

Meeting Minutes
GEORGETOWN PLANNING BOARD
Wednesday, May 13, 2009
7:00 p.m.

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

Absent: (Mr. Rich arrives late)

Mr. Carter opens the Planning Board meeting at 7:10pm.

Board Business 7:00 p.m.

Minutes – 3/11/09, 4/8/09

Mr. LaCortiglia – Motion to approve the minutes of March 11 and April 8 with corrections.

Mr.Howard- Second

All in favor? 4-0; Unam (Mr. Rich not present)

Vouchers –

Mr. LaCortiglia- Motion to authorize payment of the May 13 vouchers totaling \$2,257.19.

Ms. Evangelista – Second

All in favor? 4-0; Unam (Mr. Rich not present)

Correspondence

a.) Whispering Pines - Tree update and BSC Group report

Mr. Rich Williams with Artisan is present on behalf of the developer for Whispering Pines.

Mr. Williams- All the trees are planted. There are 9 trees as you go into Sage Road of Whispering Pines that Artisan has been asked not to plant. The un-used trees will be donated to the Town if the Planning Board allows us to not plant them in that location.

James McNally, abutter, 31 Warren Street - States that he is acceptable of the tree plantings.

Mr. Howard- Motion to approve MINOR modification for the tree plantings at Whispering Pines Definitive Subdivision.

Mr. LaCortiglia- Second

All in favor? 4-0, Unam (Mr. Rich not present)

b.) Rosemarie Street Acceptance

Mr. Cracknell- The subdivision was approved decades ago and a cash bond was put into place in 1995. It appears that the applicant is now deceased. The streets have never been accepted. The Planning office will have to do an audit of the account and send Peter Durkee out there to do an inspection and make sure the construction is acceptable.

Mr. Carter- Is the town plowing?

Mr. Cracknell- Yes, the Town is currently plowing. Peter Durkee will be asked to go out and do an inspection.

Mr. LaCortiglia- The parcel of land that the Town accepted for conservation at the end of Rosemarie did not get transferred at the completion of the development.

Ms. Evangelista- [To town planner] Check with Peter Durkee. Also check with ZBA for an appeal on the lack of frontage on one of the lots.

Mr. LaCortiglia- We will probably need Town Counsel at some point for street acceptance of Rosemarie Lane.

Mr. Cracknell- When I last spoke with Jonathon Eichman, he stated that we would need to get a sign off from each of the abutting property owners prior to Town Meeting as well as Form J sign off.

Mr. LaCortiglia- Motion to authorize Town Planner to consult with Town Counsel regarding Rosemarie Street acceptance. Payment will be determined at time of call.

Ms. Evangelista- Second

All in favor? 5-0; Unam (Mr. Rich is not present)

4. Other Business –

- a. Little's Hill – Tripartite Agreement/Subdivision. Permit extension
{Mr. Rich arrives and Mr. Cracknell leaves the meeting}**

Ms. Evangelista- Explains that she is an abutter and will have to recuse herself from the discussion regarding Little's Hill.

Mr. Cracknell- The subdivision permit for Littles Hill Subdivision expired on December 20, 2008. I contacted the applicant and informed him that we needed to re-issue the permit in order to finish up the roadways. These streets are not intended to be public ways. I also indicated that he needed to get the M-account up to \$4,000. There was a PUD subdivision approval and a definitive subdivision approval. There are 10 vacant lots remaining in the 45 lot subdivision. I explained that there are concerns for this project related to the roadway without waiting for all the lots to be completed. There was a tripartite agreement posted in 2005 which is \$220,000 in surety. Dave Varga has not gone out to do an inspection.

Craig Spear, developer- Gives a brief description of Littles Hill and what remaining items need to be completed.

I met with the contractor today and they should be finishing up on the house plans today and starting construction soon. I also sold 2 lots to a builder for 2 lots on Littles Hill Lane. Two other lots are under agreement now. My intention is to keep the prices aggressive on the lots, finish Littles Hill Lane and finish the last foundation this fall. We will put spec homes up there if are lots not sold by the fall. I would anticipate that all the houses will be started by this fall and have the landscaping done by next spring. Topcoats, sidewalk curbing, lights will also be done at that point. There was a lawsuit that took several years and that has all been resolved which has been the reason for the long delay.

Mr. Rich- Justify why they shouldn't have a finished road?

Mr. Spear- If I finish, it is nice but the excavator and the concrete truck that comes in can't get around everywhere. They end up damaging the road.

Mr. Rich- When the houses were sold, what did you tell them when the road would be completed?

Mr. Spear- I indicated to them that the road would be finished when all of the houses are built.

Mr. Dave Surface, Little's Hill Lane and HOA president – We were told that it would be a couple of years in 2006. We are anxious to get the whole development done and the sidewalks and curbing done and we do understand the situation. We know the permit needs to be extended but he should be held to a timetable and the neighbors would expect sidewalks to be put in by next Spring (April/May 2010) even if all the houses are not complete

Mr. Rich- What is your time frame?

Mr. Surface- I like the idea that foundations will be in. I wouldn't like to see it go beyond next spring.

Mr. LaCortiglia- I spoke with Nick and we discussed some items that need to be addressed with a timetable. I failed last time that we all had a certain expectation of what was to be done. One

of the items was to bring the account to \$4,000 which you've done tonight. There are no bounds on the conservation trails that need to be put there as markers. There are also signage issues at the entrances. Getting the stone bounds now makes sense on all the entrances to the open space public lands. He refers to memo dated May 13th, 2009 which is on file in the planning office.

Mr. Spears- We can certainly do that. I stopped maintaining the trails after the land was donated to the Conservation Commission. We have designated parking spaces for entrances into the trails.

Mr. Surface- Will there be parking spots at the cul-de-sac on Littles Hill Lane?

Mr. Spear- The design is there. The people on Londonderry Lane asked us to move them and change the angle of the spaces. I expect that this Board will not have trouble with this request.

Mr. Rich- How many parking spaces are designated handicapped? By law, if there are 3 spaces, one would have to be designated as handicapped.

Mr. Spear- I guess it would not be a problem to designate one as handicapped in the two cul-de-sac parking areas.

Mr. LaCortiglia- The area on Baldpate Road is not marked with any bounds. No one would know the trails are there. You would be reluctant to get on the trail without a stone bound there for fear of walking onto what looks like private property.

Mr. Rich- If you have a stone bound, you will not need any other markers.

Mr. LaCortiglia- Also mentions that a pre-construction meeting is required with Dave Varga, Town engineer, by July 1, 2009. Londonderry Lane is to be completed with topcoat by November 15th.

Mr. Spear- I expect to do the landscaping and have everything complete by July 1, 2010.

Mr. LaCortiglia- Motion will be to extend the subdivision permit until December 31, 2009. This will allow for Dave Varga to come back with an inspection report and a bullet list. Then the developer can come back and have the permit extended again until July 1, 2010.

Mr. Rich – Makes a request to change Line 3 of the Order of Conditions to read – The project shall be in compliance with all requirements of all orders of conditions issued for this project by any board or commission.

Mr. LaCortiglia- Motions to extend the subdivision permit for Little's Hill PUD with compliance to the May 13, 2009 memo drafted by Mr. LaCortiglia and Mr. Cracknell until December 31, 2009.

Mr. Rich- Second

DISCUSSION:

Mr. Howard- If any of these milestones are not met, does that immediately prompt the subdivision permit to end with grounds to rescind the permit extension.

Mr. Spear- This meets my timeline. I may not have one house done on Londonderry Lane completed by November 15th. I don't own that lot.

Mr. Surface- The condo association may require a cash consideration to repair damages if it is not complete on time.

Mr. Rich- Didn't Nick say that the roads are not public ways?

Mr. LaCortiglia- The roads in the permit will always remain private.

Mr. Surface- I was told the roads were built to the specifications of the town so that one day the roads could be accepted as public ways.

Mr. Spear- The permit indicates that it will remain a private way but it will have access to the public. The streets are public ways but it is not an accepted street. The private roads will provide access to the public.

Mr. Surface- We fully support Craig to renew the permit. We would like to see that these things on the list will get done. We would like to have the roads complete and accepted by the town one day in the future. We will continue to have discussions with Mr. Spear on his progress.

Mr. LaCortiglia- November 15, 2009 is the drop dead date.

Mr. LaCortiglia- The expiration date [December 31, 2009] is the date.

All in favor? 4-0, Unam (Ms. Evangelista, abutter, is not present)

Mr. Surface- The tripartite agreement amount is \$220,000. If we were looking to move that number up, could we do that?

Mr. LaCortiglia- Just driving through the subdivision, I am comfortable with the fact that by November 15th, Londonderry Lane will be complete and the \$222,000 in the tripartite will be fair. We will also have the benefit of Dave Varga's punch list to refer to if necessary.

b. Railroad Avenue – Memo from Mr. Danilecki

Ms. Kottcamp explains to the Board that Mr. Bob Grasso indicated that he would be meeting with Mr. Danilecki.

Mr. Carter, Chairman, requests that both parties must be present at a future Planning Board meeting before any building permits are issued on any of the lots.

c. Stone Row – revised Final Covenant

Mr. LaCortiglia- Requests a recorded copy of the final covenant with a book and page number.

d. Affordable Housing Declaration of Trust

Mr. LaCortiglia- I put together a Declaration of Trust for the affordable housing trust authority to review. Fall Town Meeting allowed for a Declaration of Trust but it was not a written document. At this point and time, the state accepted it. At this point we have not done anything by bringing it to the Board of Selectmen.

Ms. Evangelista- Mr. Nelson and I looked into this and we researched Salem's Trust. He also met with Mr. Delaney, Town Administrator.

Mr. LaCortiglia- With all due respect, the Board needs to declare the trust.

Mr. Rich- The Trust is nothing until it is in a document form. The document creates a legal entity that has to be funded. The funding is called a RES. The Trust needs to be signed and have 2 trustees that are not beneficiaries. Mr. Rich asks Mr. Surface to look into whether there was a document from Salem that could be used as a template and sent to Steve Delaney, Town Administrator, for review.

Ms. Evangelista- We re-wrote the trust that was used in Salem and have given it to Steve Delaney. We have not heard anything back from the Board of Selectmen.

Mr. LaCortiglia- There needs to be a Declaration of Trust signed by the Selectmen and recorded. The Trust is then legally created at that point.

Mr. Rich- Motion for the Planning Board to send a communiqué to the Board of Selectmen regarding the Affordable Housing Declaration of Trust.

Mr. Howard- Second

All in favor? 5-0; Unam (All Board members present)

Cont. Public Hearing(s):

Subdivision Regulations: To be continued to 6/10/09

Mr. LaCortiglia- Move to open the Public Hearing for the Subdivision Regulations and to continue the Public Hearing to 6/10/09 at 7pm, 3rd floor, Town Hall.

Mr. Rich- Second

All in favor? 5-0; Unam

Mr. Carter adjourns meeting.