

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

HL - Motion to approve
TE - Second

4-0; Unam
(Chris Rich Absent)

12-3-08 MTR

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: None

Board Business 7:00 p.m.

Minutes – May 28, 2008; June 11, 2008

Mr. LaCortiglia opens the meeting at 7:10PM. Mr. Carter arrives at 7:15 PM.

Mr. LaCortiglia- Motion to accept the May 28 meeting minutes with changes.

Ms. Evangelista- Second

All in favor? 4-0; Unam (Tim Howard absent)

Mr. LaCortiglia- Motion to accept the June 11 meeting minutes with changes.

Mr. Rich- Second

All in favor? 4-0; Unam (Tim Howard absent)

Vouchers –

Mr. Carter- The Blarney Court invoice should be processed. The Billing issue on the agenda is general in scope. If Mr. Moylan is present, he may speak at that time.

Mr. Cracknell- There is an invoice discussion on the agenda tonight. The task, the scope, and number of site visits were all well defined in the pre-construction meeting. I don't see any concerns from Mr. Varga that was submitted to the point of contact for the applicant.

Mr. Rich- Are the charges appropriate for the task?

Mr. Cracknell- They look reasonable. I had a conversation with Ms. Evangelista this morning and I informed the applicant [Mr. Moylan] that billing procedures would be on the agenda tonight. I ask that you consider not approving the invoice until 8PM when Mr. Moylan has had a chance to speak.

Mr. LaCortiglia- Motion to table all invoices until 8PM.

Ms. Evangelista- Second
All in favor? 4-0; Unam (Mr. Howard not present)

Billing Discussion:

{Nick Cracknell refers to document from Dave Varga received on 8/12/08.}

Mr. Cracknell - I suggest we use this format for all BSC Group invoices going forward. He refers to the detail summary of tasks from Dave Varga of The BSC Group that is on file in the Planning office. I recommend that the Board formalize this framework as a document that is produced by BSC for all projects. I ask the Board to adopt this reporting format for invoicing and field reports. Tillie made a suggestion to add a line item for a "point of contact" on the site. There is a preconstruction conference prior to construction. There needs to be a point of contact that the Subdivision Inspector is to communicate with at the site. The applicant is responsible for providing this contact. That point of contact is responsible for making the phone call to the Subdivision Inspector at all phases of the schedule on the pre-construction checklist. It puts the burden on the point of contact to make the call to the Inspector.

Two things- We need to adopt this format of invoicing as a framework. Secondly, we need to agree that the invoices are done monthly.

Mr. Rich- I'd like to add, "to identify the person who performs the task."

Mr. Carter- [To the Town Planner] Add a column for the person assigned to the task as well as additional lines in case of contact changes throughout the project.

Mr. Cracknell- With the preconstruction checklist – it is a combination with the COV through to occupancy; we can strike out things that are not applicable or things that need to be added. The checklist should be signed at the end to show agreement between the applicant and the Inspector.

Mr. Rich- The Inspector should not only send the field reports but invoices directly to the applicant as well as the Planning office. If the applicant has a dispute with the invoice, they are to send in writing to the Planning Board the reason for their dispute within 14 days of the date of the invoice.

Mr. Howard- Motion to implement the changes to reporting format for invoices as discussed tonight 8/13/08.

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

Mr. Cracknell-Remaining issues for Blarney Court on the invoice for \$1,216– I felt the backup documentation from Dave Varga were sufficient to the hours on the invoice. You can either process it or defer it to another meeting. The other issue is that the point of contact was changed on the site without notification to the Planning office. The applicant

sees no reason that there be any further inspections on the property. The COV and the checklist say otherwise. The way is not completed at this time. How do we move forward so we can close this out and get an occupancy permit?

Mr. Rich- It is a very hard place if all inspections have not been done, then we cannot as a Board bypass it and issue approvals. The rules and regulations are not secret. I have a very hard time when anyone would come in here and say that something is finished before our engineer has said so.

Mr. LaCortiglia- This is a hard thing if there is no communication going back and forth between the applicant (point of contact) and the Subdivision Inspector. Our Subdivision Inspector, Dave Varga, has reason to believe that work is occurring yet he is not being contacted.

Ms. Evangelista- All applicants should be getting copies of the regulations. Without out inspections we open ourselves up to liability.

Mr. LaCortiglia- If the point of contact does not contact the Inspector, what is the trigger to get them there?

Mr. Carter- I read your email, the COV says that the Inspector has to finish the inspection. If the inspections don't get done, there is no Certificate of Occupancy.

Mr. Moylan- The COV was March 2008. This is the ultimate condition that I have to comply with. Later it was my understanding that in April a pre-construction meeting form was developed. No where in the COV does it say that I have to also comply with a pre-construction form.

Mr. Rich- I am talking about any other rule and regulation.

Mr. Moylan- No where in the COV does it say that a preconstruction form has to be complied with.

Mr. Cracknell- The COV clearly states a pre-construction meeting is to take place. There has clearly been miscommunication – a preconstruction form is implied and explicit. What on this checklist does the applicant believe is inconsistent with what's either explicit or implied in the approvals on the plans and the COV? The allegation is that the preconstruction checklist is unreasonable and I have yet to hear where this is out of bounds.

Mr. Moylan- This form is a multiple house form which is not our situation.

Mr. LaCortiglia- I'd like to limit the questions to the hours worked. It is our fault that we didn't alert you [Mr. Moylan] to the amount of the money that the subdivision inspection will cost. Please keep your questions specific to the invoice.

Mr. Moylan- I would like to ask the chairman to discuss the preconstruction form.

Ms. Evangelista- We had an extensive meeting over the entire morning. Mr. Moylan was asked to come to the meeting with a remedy. I'd like to know what is his remedy?

Mr. Moylan- The one correction to Nick's memo was that I object to the way the hours are billed.

Mr. LaCortiglia- I feel those half hour increments are adequate and are fine for billing increments.

Mr. Cracknell- The 30 minutes it took to sign the form was for Dave Varga to sign the surety release form (Form J) in the planning office. I asked for it in order to get it processed expeditiously. I am sure that a half hour was spent on him coming to the planning office for that signature.

Mr. Carter- The bill is the bill. If Dave Varga needs to tighten up the billing, then that is what is being done.

Mr. Rich- The first 40 ft of pavement is supposed to be completed.

Mr. Moylan- How am I supposed to know what it is going to be inspected next?

Mr. Cracknell- 11, 15, 17, 19 of the checklist - that applies for all projects.
#11 - In this case, it is the private way that was approved by this Board.
#15 says the inspector is to perform ongoing site visits.
#17 says the inspector will check the road sub-base. Dave believes that the sub-base has already been installed but he was never contacted to come out and inspect it. This protects the taxpayer and the town especially in a fire.
There needs to be a clear channel of communication between the engineer and the point of contact.

Mr. Cracknell- "I have not observed the placement of the gravel" per the email from Dave on August 12. This is an item that needs to be inspected.

Mr. Rich- You are doing stuff you shouldn't be doing. You should be giving point of contact back to Paul Spadafore.

Mr. LaCortiglia- You need to call Dave Varga down and get an inspection done.

Mr. Cracknell- Dave believes what is left is 1-2 site visits unless there are mistakes which is 4-5 hours of his time.

Vouchers-

Mr. LaCortiglia- Motion to approve the vouchers with the exception of the two outstanding Stone Row invoices in the amount of \$4,651.

Mr. Howard- Second

All in favor? 5-0; Unam

Correspondence -

Mr. LaCortiglia- References the memo from the Assessors Dept. regarding naming of streets for one lot projects. Harry reads memo that is on file in Planning Office. It seems appropriate that we respond to the memo.

Mr. Rich- The letterhead says Board of Assessors – why doesn't it say Public safety on the top?

Mr. LaCortiglia- I am not aware of the policy.

{Mr. Rich and Ms. Evangelista state that they also are not aware of the policy}

Mr. LaCortiglia- The address of Blarney Court needed frontage. There Court had to be created.

Mr. Rich- They are building the street that just happens to be their driveway.

Mr. LaCortiglia- I noticed that they probably don't have adequate frontage on North Street.

Mr. Cracknell- Blarney Ct. is a parcel. It's not a public way. I will discuss the matter with Rose in the Assessors office.

Mr. Rich- I would like to see the written policy. If what you are saying is true, parcel off their property and create their road to make frontage or not be allowed to make a road to make frontage which would be otherwise.

Mr. Cracknell- Blarney Ct. is considered one parcel. It will not become part of the North Street parcel. I think Blarney Ct. is fee ownership with an existing lot, new lot and the way itself.

Mr. Rich- The total number of square footage should be taxed.

Other Business

ANR Bailey Lane-

Mr. Cracknell- The engineer corrected the parcels on the plan. Bailey Lane does not appear on the official town map. The application shows that they elected to designate this a public way based on a 1977 subdivision on Bailey Lane. It looked to me if it is part of a subdivision, which it's not, then something else is going on with the right of way.

Ms. Evangelista- There is a sign on the pole at the end of the road that says "end of road."

Mr. Cracknell- We need to see the 1977 plan to determine whether it was a subdivision which would then make this a proxy for a public way. What are the limits of that subdivision plan? I asked the engineer that you all deny the application or that you request the applicant withdraw without prejudice and come back in 2 weeks.. We will know better within 48 hours whether this is eligible for ANR endorsement and whether they will need to upgrade the road and do a definitive plan.

Mr. LaCortiglia- Points to Bailey Lane as shown on the official town map. Mohawk is off to the right. It is just off Andover Street.

Mr. Cracknell- The question is, "Was this done correctly in 1977?" I will look into it further and get back to everyone.

Mr. Rich- Reads the memo with the request by the applicant, William Bartlett of Bartlett Realty Trust, that is on file in the planning office. {Refers to Map 6A, Parcel 1 on Bailey Lane}

Mr. Rich - Motion to allow the applicant for Bailey Lane to withdraw the Form A plan without prejudice.

Ms. Evangelista- Second

All in favor? 4-0; Unam (Mr. Howard is absent)

Caribou Court – modification to approved Def. Subdivision plan

Mr. Nelson Tidd (owner) and Mr. Rich Williams of Hayes Engineering are present for Caribou Court.

Mr. Cracknell- In 2003 the plan was approved. It went through a lot of litigation. Judgement was in favor of the applicant. It is for a one house lot at the end of a court. There is a hammerhead turnaround.. It went to Conservation and the hammerhead T was

within the 100 ft buffer. The ConCom's preference was to relocate the hammerhead outside the buffer and it has been relocated to the east for the new proposed lot. I spoke to Steve Przyjemski and verified that they wanted it out of the buffer zone. The applicant completed a minor modification to the approved application. I don't think it requires a new public hearing. Larry Graham [engineer] felt that there were no significant changes to the plan. They need to make a minor modification to the design. The Certificate of Vote does not need to be re-opened. It is a minor change but not a material change! The house has shifted toward the east.

Mr. Tidd – They [Con Com] also wanted the house moved out of the 100ft buffer zone.

Mr. Cracknell- The house placement is not our concern. Our jurisdiction stops at the right of way. That house can be relocated anywhere on the lot.

Mr. Rich- Does the water dead end off the street? I am told that we have too many dead ends in this town. These will only foster more problems with the water.

Mr. Williams - We have not changed it since it was approved.

Mr. LaCortiglia- How far is the new location from the house to the hydrant?

Mr. Williams- 450 ft. Short service goes all the way back. 500 ft is the safe distance to get the hose from hydrant to the house.

Mr. Tidd- Whose call would this be?

Mr. Cracknell- It was approved according to the plan when it was filed. If the fire department is not comfortable with the house placement, then they would indicate that and it would have to be moved.

Mr. LaCortiglia- The approval is now 5 years old. Perhaps we could get comment from the fire dept?

Mr. Williams- The house is now closer than the original placement of the house on the plan from 2003.

Mr. Rich- If it was legal and proper before, and these were minor changes, then it shouldn't have to go through complete scrutiny.

Mr. Rich- Motion to approve the modified plan for the Definitive Subdivision plan for Caribou Court.

Mr. Howard- Second

All in favor? 4-0; 1 abstention (Ms. Evangelista-regarding fire hydrant issue)

Mr. Cracknell- The hydrant issue will be addressed at the time the applicant applies for a building permit. The fire department has the ability to ask them to move the hydrant or the house if they are not comfortable with the location of the hydrant.
If the dept says "No", then the applicant has to come back before the Board.

Parker River Landing

Mr. Cracknell- I went on a site visit with Larry Graham, Steve Przyjemski as well as representatives from Pulte and the HOA. I understand that Pulte has agreed in concept to address all the punch list items on Larry Graham's List. There is only one issue that Pulte felt they are not responsible for and that issue is to be addressed by the HOA and Pulte. Pulte will be submitting a formal response before the next meeting on the 27th. The action items are that Larry Graham will work up a sketch that reflected the consensus of the group for a solution to the drainage issues. The homeowners need to hear that the punch list items are all addressed by Pulte. The HOA has their own internal punch list. We assured Pulte that their bond would then be released when the items have been addressed.

Mr. LaCortiglia- Are they meeting next week with National Grid?

Mr. Cracknell- I believe so. All this is contingent upon National Grid agreeing to allow access to their property in order for Pulte to make their improvements. The wetland scientist was in attendance last week. Once we hear back from National Grid and review Larry's sketch, we should be able to move forward. The corrections should make a substantial difference but there will be flooding at certain times of the year. What was approved by the Planning Board, did not include the planting of trees. The HOA can address adding trees to help the situation.

Chaplin Hills – review BSC Group's estimate

Mr. Cracknell- There is no money in the M-account. Dave Varga saw no issues.

Mr. Rich- The Subdivision permit expired and he can't continue, unless he puts it back into active status.

Mr. LaCortiglia- Would we want to appeal directly to the bondholder and cc: the applicant?

Mr. Howard- Motion to request funding from the bondholder and request that funds from the bond be used to complete Chaplin Hills.

Ms. Evangelista- Second

All in favor? 5-0; Unam

Whispering Pines – review BSC Group's estimate

Mr. Cracknell- I recommend that you authorize Dave Varga to do the inspection. There is money to pay the inspector. We would like to draft the letter and send to the applicant and cc: to the bondholder the estimate. Work will not begin for 2 weeks per the submitted estimate and scope.

Mr. Howard- Motion to authorize the Planning office to draft a letter on the Board's behalf. The Planning office will send the letter to the applicant, John Longo, and cc: to the bondholder, Newburyport 5 Savings Bank, per the submitted estimate and the scope of work to be completed by the Inspector.

Ms. Evangelista- Second
All in favor? 5-0; Unam

Railroad Avenue – Tripartite Agreement

(Mr. Bob Grasso and Ed Ledere are present for a Lot Release of Lot 6 and 8.)

Mr. Cracknell- There was a conditional release at the last meeting. Mr. Cracknell reads the addendum for Railroad Avenue that is on file in the planning office. The forth item is the tripartite agreement from Kopelman & Paige which I think should be inserted into a boilerplate form going forward. I have had conversations with Peter Durkee and he is going to extend the fog line for sight distance. The curbing is all set. The only outstanding issue is that we have an outstanding invoice that exceeds the M-account balance. They have done everything we have asked them to do. Until we get the detail information on the invoice from Dave Varga, I think we should hold off on that conversation. The applicants are here tonight for the release of Lots 6 and 8.

You all will need to discuss how we process the invoice. The applicant will not likely be before the Board for 90 days. I sent the information from Ed Ledere and Bob Grasso to Dave Varga for his response on the invoice. I think it best that Dave Varga [Subdivision Inspector] prepare the same type of response like the one done for Blarney Court. It is highly likely there will be a deficit in terms of inspection services. I suggest the invoice not be processed until the information is properly submitted. I recommend that the applicant deposit the money for inspection services based on the invoice amount. The balance will remain until there is agreement between the engineer and the applicant.

Mr. Bob Grasso - You can hold Lot 1 until the \$8,000 invoice is paid off. I have a bond up for the road.

Mr. LaCortiglia- Where are you in the process out there?

Mr. Grasso- The water line is in, and the curbing and topcoats are in. Keyspan Energy is coming to install the gas line before the sidewalk. Then it is just loam, seed and shrubs.

Mr. LaCortiglia- The problem is this: It is ridiculous to think that our regulations have \$4,000 fees. They are out of line. We should be looking at our regulations and fees every year. Our fees are based on the numbers from 2000.

Mr. Ed Ledere – I never saw Dave Varga once when this road was going down. Why are we paying someone 8 hours while it is going down?

Mr. Rich- That was before. Now there is accountability. We want to make sure that whether you like it or not, the Town is satisfied. To give you a vote in paying the fee, I don't see problem with it. What we are saying is that we want you to deposit another \$4,000 because we are anticipating future work and estimating what that will cost.

Mr. Carter- Going forward, the invoices will be more detailed. Unless there's something unreasonable on the invoice, the invoice will be paid.

Mr. Ledere- I am comfortable with making that deposit and dealing with invoice issue. Who says what is reasonable?

Mr. Cracknell- The Board decides if the invoice is reasonable or not.

Mr. LaCortiglia- If you have a valid dispute, then the Board will take your concern to the engineer.

Mr. Grasso- The inspector should come in the morning and ask for a schedule and then come back at the end to get a report. What about a drain line? Does the engineer have to inspect the entire line?

Ms. Evangelista- You are to make contact with the inspector. He is the professional. Through our effort, we will tighten it up.

Mr. Ledere- My conclusion is that he had his mind made up with what he was going to bill the project at.

Mr. Rich- Your line of communication should be in writing and tell him what you plan to do for that day and then ask him to come back at the end of the day.

Mr. Cracknell- Rail Trail status?

Mr. Ledere- I talked to the attorney and he had no idea what the problem is.

Mr. Rich- Your attorney needs to certify the title.

Mr. Ledere- My attorney was confused.

Mr. Cracknell- Come see me to discuss it.

Mr. LaCortiglia- Motion to release lots 6 and 8 from the covenant for Railroad Avenue with a decision date 12/14/05 pending the \$6,000 check deposited into the M-account.

Mr. Rich- Second

All in favor? 5-0; Unam

{Board signs Tripartite agreement for Bob Grasso to record}

Public Hearing

Twisdenwood Farm – Extension of Time request

Mr. Carter- Opens the Public Hearing and reads the Public Hearing Notice for Twisdenwood Farm. {On file in planning office} There is a Form H request from applicant requesting an extension of time with a deadline of November 13th. Mr. Carter reads the attached memo sent with the Form H form. {Memo on file in planning office.} The purpose of the request is to allow the applicant to submit an OSRD plan.

Mr. Rich- I was an attorney at one time. I own part of the Georgetown country club and the Georgetown country club course is an abutter. I have a financial interest in them. If the applicant has a problem, I am disclosing this information to you.

Ms. Evangelista-You should file paperwork. You need to make a statement that you have no financial gain and you can vote on this application objectively. This will protect you and the Town. This letter needs to be stamped by Town Clerk.

Mr. Carter-I don't see it as an issue.

Ms. Evangelista- Makes recommendation to Mr. Rich to produce a memo stating that he has no financial gain and that he can vote on this while protecting himself and the Town.

Mr. Cracknell- The applicant is lacking the OSRD application in this case. They have to also submit an application for a special permit. You the abutters will receive another notification when they submit the OSRD application. The town suggests that when you develop a 10 acre parcel, the applicant must submit an application for an OSRD. The OSRD process is based on the regulations. They can build what they want and build the 5 homes and add 3 later. In this town, it is required as of 2005. It is required that an owner look at doing it differently when the property is over 10 acres.

22 Baldpate Road resident – Why didn't they submit such a proposal when they first submitted the application?

Mr. Cracknell- His engineer was not aware of the new bylaw and therefore never submitted the required OSRD plan for an alternative approach to this parcel.

5 Baldpate Rd. resident- Was the plan approved before?

Mr. Cracknell- No. I spoke to Larry Graham, our engineer, and it is my understanding that there is no reason for the Board to deny this plan.

Mr. Howard- Drainage was an issue at one time.

Mr. Cracknell- It is a requirement that they submit this OSRD plan. They could do the cookie cutter approach with the definitive subdivision plan or go with the OSRD plan.

22 Baldpate resident - The Board continues to drive this project into more houses.

Mr. LaCortiglia- If they want to fully development it, they have that right.

Mr. Rich- The bylaw states that the applicant has to explore their options with the Board and submit an OSRD plan for a parcel over 10 acres.

Ms. Evangelista- It is important to attend the public hearings and raise your concerns then.

Mr. Cracknell – It is the regulations that drive this process. He could build 8 – 9 single family homes at full build out. The Board wants to look at other ways of developing this property through the OSRD process.

Mr. LaCortiglia- Motion to accept the Form H extension of time for 90 days and continue the Public Hearing to November 13, 2008 for Twisdenwood Farm.

Ms. Evangelista- Second

All in favor? 4-0, Mr. Rich recuses himself from voting.

Mr. Carter- Motion to adjourn the meeting at 10:45PM.

Mr. LaCortiglia- Second

All in favor? 5-0; Unam