

GEORGETOWN PLANNING BOARD MEETING
Wednesday, March 13, 2008
7:00 p.m.

Present: Mr. Rob Hoover, Chairman; Mr. Tim Howard; Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Hugh Carter (7:20); Mr. Larry Graham, Consulting Engineer; Ms. Laura Replier – Recorder

Absent: none

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

Mr. LaCortiglia motions to pay Laura Replier for minute recording services for the night. Seconded by Mr. Howard. Vote 4 Aye, 1 Absent (Mr. Carter)

Board Business

Minutes

Mr. Howard motions to approve the February 27 minutes as amended, including Executive Session. Seconded by Mrs. Evangelista. Vote 4 Aye, 1 Absent (Mr. Carter)

Mrs. Evangelista – There are still minutes outstanding from September and October. We should have them - Nov 28, Oct 24, Oct 10, Sept 12 are all missing. We should to ask Michelle to catch up with those.

Vouchers

Mr. LaCortiglia motions to pay the vouchers totaling \$1,122,60. Seconded by Mr. Howard. Vote is 4 Aye, 1 Absent (Mr. Carter).

Town Planner

Mr. LaCortiglia – Steve Delaney sent an email confirming that Elizabeth Ware had declined the Planner’s position as offered. Where do we want to go now?

Mr. Howard – I spoke to someone who might be interested in helping as the Town Planner. She has small children so can’t do a regular schedule in the office. I have an email & cover letter from her. We should read it over & talk to her at the next meeting. She has a degree in Planning, so would be a good fit. Do we need an Assistant & Planner in the office all the time? I have thought we don’t need two people in the office all the time, that it’s not necessary. She has a consulting business offering planning services. I told her about the pay. It’s less than she gets, but that’s her decision. She seems interested. How would you feel about having a planner who

is not in the office but has experience & can pursue ordinance changes? She has looked at our website & the proposed central district changes.

Mr. Hoover – I wouldn't want to waste her time but would be interested in whether she can help. Would the rest of the board like to talk to her?

Mr. Howard – Maybe she could work on reduced hours. There are some zoning changes coming up. She doesn't have to be in the office to work that out. She could perhaps spend more time in office in September. She said she would come to meetings.

Mr. LaCortiglia – Would we be contracting her rather than hiring?

Mr. Howard – Either one, for short or long term. She might be on short hrs until September when she can come in more. I talked to her at length. It's also good that she's a resident in town and you couldn't ask for a better background. I don't know whether she would be willing to accept the salary. I will talk to Michelle and make sure it fits in the schedule for the next meeting.

Mr. LaCortiglia – Should we post the recruitment ad again?

Mr. Howard – It's still posted. I think they don't want to advertise again due to the expense.

Mr. LaCortiglia – We should ask Mr. Delaney to re-advertise and this time put the salary in the ad so we don't lead anyone else down the path.

Mr. Hoover – Let's ask Denise to come in and re-advertise as well.

Correspondence

Mr. Hoover – We have a letter from the Newbury Board of Appeals about zoning bylaws. And another from our ZBA about the Railroad Ave zoning application – changing from single family houses to duplexes.

Mrs. Evangelista – Let's discuss that as we haven't been able to get any information about it. I talked to the Building Inspector and Patti Pitari (ZBA Office). The Building Inspector talked to Sarah Buck about it before she left. He and Sarah tried to steer him to come to the Planning Board first, but he wouldn't do it that way. We should clarify what needs to be done in a letter. What board should hear something like this first? Do we hear it first & then the ZBA? He'll have to go to both anyway if we approve it.

Mr. Hoover – The way I read the decision, it was very clear. If they made any modifications it would have to come to this board again.

Mr. Howard – Wouldn't we have to deny it as there's as nothing in the bylaw about duplexes?

Mr. LaCortiglia – We have already determined that it is a significant change.

Mrs. Evangelista – We can't make a decision until we have a hearing. It can't be just from a meeting – this can't be just business, there must be a hearing.

Mr. LaCortiglia – If it is a significant change then there must be a public hearing with us.

Mr. Howard – He hasn't proposed that to us.

Mr. Hoover – We can't force him to do that. We should write a memo to the ZBA.

Mr. LaCortiglia – We asked Michelle to do that last time.

Mrs. Evangelista – She did send the meeting minutes and the motion to the ZBA but they were the unofficial minutes.

Mr. Hoover – We have approved those minutes now so they should go to them to confirm our position.

Mrs. Evangelista – It should go in an official document to establish a standard of practice. All other boards should be copied on it.

Mr. LaCortiglia – I'd be happy to send a copy of the approved minutes. There is an explicit motion in there.

Mr. Hoover – Ask Michelle to send it again with the 3rd paragraph of the minutes containing the motion, and put it in a memo as a formal response on letterhead.

Other Business

Deer Run Site Analysis Estimate

Mr. LaCortiglia – I'm not sure if it was clear that we wanted an inspection and a cost estimate for completion.

Mr. Howard – We had to know how much money to ask for.

Mr. LaCortiglia – The regulations are clear on that. There should be a \$4k balance in there now – their quote is for \$3550. We should communicate to the subdivision inspector that we are looking for a construction estimate for completion of the sub-division, in conjunction with an observation report. Then we can determine if there is enough to cover that and then do a 2.5 multiplier to be sure.

Mr. LaCortiglia motions to ask Michelle to add an additional cost estimate to the completed sub-division to BSC Group's scope of services. Not seconded.

Mr. Hoover – Maybe they have to start work before they can do that, before they can figure out what needs to be done & what it will cost. That is part of their job. Before they can do that, they need to be paid. It's not clear here.

Mr. LaCortiglia – I'd think this would be around 1.4 or 1.5 (of the estimate) where they do the site inspection, prepare a report and then prepare an estimate to complete the sub-division.

Mrs. Evangelista – This is just a general fee structure. He wouldn't go out without a plan, I think. How could he go to the site without a plan? He says the approved plans were not available for review. Do we need to tell him to take a plan?

Mr. LaCortiglia – He's just saying that when he created the proposal he hadn't seen the plans yet.

Mr. Carter – Did we request this to be here tonight? So this is his best estimate, based on the information he had and didn't have in time.

Mr. Hoover – He should have those plans before the final proposal. Maybe there is something in there that tells him there is other work.

Mr. Howard – I'm sure he doesn't plan to give a final report without seeing the plan.

Mr. Hoover – We need clarification. I want to make sure that his qualifier isn't going to change after he gets the plans. If it is, we want to know about it.

Mr. LaCortiglia motions to ask Michelle to ask BSC Group to add a cost estimate to complete the sub-division to BSC's scope of services; to resubmit the proposal; and to provide them with the approved plans and resubmit the proposal to town. Seconded by Mr. Howard. Vote is unanimous.

Mr. Hoover - If doesn't he have the plans, we want to know that the fee won't change as result of that.

Parker River Landing Condo Association

Rep: Ed Desjardins, Resident, Chairman of the Board of Trustees

Mr. Desjardins – Michelle asked me to gather the latest information, including a punchlist. The enquiry is prompted by a letter on March 1 saying that Pulte has completed construction, that the units have all been sold. They are now anxious to get their \$706k bond back. The residents are concerned about major issues including:

- Street lights which have been defective since the beginning;
- Drainage problems, which some of the board are already familiar with, on Larkspur Circle where a retention pond is overflowing (circulates photos).

- The whole road of the site is in tough shape. We almost had a solution. Steve Przyjemski, from the Con Comm, was on site before the snow. It looked like we had an agreement but the ground froze & we couldn't do the work. So they said they would look at it again in the spring.
- The manholes in the streets are sinking by inches into the ground where they were not compacted properly.
- Water is the primary issue. The site backs up to the Rail Trail. There was a berm there when the Sand & Gravel was there which tends to trap water. Steve Przyjemski thinks we should break it down & allow it to flow. People that walk trail but can't cross the berm so they come onto PRL property, which isn't popular with residents. If the water could get out of there without the berm they could walk there OK. Steve thought it would be OK to break the berm & let the water go.

Our concern is that the bond money is not released until these defective issues have been fixed.

Mr. Howard – There was an issue with ownership of the land behind there, and easements. I thought the utility company did not grant an easement, so the land is inaccessible because they didn't do that. I read about that before I was on the board. We may not have the right to touch that berm. Steve P looks at it from conservation issues, but there may be other legal issues.

Mr. LaCortiglia – That berm is on the PRL side. It came from a wetland finger by a discharge pipe. High wash water created it. The grading surrounded the wetland where there was a silt fence and it became windrowed. There was a change of ownership so the windrow wasn't moved.

Mr. Hoover – Regarding the PRL outstanding punchlist – whose is it?

Mr. Desjardins – It is from the residents, agreed by the homeowners and Pulte.

Mrs. Evangelista – Doesn't the Association have money to fix these issues?

Mr. Desjardins – Yes, but this is still a construction issue. We will take care them after the site has been completed satisfactorily.

Mr. Hoover – So there is an agreed-upon checklist. There is also an outstanding invoice from Larry Graham which has not been paid, and there is not enough money in the account to pay him to conclude.

Mr. Desjardins – Michelle has tried to contact them several times. They are not replying so it is a concern. We do still have the total amount of the bond.

Mr. Graham – There is no issue of that being reduced or released.

Mr. Desjardins – He hasn't supplied many things you have asked for.

Mr. Graham – He knows there is a lot more to be done. We have to make sure we don't give that money back.

Mrs. Evangelista – I'll look into it. There is a \$706,000 surety for PRL. A small amount of it is conservation linked. Performance bonds have expiration dates, I'll check on that.

Mr. Desjardins – There are also other issues – the manholes, street lights, etc. This is a private road, we do our own plowing.

Mr. Graham – Before we release the sub-division we can't release them from their responsibility. This has to be fixed. After these issues are fixed they are the homeowners' responsibility.

Mr. Desjardins – Yes, we just want it fixed to begin with, prior to us taking it over. Can we assume you will not be releasing the bond funds?

GPB – Absolutely.

Mr. LaCortiglia – Michelle will follow up on the amount in the revolving account and Mr. Graham's bill payment amount. Sarah Buck suggested \$1500. I think it would be more than the usual \$4k. They should at least put \$2500 in. Mr. Graham is likely to go out again.

Mr. Graham – The road was completed to the point the regulations allowed it to be. It is normal to wait until all the houses are complete before you do the finished course on the roads and landscaping.

Mr. Hoover – If the bond were to expire soon, what action would the PB have to take to extend it?

Mr. Graham – Go to whoever guaranteed it. A tripartite agreement has to be released by all parties.

Mr. Hoover – If has expired prior to the next meeting we will have to have an emergency session.

Mr. LaCortiglia motions for Michelle to draft a letter to Pulte Homes to bring their inspection account balance to \$4,000. Letter to be signed by Mr. Hoover. The account must be brought up to date by April 9, 2008. Seconded by Mr. Howard. Vote is unanimous.

Public Hearings

231 North Street – Blarney Court

Reps: Mr. Dick Moylan, Owner; Mrs. Martha Moylan, Owner

Mr. Moylan – We are here for the conditions on the project.

Mr. LaCortiglia motions to sign the certificate of vote as drafted by Mr. Graham in his Feb 29, 2008 memorandum; certificate of vote dated March 13, 2008; for sub-division application for 231 North St dated May 15, 2007. Seconded by Mr. Howard. Motion died.

Mr. Graham – Regarding the \$30,000 fee for site work at the entrance which would affect the sight distance that they needed for second lot. I had a March 4th email from Mr. Moylan with several questions. The applicants suggest that their contractor could complete the site work along North Street in 2 days. I estimated it would take 10 days. It is a difference of opinion. I sorely disagree that it could be done in 2 days. Depending on contractor, maybe it could be done in 5 days, but certainly not in 2. It will affect North Street traffic. You can't remove trees, remove earth, stabilize the bank, and deal with North St traffic in 2 days. It also depends on the site conditions.

Mr. Moylan – This was walked by Mr. Graham, our contractor, the Highway Surveyor, and Sarah Buck. At the time it was Sarah and my intention to allow for sight distance. Once we walked it we saw that trees were not the problem. There is only one tree, the rest of the growth is saplings & scrub. So it is not a 10 day estimate as we no longer require stone slope stabilization. The Highway Surveyor was satisfied with that view as long as we removed saplings and brush. The stone wall was not in the way. It is to be leveled and planted, not rip rapped or walled. We are talking about one tree above and saplings and brush. Whatever is removed could stay on site.

Mr. LaCortiglia – The plan shows a 1:1 slope. Are you modifying the plan?

Mr. Moylan – No.

Mr. LaCortiglia – The plan shows a 45 degree slope.

Mr. Graham – The ultimate goal is to develop sight distance along North St. How we get there, whether it's a 1:1 slope as on the plan or a 1:1 slope with bench and cut back, could possibly change in the field. It depends on the site conditions, including ledge. The plan is 1:1 slope but we talked about the possibility of a difficult situation when we get into it. But we can't step it if we can't get sight dist. It will be determined by the stability of the bank we're cutting into. We will only know that when we cut into it. Is it rock or ledge? I can't say until we're there.

Mr. Hoover – The issue is not what the final design will be? The issue is in the time to do the work?

Mr. Moylan / Mr. Graham – Yes.

Mrs. Evangelista – I feel they have been extending themselves for a 1 lot sub-division. I would compromise. Let's say half and go to 5. I've walked the site, it looks like a day's work to me. I don't foresee it to be long.

Mr. LaCortiglia – I think we should play it safe and go for 10 days. I've 29 years experience with excavating. You never know what you will find.

Mr. Hoover – What would happen if we agree to 5 days but it took longer?

Mr. Graham – If it took twice as long and then they said they wouldn't complete it, we would be in a problem.

Mr. Moylan – This will be at the beginning of the project. Nothing else can happen until this is done.

Mr. Graham – If it goes well, if the weather co-operates and we don't find anything untold in the bank, it could maybe be done in 5 days. I believe these folks will get the job done to make sure they get their surety back.

Mr. Hoover – I'm close to compromise, except I think it should be 6 instead of 5. Mr. Graham says it would have to be the perfect scenario for 5, so adding another day gives us a margin.

Mr. LaCortiglia – If we have the \$30,000 and everything goes well, you get that money back.

Mr. Moylan – We're not talking about cash, but a surety bond. It's not like we get the cash back.

Mrs. Moylan – My concern with putting \$15,000 on the table is that the board gets that back to us as soon as the North Street work is complete, and not wait until the whole house is complete. I can't leave that money sitting there, we need it for the project. If you want us to wait until the grass is grown, I'll need to have money before then.

Mr. Hoover – When the money released is a different discussion.

Mr. Graham – This money is strictly for slope and site easement. If the applicant can post cash or a cash bond it is easier for the board to control and release it, as opposed to dealing with a performance bond. That can take months. If you could agree on a type of cash surety that's a good way to go.

Mrs. Moylan – We have many financial areas we talk about. What is this other performance bond for other activities?

Mr. Graham – You give the board an agreement not to sell the lot, but put the road and utilities in. We all agree the surety for the top coat at that point so you can build the house.

Mr. Moylan / Mrs. Moylan – We agree to post a cash bond.

Mr. LaCortiglia motions to sign the certificate of vote as drafted by Mr. Graham in his February 29, 2008 memorandum; certificate of vote dated March 13, 2008; for sub-division application for 231 North St dated May 15, 2007. Seconded by Mr. Howard. Vote is 1 Aye, 4 Nay.

Mr. Howard motions to sign the certificate of vote as drafted by Mr. Graham in his February 29, 2008 memorandum; certificate of vote dated March 13, 2008; for sub-division application for 231 North St dated May 15, 2007; and item G) reducing the \$30,000 surety for road improvements to a \$15,000 cash surety. Seconded by Mrs. Evangelista. Vote is unanimous.

GPB – The applicant will revise the latest revision date of the plans to January 28, 2008.

34 Thurlow Street

Reps: Tom Ogden, Applicant; Charlie Ogden, Engineer; Mitch Kronen, Attorney

Mr. Charlie Ogden – Two things we revised were the vertical profile to address the drainage concerns re. the low points along the roadway. We have abandoned the garage on Lot 1 to move the roadway from the abutters property so we don't interfere with the existing driveway. We moved the house on Lot 3 forward to get rid of a long thin portion. We also located a path from Phillips Avenue to the Town of Georgetown property for the benefit of Phillips Avenue residents. We have included piping in the trenches, and will further revise to match the proposal in Mr. Graham's letter.

Mr. Graham – I received the report dated Monday. I took the previous report and did not repeat my comments from the last report but only added on where new comments needed to be made. With reference to the March 10 Technical Review Report item number D-2: I take no exception to the board granting this waiver request. There are notes on the plan regarding the driveway and road. The notes should be repeated as conditions in the decision by the board and will be included in the decision. Parcel B is being deeded to Mr. Eaton. Parcel A is going to the Town of Georgetown should be called out as not a building lot. It is at the end of Phillips Ave, we need to be sure that the Town of Georgetown will accept it through the ConComm or Selectboard. There must be notes on the plan as to what is happening to parcel A.

Mr. Kronen – That is a walking trail for all town residents, not just those on Phillips Ave.

Mr. Graham – If town doesn't accept it then it should be combined with Lot 3, but have a Conservation Restriction with a No-Cut / No-Disturb restriction on it. It is an existing path that people walk already.

Mr. LaCortiglia – Will there be a notation on the plan to show it is being deeded to the town?

Mr. Charlie Ogden – Yes.

Mr. Graham – Regarding the drainage calculation – these will be revised slightly, but it is not an issue. They have also eliminated the proposed infiltration trap added since the last revision. It would take some drainage from the road but it would flood to the SE across Mr. Eaton's

property. They have added a small pipe to bring it over to the wetland so the water won't go offsite. It is a small area, not a lot of water, but this keeps it on site. They must change the name on the plans as it has a new name, Cronin Ct. They have restricted the sight distance to the south just by one pole. It is not blocked but could obscure the line of sight. The pole is supposed to be removed, so if it is, the sight line is adequate. It should be on the plans and to have notification that that's OK with the utility department.

Mr. Charlie Ogden – Yes it is OK with them. We talked to Wayne Snow about it. We can get something in writing to confirm that to you.

Mr. Kronen – Mr. Eaton is in agreement with the changes.

Mr. Graham – The cross slope on the road should be a little greater so you can get water to the trenches. The overhead line from the opposite side of the road is proposed to remain. It is OK for the driveway but probably needs an easement over that corner as it serves a different lot than the one it is sitting on.

Mr. Charlie Ogden – OK, we can look into that. The existing drive is there so the height is OK.

Mr. Graham – Yes, in that case the height is OK, it's just a case of where it's sited and who it serves. These are very small lots. They have finagled it creatively to get three lots out of it. What they can't do is have attached garages. The only place for a stand alone garage site is behind the houses. You will also need an extension to the application unless you complete this before the end of the month.

Mr. LaCortiglia – If they eliminate the infiltration trench to the south of the road, how does that affect the landscaping detail?

Mr. Charlie Ogden – It doesn't greatly, we will fill in with landscaping trees to screen from Mr. Eaton's property.

Mr. Kronen – Is it possible to close the public hearing tonight?

Mr. Howard – Mr. Eaton's driveway remains where is? You're granting him the property he needs? And you're eliminating the swale that went onto his land?

Mr. Charlie Ogden – Yes on both counts.

Mr. Eaton – I have no comments as long as they give me the piece of land they've promised.

Mr. Hoover – You need to get that in writing.

Mr. Graham – It can be a condition of the decision.

Mr. Howard – Let's make sure we don't drop the ball on that.

Mr. Graham – I'll write the certificate and make sure that's in there. In fact, it's already in there in section 2G.

Mr. LaCortiglia motions to allow the applicant to extend the decision date to June 30, 2008. Seconded by Mr. Howard. Vote is unanimous.

(Michelle must take applicn to Town Clerk)

Mr. LaCortiglia motions to continue the public hearing to April 9, 2008. Seconded by Mr. Howard. Vote is unanimous.

GPB – Mr. Graham can prepare a draft certificate of vote for the next meeting.

Georgetown Planning Board meeting adjourns at 9:30 pm.