

Minutes
Georgetown Planning Board
Wednesday, September 24, 2008
7:30 p.m.

Present: Mr. Hugh Carter, Mr. Tim Howard, Mr. Harry LaCortiglia, Mr. Christopher Rich, Mr. Nicholas Cracknell, Town Planner, Ms. Carol Fitzpatrick, Minutes Recorder

Absent: Ms. Matilda Evangelista

Board Business 7:30 pm:

Minutes- September 10, 2008

Mr. Rich: Motion to postpone acceptance of the minutes to next meeting, 10/8/08.

Mr. LaCortiglia: Second

3-0, Unam (Mr. Howard not present)

Vouchers-

Mr. LaCortiglia: Motion to pay vouchers in the total of \$1892.50

Mr. Rich: Second

3-0, Unam (Mr. Howard not present)

(Mr. Howard arrives at 7:35)

Correspondence-

ZBA notices: In-ground pool in town, in-law apartment in Boxford, MVPC notice of Economic Development Strategy Committee on October 14th.

Subdivision Regs Drafts Amendments

Mr. Cracknell: The regulations were last updated in August 2000. On October 22, 2008, we will hold a planning meeting to go over this in detail. Read this as a 1st draft, the fees and regs are based on other comparable North Shore communities. We are not covering our costs with the present fee structure with the tax payers subsidizing the remaining costs.

Mr. Carter: Can we see some fee structures of other towns? Let's make sure we are not short changing ourselves.

Mr. Rich: I would like to suggest that we move to a model similar to the fees relating to a building permit, the regs can they be pegged to the value of the project.

Mr. Cracknell: Our fees don't cover construction reviews and building reviews, just the office costs and office personnel. We should try to break things down into housing units in order to ~~escape-prevent~~ condo developers ~~that try not to go by units from not paying their fair share.~~ If we go by housing units or by linear footage we will make it more equitable for us.

Mr. Carter: I would rather not go into a possibility where the costs outweigh the fees. We need to add a

floor.

Mr. Cracknell: We are there right now. We need make sure that not more than 50% of the projects go into the red. The goal is to be neutral, and not exceed our operational costs~~be a profit center~~.

Mr. Rich: You can also cost yourselves out where no one will want to develop.

Mr. Cracknell: Parker River Landing has probably cost the town \$20,000 in fees. We likely received ~~got~~ a \$200 application fee for the special permit given no subdivision was required for the development.

Mr. Cracknell: Send me your regulation changes in advance of October 22nd, in-time for the Public Hearing.

Mr. Carter: Regarding road construction width, I am for less pavement from 26 feet to 24 to save money. I am never in favor of more pavement.

Street Acceptances: Pillsbury Village – Kopelman & Paige update

Mr. Cracknell: Town counsel proposes that the town accepts an easements instead of the fee. I will go to the lawyers and ask why the town should be looking for an easement deed instead of a fee simple deed.

Mr. Rich: Easement gives you permission to use, if you have the deed you have ownership. Katherine at Kopelman may be offering an easement because if we took title to the street and if they stop maintaining the street we have to do it.

Mr. Howard: What does that have to do with Chapter 90?

Mr. Cracknell: The lawyers said that this is what they recommend to all towns, that they take the easement not the fee. This requires some follow-up. If the town is going to have the street and have to take care of it, the town should have the deed. We will not be ready until 2 weeks from now to finish this up. Katherine would rather see the deed as an easement conveyance. Public Easement 71-A relates to the pond and other public areas. The drainage system or firewall, where it affects the lot is the responsibility of the HOA. If it pertains to the road it is the town's concern. I will review this in the next few-two weeks and I will talk to Katherine at Kopelman and Paige.

Mr. LaCortiglia: Can we have all of this confirmed by paper or email for permanence?

Housing Balance Bylaw Amendment-Update Draft

Mr. Cracknell: We have a Public Hearing scheduled for October 22nd. The intent of the Article needs to be put together by the 22nd the specific language can be set at the end of the month.

Mr. Carter: In the last meeting, we asked that the selectmen have the Town Counsel look at it.

Mr. Cracknell: I went to Steve Delaney and asked which of the two Affordable Housing accounts we

could utilize, Littles Hill or the \$10,000 2007 Town Meeting ~~option, and with what recommendation~~. I will get that to Kopelman and Paige tomorrow.

Mr. LaCortiglia: The Affordable Housing Trust Fund adoption also needs to accompany this. The wording in the proposed warrant was the language received from Town Counsel regarding using Community Preservation money.. We can tweak the requirement about who the trustees are.

Mr. LaCortiglia: Do we need to hold a hearing for that before town meeting?

Mr. Cracknell: Good question. I will find out.

Blueberry Lane- Extend Subdivision Permit and Authorize Inspection

Mr. Cracknell: The permit has lapsed. The money is in their M-Acct. He needs to have the Form M signed to complete construction. We have a covenant on these lots. We will need to have a bond if we were to release the lots. He would post surety to allow him to extend this to June 30, 2009. An inspection will be done in a couple of weeks after signing the Form M. I will attend with Dave Varga.

Mr. LaCortiglia: Will this be a pre-construction meeting?

Mr. Carter: There are definitely some issues. Dave will do his audit and we will see what he says.

Mr. LaCortiglia: Motion to extend the subdivision permit for Blueberry Lane to June 30, 2009, pending clearance of the check for \$3870.56.

Mr. Rich: Second

4-0, Unanimous

Chaplin Hills-Update on Bond for Inspection

Mr. Cracknell: We are still waiting for a response from the bond holder from Lewiston, ME. We haven't heard from them in over two weeks. They requested the Certificate of Vote. There is a bond for \$243,000, with no reduction. We need \$4000 put in the M-Account before Dave Varga goes out, reports back, and work can be started. The roadway needs to be finished. There is approximately \$100,000 worth of work left to complete the roadway.

Mr. Carter: Why haven't they come after the bond?

Mr. Cracknell: The owner is deceased. It is in probate. Jonathan Eichman at Kopelman and Paige stated they do not have an established standard method to pull the bond. I need to have two board members sit with me to go over this to do this right and ensure all necessary procedures are adhered to. We need to look at the tripartite agreement. We also need \$4000 to pay Dave Varga. This road has been built out for some time with the road degrading as we speak. We need to pay this bill and may need to pull the bond to do so. I sent all the documentation certified to Jay Mr. Jones and his attorney so everyone has been notified.

Mr. Rich: When did he pass? We may need to file a claim against the estate. We have a year to do this.

Mr. Cracknell: We need another board member to attend the meeting and form a subcommittee.

Twisdenwood Farm Update

Mr. Cracknell: The applicant needs to fill out an OSRD special permit. We need to identify the area where we can develop within the 20 acres, put in a cluster development. It will be most likely be single family detached homes. In October, they would come in for a pre-application meeting and get some guidance from the board. The formal OSRD application will probably not happen until December. Their filing would be up in November.

Mr. Rich: I have to recuse myself from this application.

Mr. Cracknell: I am going to start working on an extension request now.

Deer Run- Dave Varga Update

Mr. Cracknell: Mr. Carrullo was here and requested an extension which he was granted until 10-22-08. Dave Varga had six main issues. We have no final as-built plan, there are no signs on conservation area, rip rap needs to be added, the hydrant height is incorrect, and there are drainage issues with conservation commission, etc. They were notified on Monday. They have a cash surety. Their extension date will be considered on Oct 22, 2008.

Fall Town Meeting Discussion

Mr. Cracknell: We already covered this under other topics tonight.

Mr. Howard: Motion for Execution Session to discuss potential litigation; board will not return to Public Session

Mr. LaCortiglia: Second

Roll call for Executive Session

Mr. Howard – aye

Mr. Rich – aye

Mr. LaCortiglia – aye

Mr. Carter - aye

Executive Session Minutes of Sept 24, 2008

Present: Mr. Hugh Carter, Mr. Tim Howard, Mr. Harry LaCortiglia, Mr. Christopher Rich, Mr. Nicholas Cracknell, Town Planner, Ms. Carol Fitzpatrick, Minutes Recorder

Absent: Ms. Matilda Evangelista

Whispering Pines

Mr. Cracknell: Harry L. informed me as to what is going on with legal notices ~~in surrounding towns~~ regarding the Whispering Pines subdivision. He found that 5 lots in the Whispering Pines subdivision are to be auctioned by a Newburyport ~~firm~~ bank. Jonathan Eichman said that the town can make a good case for getting compensation, via an attachment, but we would be behind many other firms, Newburyport 5 Bank, the IRS, etc. It is likely over \$1m for the 4 lots, and add \$275 for the 5th. It would seem to us it would not be a good idea to file an attachment, spend the time and money and likely get nothing in the end. We should finish the road. There appears to be plenty of money in the existing tripartite to finish the 3 roads within the subdivision. The tripartite agreement does not state anything about if the bank files foreclosure thus, w- We might need the money out of the sale.

Mr. LaCortiglia: The bank is our surety.

Mr. Cracknell: The last thing we want to do is deal with the buyer.

Mr. Rich: We will make demand on the tripartite with Longo.

Mr. Cracknell: We have to go with the bank.

Mr. LaCortiglia: We need to disclose with all future buyers that are tethered to the original mortgage and the tripartite agreement. We don't want to deal with the future buyers of all the 5 separate lots.

Mr. Cracknell: I am dealing with Jill Connelly of Connelly & Connelly of Newburyport representing Newburyport 5 Bank. We need to see what Dave Varga comes back to us with in October for finishing roads. Whatever the dollar figure Dave comes back to us with, we need to go 2.5 times that amount.

Mr. Rich: We need to have the bank (Newburyport 5) make available to the board the funds needed to

complete the improvements.

Mr. LaCortiglia: Let Jonathan handle it. The auction takes place on October 16th.

Mr. Rich: Draft a letter, notarize 1 signature, have each lot attachment in the letter, record it, and cross reference it to all the lots. Make demand first.

Mr. Rich: Motion to have Kopelman & Paige make demand, in recordable form, of the remaining surety to the Board as necessary to complete improvements to Whispering Pines, or make the funds available and have it recorded at the registry.

Mr. Howard: Second

| 4-0, Unanimous

Meeting adjourned at 9:55 p.m.