

MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, September 10, 2008
7:00 p.m.

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

Absent: Ms. Evangelista

Board Business 7:00 p.m.

Minutes – August 27, 2008

Mr. LaCortiglia- Motion to accept with changes the August 27, 2008 minutes.

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent – Ms. Evangelista)

Rock Pond Estates: Chris Rich to notarize Form G – Covenant and Form K- Partial Release of Covenant

Mr. Rich- We need to take note: When we have any Corporation or LLC, we should have a Corporate Resolution that states that person is authorized to sign this document. He can record it with an original. To be recordable it needs only one signature. I don't want this Covenant to find its way to the Registry until we have the Corporate Resolution.

Mr. Cracknell- I will get the Corporate Resolution and ask that you [Chris Rich] notarize it.

Mr. Howard- Any place we can put that information for future years?

Mr. Rich- It should be noted on the checklist. If it's a Corporation, a Corporate Resolution is needed. If it's a Trust, a Trustees Certificate is necessary. The people who are executing whatever documents are being executed, have the authority to execute.

Mr. Cracknell- We can certainly add that language to the form within the subdivision regulations Public Hearing Notice.

Mr. Rich- The Corporate Resolution will become an attachment with the Covenant.

Vouchers –

Mr. LaCortiglia- I move to pay the vouchers in the total of \$229.00.

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent – Ms. Evangelista)

Correspondence -

Other Business –

Mr. Cracknell- Michele and I have prepared the document that you all have in front of you for review. It will go in the Town Report for FY'08.

Mr. LaCortiglia- Should we add that we hired Dave Varga as Subdivision Inspector?
{The Board agrees to add the hiring of Darga Varga of The BSC Group to the document}

Mr. LaCortiglia- Move to have Nick Cracknell send Draft of FY '08 Town report from the Georgetown Planning Board to the Board of Selectmen's office as amended.

Mr. Rich- Second

All in favor? 4-0; Unam (1 absent – Ms. Evangelista)

Approve Draft Public Hearing Notice: Subdivision Regs.

Mr. Carter- They looked fine to me.

Mr. Cracknell- I would suggest unless Larry Graham has something to add, we could add those changes. I also made the changes as suggested by Harry.

Mr. Rich- Why is there a difference from the hardcopy and the on-line version of Town Code?

Mr. LaCortiglia- There is no difference in the wording, only the numerical references were incorrect. Some deletions were made when the PUD changed and the OSRD was added in. We went one number off and that's where the difference was.

Mr. Rich- Might I suggest that when you cite the Town Code, give the date of Town Code which would make it current.

Mr. Cracknell – Agrees to make the changes requested at the end of the Public Hearing Notice.

Mr. LaCortiglia- Move to authorize Nick Cracknell to publish the Public Hearing Notice in the publication of choice on the dates required.

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent- Ms. Evangelista)

Street Acceptances: Pillsbury Village

Mr. Cracknell- We forwarded as built plans to Kopelman & Paige as well as to Larry Graham and The Board of Selectmen. We will have a sign off on the Deed by K&P. Larry is fine with what he has seen to date. Peter Durkee (Highway Surveyor) is reviewing it and is okay with it. Once we hear from the attorney we will be able to discuss this further at our next meeting.

Mr. LaCortiglia- I spoke to Peter Durkee and he gave me a list of all the streets in Town that are plowed but not yet accepted - it is about 18 streets. I would like to email the list to Nick and start to prioritize it and decide which are the priorities for Town Acceptance.

Mr. Cracknell - The development needs to have the ~~d~~Deed signed. We have other developments that are ~~locking-slowing down~~up that may present a problem.

Mr. Rich- We want the Town to service the street.

Mr. LaCortiglia- Some roads do get snow removal even though they are not accepted.

Mr. Cracknell- When you accept the roads, you first have to have the ~~D~~d deed, street acceptance plan and the as-built plans which cost a significant amount of money for the applicant. We will have to do an audit ~~on the 15th~~ and see what the status of these roads ~~is~~are. The Planning office is working on a very limited budget.

Mr. LaCortiglia- Agrees to send a spreadsheet of the list of unaccepted roads to begin the process of moving forward on street acceptance.

Housing Balance Bylaw Amendments

Mr. Cracknell- I had a meeting yesterday with Tillie, Harry and Paul Nelson (Affordable Housing Taskforce). The primary concern at the last meeting from Frank Pappaulo was that he was concerned with some of the language I had inserted in the amendment that DHCD utilizes. His concern was that it is a moving target at DHCD and many of these regulations change over time. We need to make sure these units are counted on the affordable housing inventory. All the changes are shown on the document that I have distributed to the Board that is on file in the Planning Office. Once you're ready to sign off on this language, it is worth having Kopelman & Paige review it. They could then come back with some changes.

Mr. Carter- As long as they can do it before the Public Hearing.

Mr. Howard- The Town voted at the last Town Meeting that \$10,000 would be put into the Affordable Housing Account to pay for K&P to review things such as this.

Mr. LaCortiglia- We will have to post a notice for this and once it's done, this can go in a warrant article to Fall Town Meeting.

Mr. Cracknell- You want to make your amendments before it goes to Town Meeting. Do you have any reason why the Board of Selectmen would not want to include the Housing Balance Bylaw on the Warrant? If the Board of Selectmen would prefer, it could also be reserved for Spring Town Meeting.

Mr. Rich- We want to avoid a lot of amendments at Town Meeting and after Town Meeting it has to go to the Attorney General.

Mr. LaCortiglia- The process is: we make edits, Town Counsel reviews; we hold the Public Hearing, send it to the Board of Selectmen; then it goes to K& P again for final review; it may get tweaked at Town Meeting.

Mr. Cracknell-. I would be surprised if there are significant changes. It is not likely that they will have to review it for a second time for more than one hour.

Mr. Rich- What other Boards have done this?

Mr. Cracknell- It is a unique zoning amendment with formulas in it. We have to deal with all those issues and it needs to be reviewed by Town Counsel. I want to make one minor amendment on page 4. Mr. Cracknell passes out a spreadsheet for the Board to review that is on file in the Planning Office. If you look at the sheet, the average sale price for a house is \$600,000. Next column indicates affordable housing units. As the spreadsheet shows, I am proposing to substitute a 4% multiplier instead of 8% as stated on the Inclusionary Housing Balance Bylaw. {Chapter 165-71, Inclusionary Bylaw is on file in the Planning office} For example, the developer that does 8 units would have to provide an affordable housing unit as indicated under Item F.- Fractional Affordable Housing Units and Housing Contribution Payments.

Mr. Carter- How did you come up with the \$360,000?

Mr. Cracknell- That is optional. They can either build the unit or ask you to take the check. It seems to represent the sales price and the construction cost of the unit.

Mr. LaCortiglia- Motion to authorize Mr. Cracknell to send this draft dated 9/10/08 with amendments to Town Counsel for review.

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent – Ms. Evangelista)

Mr. Cracknell- I will ask the Board of Selectmen to send to K&P to be paid out of the established account of \$10,000 for legal services.

Mr. LaCortiglia- Move to authorize Nick to write and publish a Public Hearing Notice for the Inclusionary Housing Balance Bylaw.

Tim Howard- Second

All in favor? 4-0; Unam (1 absent- Ms. Evangelista)

Mr. LaCortiglia- All these formulas are nothing without a trust. Should we add to that?

Mr. Rich- Amend the motion from the previous motion to include in the Inclusionary Housing Balance Bylaw that we also establish an affordable housing trust fund for the Town of Georgetown pursuant to Chapter 44 Mass. General Law under 55C. And include Chapter 491 of the Acts of 2004. They have to go in tandem. Mr. Rich requests that the Town Planner attach the document and put on file in Planning office.

Mr. LaCortiglia- [To Mr. Rich] So you are asking for a Public Hearing for both the trust and the Inclusionary Bylaws?

Mr. Rich - Yes

Mr. LaCortiglia- Second

All in favor? 4-0; Unam (1 absent – Ms. Evangelista)

Blueberry Lane-

Mr. Cracknell- I called the developer to request that money be put into the M-Account in order to get Dave Varga out to Blueberry Lane to do an inspection. Myself, Dave and the subcontractor need to meet and resolve any outstanding issues. The subcontractor is not being paid by the developer until the Town's Inspector has signed off on the work. Jack Moultrie inspected the subdivision last October which was the last inspection performed. The applicant will then need to come back to the Board to give an update. My understanding is that the project is half complete. I will contact Dave to do the inspection once the money is deposited into the review account which the developer said he would do tomorrow, Sept. 11th. I have spoken to the subcontractor who wants to be on site for the inspection which we encourage.

Mr. LaCortiglia- Didn't the subdivision permit expire on May 3rd?

Mr. Cracknell- Yes

Mr. Carter- It doesn't sound like there is a penalty to the applicant when a subdivision expires. The only thing we have surety for is road infrastructure.

{Mr. Cracknell agrees to have the applicant sign an extension form for a Subdivision Permit extension in order to finish the development}

Mr. LaCortiglia- Is there a clause that states that the Bond has to be moved to the Town when the permit expires if there is no extension with reasonable cause? Isn't that surety good for anything? When the subdivision permit expires, what is the mechanism to compel the bond holding authority to finish the road?

Mr. Cracknell- [To Mr. LaCortiglia] Your suggestion that we move towards a model where if the Subdivision permit expires, the Board should be able to take action after 30 days if there is a cash bond. The Board would be able to take action after the 30 days have lapsed on the permit in order to finish the road.

Mr. Rich- In the application process, I don't see anything wrong with stating in our regulations that says, "upon explanation or lapse of the permit, the Town of Georgetown is entitled to make demand on the bond for whatever it's entitled to receive under the bond at that time."

Mr. LaCortiglia- Could we add that into our regulations and in the decision?

Mr. Cracknell- There is a surety section in the regulations and I will draft an amendment for that section.

Mr. Howard- If you have a decision, and economic times dictate that it's not a good time for the developer to go ahead and start the subdivision, what's the process/guidelines for the developer to come back to us and ask for another extension? The Certificate of Vote is good for 2 years. Therefore, you have two years to break ground before you have to get the subdivision permit that is good for 2 years. Read the Certificate of Vote for Harmony Lane and look at the language which allows for 2 years

Mr. Cracknell- The developer must agree to keep the subdivision at a certain level of completion. As Chris said, it becomes more complicated when construction has started. I agree that the regulations should be clearer when the developer approaches the 24th month at the end of the permit. We need criteria to add changes to Ch. 365-39 in the printed version of the regulations.

Mr. Rich- We need a standard clause that 1) the developer knows at a certain time if things don't happen, he can do no more work. 2) the developer is responsible to maintain that of which has already been done and inspected. Before anything else happens, he [the applicant] needs to come before the Board and request an extension in order to proceed and do more work.

Mr. Cracknell- We will also look at the fee schedule.

Mr. Rich- Put language in there that there be a certain percentage or minimum balance if the M-Acct/Review Account gets below a certain number or it has to be maintained at a certain number.

Mr. LaCortiglia- Motion to have Dave Varga inspect Blueberry Lane provided that the review account is brought up to a balance of \$4,000.

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent – Ms. Evangelista)

Chaplin Hills – update from letter to SafeCo.

Mr. Cracknell- We ~~received~~ compiled the Covenant, Deed and signed subdivision approval plans and forwarded them to the Bondholder for review and determine if they will release \$4,000 for the inspection. We will provide a further update at the next meeting.

Mr. LaCortiglia- Is there any way we can see a balance for the M-accounts at the next meeting?

{Ms. Kottcamp agrees to provide an updated report of the M-account balances }

Bailey Lane – update

Mr. Cracknell- I had a meeting with the applicant and Tim Howard and Harry LaCortiglia. The engineer and the owner have come to the conclusion that the Town Planner and two Board members do not believe the plan is eligible for ANR endorsement. We told them that we have doubt that the width and surface of Bailey Lane was adequate under an ANR endorsement for adequate access to the lots. My suggestion to the engineer was to file a 3 lot definitive subdivision plan. They are looking long term for 5-6 lots. They also have to submit an OSRD plan given that it is more than 10 acres. Bailey Lane is inadequate in its width and surface. It is not on the official town map and therefore you cannot use it for frontage. The map may need to be changed at Town Meeting. It would be reasonable to consider waivers.

Mr. Carter adjourns the meeting at 9:25PM.