

GEORGETOWN PLANNING BOARD MEETING
Wednesday, January 23, 2008
7:00 p.m.

Present: Mr. Rob Hoover, Chairman; Mr. Tim Howard; Mr. Hugh Carter; Mr. Harry LaCortiglia; Ms. Matilda Evangelista; Mr. Larry Graham, Consulting Engineer; Ms. Laura Repplier – Recorder

Absent: none

Mr. Hoover opens the session at 7:05 pm.

Mr. Howard makes motion to engage Laura Repplier to prepare the minutes for the night's meeting - Mr. Howard / Mr. LaCortiglia / 4 Aye, 1 Absent

Executive Session

Mr. LaCortiglia makes the motion to enter Executive Session to discuss litigation. Seconded by Mr. Howard.

Roll call to enter Executive Session:

Mr. LaCortiglia – Aye
Mr. Howard – Aye
Mr. Hoover – Aye
Mrs. Evangelista - Aye

Mr. LaCortiglia makes a motion to leave Executive Session and return to public session. Seconded by Mr. Howard

Roll call to leave Executive Session:

Mr. LaCortiglia – Aye
Mr. Howard – Aye
Mr. Hoover – Aye
Mrs. Evangelista – Aye
Mr. Carter - Aye

Board Business

The Board discussed that the Chairman, Mr. Hoover, has delegated certain administrative tasks normally performed by the Town Planner to the Clerk of the Board, Tim Howard, until a Town Planner is hired.

Stone Row Extension Decision

The board asked Mr. Graham to prepare the decision for Stone Row.

Minutes

Mr. LaCortilia made a motion to accept the minutes of January 9, 2008. Seconded by Mr. Howard. Vote is unanimous.

HCD Grant

Mr. LaCortiglia makes a motion to authorize the board to take over the HCD Grant application process that was previously being handled by Mrs. Buck. Seconded by Mr. Howard. Unanimous vote.

Correspondence

None

Vouchers

None

Other Business

Office Hours

Motion to hire Carol Fitzpatrick to assist Michelle Kottcamp as per her memo dated Jan 23, 08, until February 29, 2008 – Mr. LaCortiglia / Mr. Howard / Unam

Continued Public Hearings

231 North Street – Blarney Court

Representatives: Dick Moylan; Tom Minetto

Mr. Moylan – At the end of the hearing I would like to request a subsequent hearing on administrative matters (regarding finances, etc) at a separate meeting.

Mr. Minetto – This regards 2 lots, with an existing house at 231 North Street. Lot 1 is the proposed dwelling. There is a 12' wide drive, with the first 50' as paved remainder gravel. The remaining issues included the slope at the area of North St. I worked with Mr. Graham to get the correct setbacks and to locate major trees. We pulled the 1:1 proposed slope with matting to hold the slope back and meet the site distance requirements. The 50' of pavement is on the list of waivers on sheet 1 - #1-8. (Shows plan) We are asking for relief from the following:

1. Providing a profile plan of North St
2. Placing highway bounds along the court
3. Providing street lights
4. That streets be offset 25' from each other
5. That grade not be > 1.25%
6. Showing drainage canals other than those on plan
7. Reducing the road width to 12' from 18'
8. Paving 50' from North St with bituminous materials
- 9 Providing 2' wide gravel shoulders
- 10 Placing a fire hydrant at the end of the court
- 11 Providing an electronic Autocad version of the plans
- 12 Placing bounds at the property corners

Mr. Hoover invites public comments.

Mr. Graham – My last letter of review was on Nov 27 to the board. I agree that everything was resolved except the last 1.5" as in letter. Item 1 – Plan Sheet 3 of 5 – as prepared by North Star. There has been a problem in getting mylars done from Marty Halloran's version. This sheet is the only sheet that would be recorded, it shows all notes and waivers and has been properly certified. This is the only way it can be recorded due to Mr. Halloran's passing.

Mr. Moylan – I remember that we would have one mylar that would go to the registry, with the comment that the rest of the plans would be on file at the Georgetown Planning Office.

Mr. Hoover – Does that reflect the same layout?

Mr. Graham – Yes. When you go to record a sub-division, these are the only plans that are recorded. The Registry is only in charge of the lot lines and boundaries.

Mr. Howard – Other features relates to our interests.

Mr. Graham – Plan says that it is related to other plans on file with the Planning Board. I haven't seen the GFD review.

Mr. Moylan – Mrs. Buck said she had received the fire department's letter. I had spoken to them and went over the plans, and the water department as well for the psi required for the hydrant. There were no problems. The letter was typed up and Mrs. Buck said she had received it.

Mr. Hoover – That letter is in the file. GFD has reviewed the plans and approved them. It was received Aug 8, 2007. There is also a letter from GWD regarding the psi in hydrants, and no comments on that. There is also a letter from Georgetown Light Department about their review, they have no issue with the plan. The letter requests that electric utilities are underground, the owner will be charged all costs. There is also a Conservation Commission letter – dated May 30, 2007. The NHESP determined that the project will not result in a take.

Mr. Graham – Regarding the placement of the dangerous intersection signs, the board recommends that the town should be responsible for those.

Mr. Moylan – I remember that the board unanimously agreed that jurisdiction was with Georgetown Highway Department. They also brought in the type of signs that are already there. They agreed that the existing signs would be appropriate.

Mr. LaCortiglia – If it's the town's responsibility to put signs up – who's paying?

Mr. Moylan – The town pays. The town has a history of putting signs up along there at the town's expense.

Mr. Graham – Regarding the labelling of the paved section on plan – the revision has been done for 2.5" vs 1.5". The GPB approved a 1.5" binder course. This will be a one house driveway, so I don't have strong feelings about it. 2.5" is the town standard but it is a private road so they will have to maintain it.

Mr. Hoover – I agree, as it's a one house road, I am very comfortable with that.

Mr. Graham – I recommended it be sited on the other side of the house, but they put it on the easterly side as a compromise.

Mr. Moylan – I believe we already had approval of 2 waivers – #7, the road width and #9, the 2' gravel shoulder.

Mr. LaCortiglia – There are a number of waivers here. Before we bring those to a vote, what is the compelling reason why the board would grant so many waivers?

Mr. Moylan – This is for a private citizen's benefit that doesn't hurt the town.

Mr. LaCortiglia – A 12' road would not allow a fire truck, I think GFD saw the plan before the road was narrowed.

Mr. Hoover – Some regulations do not apply to a project such as this. The waiver ordinance was put in to allow PBs to allow waivers where it doesn't impact the town. For instance, the waiver regarding the distance between roads doesn't apply here because it relates to driveways rather than roads. Let's discuss each waiver in turn.

1. Relief of providing a profile plan of North St
Mr. Howard – It's just a driveway.
Board OK.
2. Highway bounds for a blind court – Board OK
3. Street lights
Mr. Hoover – This is a driveway so it doesn't apply
Board OK
4. Streets offset
Mr. Hoover - Again, this is a driveway so it doesn't apply
Board OK
5. 1.25% of Intersection – 6% coming down to 0% within 50' paved strip. Only 6% at one point.
Mr. Hoover – It is mostly 3%, anything below 5% is handicapped accessible so this seems reasonable.
Mr. Graham – 1.25% is too flat, it needs to be revised.
Board OK.
6. Drainage calculation studies or infrastructure –
Board OK.
7. Already granted
8. Paving at 1.5" – Board OK
9. Already approved (shoulders)
10. Fire hydrant –
Mr. LaCortiglia – I can't agree with this one.
Mr. Hoover – GFD agreed with this waiver.
Mr. LaCortiglia – I question the timing of that letter, I don't feel comfortable having it more than 300' away from the hydrant.
Mr. Moylan – When it was presented it to the chief they knew of the hydrant at Maureen Lane and said it was accessible and has adequate pressure.
Mr. LaCortiglia – The issue is that it's across North St.
Mr. Moylan – All the inspectors indicated it was adequate.
Mr. LaCortiglia – Even though is a driveway that's a core regulation that doesn't fit.
Board approves waiver - 4 for, 1 against
11. Electric Autocad version of the plans –
Mr. Graham – We can get this now that North Star has prepared the plans.
Mr. Minetto – I can give you one, or North Star can.
Mr. Graham – Get it from North Star.
Board - Delete waiver #11 and get a new Mylar.
12. Granite benchmarks at property corners (will become #11) – Board OK

Mr. Howard motions to approve the sub-division plan of 231 North St with latest revision date of 12/18/07 and waiver #11 deleted (electric Autocad version of the plan) Mrs. Evangelista seconds.

Mr. Howard amends the motion to include and clarify in the decision all revision dates of plans. Mr. Carter seconds. Vote is unanimous.

Vote on the motion is carried unanimously.

Mrs. Evangelista motions to authorize Mr. Graham to prepare the decision for 231 North Street – Mr. Carter seconds. The vote is unanimous.

Mr. LaCortiglia motions to close the public hearing for 231 North Street. Mr. Carter seconds. Vote is unanimous.

Mr. Moylan – I would like to schedule an administrative hearing regarding fees and the waiver of my application fee of \$3k. I would like to request a breakdown of the town engineer's bill to discover what services were rendered.

Mr. LaCortiglia – That is to be handled in correspondence.

Mr. Moylan – I will write with information and a list of what information I would like.

34 Thurlow Street

Reps: Charlie Ogden, Engineer; Mitch Kroner, Attorney

Mr. Kroner – I have received the comments from Mr. Graham.

Mr. Ogden – This is an existing 4 bedroom house on 4.7 acres. The property has been divided into 3 building lots, the existing lot and 2 new lots. The roadway is for access for Lots 1 & 2. Lot 3 has frontage on Thurlow St. The drainage is collected through stone swales & brought to an infiltration area. We have revised the plan since our last meeting. We had 5 waivers that have been removed by adding a hydrant, shifting the entrance placement (re. property line radius); adding a Cape Cod berm at the entrance; and adding a hydrant inside the roadway.

Mr. Graham – This sub-division has been around for awhile, since July 2006. It was held up for environmental testing (done by Simonds) which was accepted by the board. The plan was revised by Mr. Ogden and submitted in mid December 2007. My report is a 6 page report and includes these comments.

- 1) The Road A they are proposing to access the 2 lots is directly adjacent to the Eaton's property. I am concerned that they need to make it secure for the board before approval. Who will be responsible for relocating Eaton's driveway? Could Mr. Eaton's house also be accessed by this drive with the original removed? The board should make sure Mr. Eaton is happy with the solution.
- 2) Parcel A – To get to parcel A the driveway goes near Phillips Ave. There is no good reason to have it there. There may be access through Phillips Ave but then they would have to go through a wetland. My recommendation is to encourage the applicant to either

- do away with Parcel A & give its area to the other lots or make it a non-buildable lot. It doesn't make any sense in planning to provide for a piece of land shaped that way.
- 3) Regarding the drainage, it is proposed to be system of infiltration swales along the sides of the road. The road profile comes down and goes back up at 1% grade, that's OK as is flat, but there are low points with high points in between so there can't be any drainage between those areas. I recommend that the infiltration swale be taken deeper and connect them with 4-6" pipe. The swale should use the same material as drywalls for each house. They need the overflow to contour at elevation 76'. I consider that as failsafe to make sure there is no ponding along the drive and no seepage from the swales onto Mr. Eaton's property.
 - 4) The plan shows good site distance along the road to the west but indicates that the pole to the right is an obstruction. They are proposing underground electricity, there is an existing service pole. I would like to get rid of the pole to create sight distance of 250' which would give about 35 mph. It is only a service pole for Mr. Eaton's house.

The board should discuss Parcel A in particular.

Mr. LaCortiglia – There are no waivers requested except the street lights at some point. Are there water issues? Mr. Graham has a whole page of hydrology issues. Is the driveway going to flood?

Mr. Eaton – It floods across my driveway now, towards North Street.

Mr. Graham – Is the feeling that this won't impact that?

Mr. Ogden - Yes, it might even improve that situation.

Mr. LaCortiglia – Regarding the lot in the back, I would like to hear their response.

Mr. Hoover – Let's say we're in agreement with Mr. Graham's comment and we'll come back to that.

Mr. Ogden – We pretty much agree with his comments.

Mr. Howard – I have a question as to whether the driveway relocation needs to be done and whether Mr. Eaton happy with it.

Mr. Ogden – Mrs. Buck suggested that Mr. Eaton use Road A rather than moving the driveway.

Mr. Kroner – We want to grant Mr. Eaton the ability to use Road A but not have any maintenance for it – to be good neighbors.

Mr Eaton – My driveway's on their land now, they said they would give me that land so my driveway would be on my land. It hasn't happened yet so I don't know.

Mr. Howard – What is your preference?

Mr Eaton – I like it the way it is now. I've been using that land for 25 yrs so legally it's mine.

Mr. Hoover – Those discussions are between you and the applicants.

Mr. Kroner – We will work out the details.

Mr. Howard – And the water situation will improve for him it seems.

Mr. Graham – Yes, there's a high point here that would be improved with the infiltration and piping.

Mrs. Evangelista – Does the applicant own all of that property?

Mr. Ogden – Yes, he does.

Mrs. Evangelista – What was shown in the information packet doesn't look like that parcel. The deed looked different.

Mr. Ogden – The deed has 2 parcels – 1 and 2. Our plans have always shown this shape.

Mr. Carter – Parcel 2 is not a building lot – because it can't be or you don't want it?

Mr. Ogden – It is not and we don't want it to be.

Mr. Carter – Does it have access to Phillips Ave?

Mr. Kroner – We would have no problem with people on Phillips Ave accessing this property.

Brian Kimball, Abutter, 2 Phillips Ave – I have used that strip to get access to trails for recreation. Being able to access it is of huge value to the abutters. That the future of Parcel A is unknown is of concern. Now I see an attempt to keep it unaccessed, but who knows what might happened in the in the future.

Mr. Graham – My suggestion is to eliminate it altogether. Maybe this driveway strip and Parcel A could be given to the town to provide access and secure the future of that strip.

Mr. Kroner – We would give Phillips Ave and the town access and convey it to the town.

James Ogden - Our intent all along was to use the strip in the back to convey it to the town so we don't have any liability for people accessing town property across a property we own. We would be happy to convey that to the town.

Mr. Hoover – A retaining wall was removed – from where?

Mr. Ogden - We made a revision to the plan, it originally had a retaining wall along Mr. Eaton's property but now it is grading.

Mr. Hoover – Is there a landscape plan? Street trees? Isn't there a requirement for street trees?

Mr. Graham – We will provide 1:10 scale so you can see what will happen to the trees in this area. We can make a landscape plan for the area.

Mr. Hoover – That's what I had in mind. Will there be buffer planting between the two properties? Regarding street tree plantings, often the trees are shown graphically but they haven't taken the utilities in consideration so the trees are not put in. I want the trees planned for and planted accordingly. Everyone has struggled with the shape of the lot. We tried to get it changed at the last town meeting. How is this type of development in Georgetown's best interests?

Mr. Ogden – I would disagree that it wasn't allowed in past. I have seen some with skinny shapes out to a parcel in the back.

Mr. Hoover – I'm talking about the ordinance. Something happened and it got dropped. It doesn't matter, but as far as land planning goes where you have square footing and placed units in this way. How is it in the town's best interest?

Mr. Ogden – The ordinance also has contiguous buildable area so we do kind of meet the regulations.

Mr. Hoover – You may meet the ordinance but it doesn't meet the spirit of good planning.

Mr. Kroner – My debate with Mrs. Buck was that this is similar to OSRD, we are clustering houses but are leaving open space.

Mr. Hoover – It's undevelopable. So you are taking credit for land that can't be developed anyway.

Mr. Ogden – Contiguous buildable area says any part that is dry is big enough to build on.

Mr. Hoover – What you're doing meets the ordinance but takes advantage of the ordinance. As a professional planner it is discouraging to see the ordinance being used for maximizing profit. You have a right to do that but I am disappointed from a land planning view. This isn't helping Georgetown. It may be helping you, but it isn't helping Georgetown.

Mr. Kroner – Yes, it's to maximize profit. In terms of concept it is creating some open space and is consistent with the abutting street.

Mrs. Evangelista –It’s a cookie cutter plan.

Mr. Ogden – One of the constraints we faced was the zoning bylaw regarding minimum sideline setbacks. I’d love to build next to my brother’s house, but can’t with the sideline setbacks as they are.

Mr. LaCortiglia – You could come in under OSRD.

Mr. Hoover – The town needs to know those points you made there. Mr. Graham also made points we are in agreement with. We need to go away and come back another time.

Mr. LaCortiglia motions to continue the hearing to March 12. Mr. Howard seconds. The vote carries with 4 Aye, 1 Abstain.

237 Central Street

Rep: John Morin, Neve-Morin Associates

Mr. Morin – This is a 80,000 sq ft lot with frontage on Central and Nelson. It is a non-conforming lot as it is separated into Residential Zones B & C. I met with the Building Inspector before starting, to ask what do when you have a lot separated by two zoning districts. He said wherever the structure was defines the zone. I also got a legal opinion about the same. The legal opinion also said that the zone is determined by where the structure is, if you have a driveway through the more restrictive zone you would use that one. This lot is separated into 2 lots – Lot 1 frontage is on Central St only, with 214’ of frontage; Lot 2 is on Nelson St with 280’ of frontage. As was stated in Mrs. Buck’s memo, if we used the RC zone we would need 200’ frontage and the RC lot size. We believe, based on legal opinion, that we can comply with RB lot sizes.

Mr. Graham – I have no comment.

Mr. LaCortiglia – Do mind saying that Planning Board endorsement of the plan does not confer approval under the Georgetown zoning bylaw? I’m fine with a disclaimer. Do you think you could put that right on the Mylar?

Mr. Morin – Yes.

Mr. Howard – Mrs. Buck said she called someone who knows a lot about this, Guy Schmidt. He cited several cases that agree with you as long as no driveways or buildings go through the RC.

Mr. Morin - We would bring driveway through another way.

Mr. Howard – That’s for the Building Inspector to determine. She said as long as you don’t build into the RC zone it’s not in that zone.

Mrs. Evangelista – There is a small piece that is in RC.

Mr. Morin – You can't access your lot through it, or build on it.

Mr. LaCortiglia – That's for the ZBA to determine, this isn't our call. It has frontage, that's our concern.

Mrs. Evangelista – If this were my property I'd want more legal advice.

Mr. Hoover –I would concur with Mr. LaCortiglia that the ANR stands. The language Mrs. Buck wrote for a disclaimer was very good.

Mr. Morin – I can use that exact language.

Mr. Carter – We only have to look for frontage?

Mr. LaCortiglia – Yes.

Mr. Howard makes a motion to endorse the ANR on plan dated 1-15-08 with the disclaimer proposed by Sarah Buck. Seconded by Mr. Carter. Vote is unanimous.

Mr. Hoover – The applicant will bring the original to the PB meeting on Feb 13, 08 for signing.

Meeting adjourned at 11:05 pm.