tricky to turn down a special permit based on performance standards.

Mr. Carter: The pros of rezoning far outweigh the cons because it is not giving us the square footage we need.

Mr. Cracknell: Until we read what the performance standards are we should be able to fetter out a good project. There is a very high bar to get through the 2 other board reviews (ZBA & CC). Before we go to Public Hearing and the Town Meeting we need to make sure that we are comfortable with the performance standards.

Mr. LaCortiglia: We never did write regulations on that [Major Development Review.] Our place as a Planning Board is not to approve a big box as that's the zoning board's place. The zoning board determines how the land is used.

Mr. Cracknell: We need to create a new definition if we want to exclude only big box stores.

Ms. Evangelista: Isn't it cumbersome to do 2 special permits? Let's take A.ib out.

Mr. Cracknell: If you want to stream line permitting, you want to create a new letter, maybe B.

Ms. Evangelista: I think that steamlining is the way to go.

Mr. Cracknell: We want to get the basic 43D co-sponsored by the Selectman, hopefully. We can get \$60,000 from the state for administrative costs. To have the CC, PB and ZBA to work together, you need to have administrative support. This area of land has a lot of wetlands and that is a challenge. The zoning does not work at this point. And the marketplace is a big consideration here.

Mr. Cracknell presents the Informational 40R (mixed use) Public Hearing Powerpoint

slideshow (about 1 hour in duration). A hard copy of presentation is on file in the Planning Board office.

Mr. Cracknell: What needs to happen next? The Implementation Process Slide will be included in the final presentation. Paul from the Economic Development committee is going to help me shepherd this through. I will meet with him on Friday. He works for the state and has many contacts.

Mr. LaCortiglia: When does this need to go in? When is the infrastructure report due?

Mr. Cracknell: By the end of the month, by March 1. The BOH is the biggest hurdle we have to get through in the next two weeks. Look at the first page of the draft amendment. Many local officials have looked at this and have made changes. We need performance standards for B&Bs looked at again: parking, bedrooms, BOH, # of rooms.

If this passes, everyone in Georgetown can have one accessory structure to go inside the setback (see Accessory Structures). Perhaps this should only apply to the RA district, the Village Center.

Please review these amendments earlier than later. Our goal two weeks from now is what to put on the Town Warrant.

Mr. Howard: I make a motion to adjourn the meeting at 10:55pm.

Mr. LaCortiglia: Second

All in favor? 4-0 (Mr. Rich left meeting earlier); Unam