

MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, June 11, 2008
7:00 p.m.

Present: Mr. Hugh Carter; Mr. Tim Howard; Mr. Christopher Rich; Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp – Asst.

Absent: none

Board Business 7:00 p.m.

Mr. Carter opens the meeting at 7:13PM.

Minutes – October 24, 2007

Mr. LaCortiglia- Motion to accept the meeting minutes with corrections.

Mr. Howard- Second

All in favor? 4-0, Unam; (1 abstention – Mr. Chris Rich)

Vouchers – None

Michele is authorized by the Planning Board to print Master Plan books for the amount of \$656.43 as indicated on the estimate submitted by American Speedy Printing.

Correspondence –

Curbing change request for Rock Pond Estates

Mr. LaCortiglia- The applicant is requesting to change to slope granite curbing as opposed to cape cod berm and if that is acceptable to the Board.

Mr. Howard- Larry Graham [engineer] will have to review that.

Mr. LaCortiglia- Perhaps the subdivision inspector should go out and review the subdivision. There are also storm water issues, road width and road construction that have to be taken care of out there.

Mr. Howard- It is not a guarantee that the Town will accept the road with that change.

Mr. Cracknell- I would suggest that a letter be sent to him stating that with approval by the Board to change to slope granite curbing, it does not guarantee the Town will accept

the road. If he chooses to go that route, Larry Graham or Dave Varga will then review it and come back with a punchlist.

Mr. Carter- [To the Town Planner] Send him a letter asking him to do that.

Chaplin Hills Subdivision Permit

Mr. Cracknell- Michele requested Mr. Jay Jones come in and update the Board. They should finish the development before batching plants close in November.

Mr. Carter- We gave them an extension on their subdivision permit that expires at the end of this month. What is our option to get him to finish?

Mr. Cracknell- We could pull the Bond as a last resort to get the contractor to finish the road. A bond is in place for \$243,000. Perhaps the Board could give him a 30 day extension so that he could come back in July.

Mr. LaCortiglia- I received an email from one of the residents concerning this. They are concerned because the snowplowing that was done was inadequate and they're concerned about next winter. I think we should move forward with it.

Ms. Evangelista- We have extended it time and time again for this applicant.

Mr. Cracknell- It is always better to get the developer out there to complete the road. It is best to get the applicant to give an update to the Board.

Mr. LaCortiglia- Motion to extend the permit 15 days for the purpose of allowing the applicant adequate time to visit the Board and provide an update.

Mr. Howard- Second

Ms. Evanaglista- I would like to know the current cost of completing that road? Could Peter Durke give us the estimate?

Dave Varga- There should have been a schedule of values submitted with the original bonding amount. However, if the information is 12 years old, I'm not sure if that would completely cover the cost of completing the road.

Mr. Rich- If the specifications are written, you should be able to get a ballpark figure. Are we only talking about topcoat?

Mr. Cracknell- Yes. We will look for that schedule and try to get that answer.

Mr. Varga- If it is only binder there, some patching will need to be done before the final coat and that will figure into the overall cost.

All in favor? 5-0; Unam

{Extension has been granted and the Clerk can sign when written up}

Mr. LaCortiglia- I don't think we will get cooperation from the applicant and I think the Town could bear the cost of Dave Varga's analysis.

Ms. Evangleista- Is there recourse for the Town?

Mr. Carter- He is probably not legally attached to the road.

Mr. LaCortiglia- I move to have Dave Varga, subdivision inspector, do a necessary inspection of Chaplin Hills to determine the estimated cost to complete roadway and outstanding work.

Mr. Howard- Second

All in favor? 5-0, Unam

(Dave Varga requests a full size set of plans from the Planning office)

Other Business –

ANR Searle St & Lisa Lane – sign mylar

Mr. Carter- Any objections?

Mr. Rich- Everything is now fine and changes are made on this plan.

Mr. LaCortiglia- Motion to endorse the ANR for Searle St. and Lisa Lane dated 5/22/08, and revised 5/29/08.

Mr. Rich- Second

All in favor? 5-0, Unam

Harris Way – Building permit application

Mr. Cracknell- You [Planning Board] got the letter dated June 3rd from Nancy McCann, representing the developer. They are requesting sign off on a Building Permit application. They are also looking for the release of Lot 6. Peter Confalone (applicant) believes all 9 lots have been released. I have asked for copies of such documents verifying this. There is a condition in the decision of the Certificate of Vote for the affordable housing unit that says, "if you don't put it on one lot, you can come back to the Planning Board and discuss another alternative like an off-site affordable housing unit. This has to occur, however, prior to the release of the sixth lot." He's looking for Lot 6 to be released but it is his fourth Building Permit. He has to get his lot released before he gets the building permit. I only show from the file that 5 lots have been released. The

decision says he can come up with an alternative in moving the affordable housing unit off the site only if 5 or less lots have been released.

Mr. Rich- That paragraph coupled with those 5 lot releases makes total sense.

Mr. Howard- If we had released all 9 lots, then he's lost the alternative option for an off-site location.

Mr. Cracknell- The 5 lots, the Board released. The Bond is in place for \$160,000. The decision says you have to have one affordable unit but the decision doesn't say when.

Mr. LaCortiglia- I understand there is a blue building permit application that needs a sign off from the Town Planner. My recommendation is we ask the Building Inspector to withhold the application for 30 days until we gather further information.

Mr. Cracknell- He has a legal right to get the application signed and the Board has a legal right to not sign it because he has chosen the route to get his lots released but it does mean he will need a minor modification to the Special Permit if he's going to come up with an alternative for the Affordable Housing unit

Ms. Evangelista- Maybe we can delay until such time that we can discuss with our attorney.

Mr. Rich- He said he has 9 lots released. He needs to prove it. He has to opt out and tell us what he is going to do – either B(2) or B(3) in the Certificate of Vote dated July 30, 2003 - before the sixth lot is released. He hasn't told us what he is supposed to do. Also, what his attorney presented to us would be inconsistent with having all 9 lots released.

Mr. Cracknell- He needs to submit a Lot Release Form first. It needs to be in writing what piece of realstate will be substituted for another before release of the sixth lot.

Mr. LaCortiglia- I think we need to find out more information first.

Mr. Cracknell- If 9 lots have been released, then can I ask the Board to sign this permit? If they have not, we will bring it back to the Planning Board meeting on the 25th and discuss it.

Mr. LaCortiglia- To clarify, the Planner is now authorized to sign off on the Building Permits in the future.

Authorize L. Graham to produce final punch list for Parker River Landing

Mr. LaCortiglia- Motion to authorize Larry Graham to form a punch list for Parker River Landing and forward to Pulte Homes.

Mr. Howard- Second

Mr. Rich- Requests a copy for the Board.

All in favor? 5-0; Unam

Authorize Dave Varga to set up pre-construction meeting with applicant of Blarney Court

Mr. LaCortiglia- Motion to authorize Dave Varga to conduct a preconstruction meeting with owners/applicants and contractors at Blarney Court.

[Michele to provide plans of Blarney Court and decision to Dave Varga]

Appointment of Harry LaCortiglia as Planning Board rep. to CPC

Mr. Rich- Motion to appoint Harry LaCortiglia as the Planning Board representative to CPC up until June 30, 2010.

Mr. Howard- Second

All in favor? 4-0; Unam (1 abstention – Mr. LaCortiglia)

Construction Reviews 7:30 p.m.

Review of Railroad Avenue, Harris Way and Rock Pond Estates – Dave Varga

Mr. Varga- (Railroad Avenue Project) They are scheduled to start the finish grading tomorrow. All of the utilities seem to be in place. All of the sub-base gravel was in place when I started the review. I haven't been able to make any detailed inspection of the gravel sub-base although we have gotten an analysis of it and it does meet the requirements for that material.

(Rock Pond Estates) I looked at the sidewalk construction in front of the current lot where they are doing the finish landscaping.

Mr. LaCortiglia- What is the status of checking where Rock Pond could be a Town accepted road? Who deals with that?

Mr. Howard- They now want to put in slope granite curbing to enable it to be an accepted road. It seems that there were two obstacles on this project.

Mr. Graham- Do you want me to review my file and get back to the Board on that item?

Mr. Howard- The applicant doesn't want to change to slope granite curbing if it won't mean the road becomes an accepted road.

Mr. Varga- I have not been fully authorized to do a full inspection on this project. I have only been given full authorization for Railroad Avenue and Chaplin Hills after tonight.

Mr. Howard- We said last meeting the call would be from the contractor to the Planning office.

Mr. Rich- My suggestion is that when the Board gives approval, we give them an inspection list and request that the contractor contact the Planning Office at those milestones in the project.

Mr. Cracknell- Refers to the inspection outline provided by Dave Varga and suggests that the Building Inspector follow that outline for all projects and the Board agrees with this protocol/process moving forward.

Mr. Varga (Harris Way)- I haven't been fully authorized to do that inspection. I did stop by briefly and they have done the gravel grading for the sidewalk, binder for the full length of the sidewalk and finish coat on half of the sidewalk. They have been doing work there and haven't notified the Planning Office.

Mr. Carter- The Harris Way M-account has to come up to \$4,000. Once a procedure is in place and it is put in writing, it can be distributed to a contractor and then we can start to enforce it.

Ms. Evangelista- We can pull the subdivision permit, what would that do?

Mr. Rich- The bank would be contacting you. That is grounds for foreclosure.

Ms. Evangelista- Talking to the attorney in 2 weeks may help us with all these questions.

Public Hearing 8:00 p.m.

Pondview Estates-

Mr. Carter- Opens the Definitive Subdivision Public Hearing for Pondview Estates at 8:25 pm.

Bill Studzinski (attorney for the applicant/owner, Scott Green, of TBR Properties)
This project will consist of one road and a cul-de-sac at the end of the road. There are two existing homes. One existing home will remain and #102 will be taken down. The residence at 100 Pond Street will stay.

Mr.Green – Shows the plan that consists of 7 lots with 6 as buildable lots. They are 1 acre + lots. I will plant more trees for screening, and I will not take down the existing trees.

Mr. Carter- Public comment?

Joe Hall (resident) 90 Pond St – How many feet wide is the buffer zone between the houses and are you taking down any trees?

Mr. Green- I will build a swale to handle the overflow runoff. I will be planting a green buffer of Hemlocks and Blue Spruce. Mr. Green measures the distance between the homes on the plan for the resident and responds 45ft - 62ft. The current grade is 88.

Ted Boulanger (resident) 15 Lake Ave- Are there any conservation issues?

Mr. Green- I am putting a deed restriction that no one can cut the trees.

Mr. Hall, 90 Pond St- Will that restriction be on all the properties?

Mr. Green- Yes.

Mr. Hall, 90 Pond St- Hemlocks are diseased.

Mr. O’Hanley - Will it have retention ponds? Will it be a closed system?

Mr. Green- It will not have retention ponds. It will be encapsulated under ground.

13 Lake Street resident - We have terrible flooding in an overflow situation.

Mr. Carter- Larry Graham (engineer) has not yet reviewed these plans. He will review the stormwater runoff and will give the Board recommendations on this matter.

Mr. O’Hanley- Has there been a soil analysis test?

Mr. Green- It is sandy gravel type of material.

Mr. Boulanger- The abutter backs up to the game refuge. It is represented as Georgetown Fish & Game. Did you acknowledge them as well?

Mr. Green – Of course.

Mrs. Boulanger- That house on Lot 7 is how far from the house shown on the plan?

Mr. Green- 123 ft.

Mrs. Boulanger- Price range of homes?

Mr. Green- \$500's

13 Lake St. resident- I am concerned that the houses will be taller than the tree line?

Mr. Green- Not with a 40 – 50 ft tree line.

13 Lake Street resident- What are the round dots shown on the plan?

Mr. Graham- I believe they are dry wells.

13 Lake St. resident- Is there any way to enforce that trees won't get cut down?

Mr. Green- If it is in the Deed, they won't get cut down.

90 Pond St. resident- It is a natural habitat. You are going to affect the natural habitat for the natural wildlife. For those of us, it is a loss of a very pristine area. Whatever you can do to keep it as natural as possible, would be well-received by the abutters.

Mr. Green- I am stating for the record, I will not clear cut the trees. I am sensitive to your privacy and want to keep it natural.

Mrs. Boulanger- We started with 56 condos. We have taken this plan a long way and if you do everything you say you do, then we will be pleased a lot.

Mr. Green- I won't disappoint you.

Mr. LaCortiglia- Motion to have Larry Graham, engineer, do the technical review of Pondview Estates.

Mr. Howard- Second

All in favor? 5-0; Unam

Mr. Howard- One comment. Several residents on Lake Avenue have commented on overflow and where it would go. [To the abutters] If you are concerned about overflow, you all could grant him an easement as a final solution to it and it would be buried underground and drain down into the pond.

Mr. Boulanger- I don't think you can legally put a catch basin there and overflow into the pond.

Ms. Evangelista- If I remember, you need a sand bed prior to the pond to prevent it from dumping into the pond.

Mr. Rich- How many dead ends are there? I would like to see you loop the system somehow to keep the water moving. Otherwise, I will not be in favor of this project.

Mr. Green- I can't answer that right now.

Mr. LaCortiglia- Motion for a site walk at 9am on Sat, June 21st at 102 Pond Street.

Mr. Howard- Second

All in favor? 5-0; Unam

Mr. LaCortiglia- Regarding the subsurface infiltrator systems - It was explained you may do something like this. These are difficult for a town to inspect. I don't like them and I won't vote for them. My concern is they will fail because they have to have continued maintenance.

Mr. Green- We changed based on the direction from the Planning Board during the preliminary phase. What is the opinion of this Board? If there was a Homeowners Association, they would be responsible for the maintenance of the system.

Ms. Evangelista- The direction from the Town is that it becomes an accepted road. What examples have you heard of for maintaining it?

Mr. Green- This will be new for me in using this system.

Mr. Rich- In the Town of Saugus, they allowed the landowner to pipe the runoff under the street into a catch basin and then dumped it into the marsh.

Mr. LaCortiglia- Move to continue the Public Hearing for Pondview Estates to July 23, 2008 at 8pm.

Mr. Howard- Second

All in favor? 5-0; Unam

Blarney Court Discussion:

Mr. and Mrs. Moylan (owners/applicants) are present for Blarney Court.

Mr. Moylan- On the original mylar certified from the Registry of Deeds is a handwritten note from page 3 of 5 on the final plan that states, "See Certificate of Vote dated 3/24/08 as stamped by Town Clerk." This certified page is page 3 of 5 as per Larry Graham's instructions.

Mr. Cracknell- We have a Building Permit application from the applicant. I have met with Mr. Moylan on two occasions. The plan was endorsed by the Board. In the Decision, conditions A-I needed to be completed prior to endorsement. As with all other plans, when you put in the sub-base and the binder coat, you then get a lot release. After

that, you can get your building permit. The attorney has sent us all the required forms. He has posted \$2,000 to his M-account. Before I sign on your behalf, the question is:

Per Mr. Moylan's understanding, only page 3 of the 5 total sheets of the plan have been recorded as to what was required by the Board. The applicant has not filed the Certificate of Vote with Registry. Based on the handwritten note on the plan that Mr. Moylan just read, is that good enough for him to not record the Decision? We also have a Building Permit application that needs a sign off. Our concern is the driveway. The applicant would like to construct the driveway all at once. Is it possible that he could go to #4 on the list? The concern we have is that the builder needs a building permit in order to do anything. The barrier is that we can not get a permit until a driveway is put in and a lot is cleared.

Mr. Moylan- It's my understanding that the Certificate of Vote was more geared for a large development, not one house with a driveway. Our concern is, in order to do anything there, we have to get a building permit. The Planner is trying to expedite this process but the barrier he placed on us was not revealed until 2 pm. today. Namely that we can not get a building permit until a driveway is put in and the land is clear.

Mr. Cracknell- A building permit is not needed to build a road. The Decision prevails so if the Board has a different position than what the Decision states, then that is what you're here to discuss tonight.

Mrs. Moylan- The guy doing the work is coming from Maine. Everything has to come and go at the same time. It all has to happen simultaneously.

Mr. Graham- (Refers to page 3, 1(g) of The Certificate of Vote)
My recommendation was that the note be done by hand on the mylar. On page 4, 2(d) notes the original Certificate of Vote needs to be recorded at the Registry. You [The Board] will need to give the original to the applicant so it can go to the Registry of Deeds. Page 5, 4(a) notes that all utilities and binder pavement course and base gravel course must be inspected by the subdivision inspector. You said you will have a rough road in to the house and modify 4(a) with the understanding that you have a passable gravel-based road to the site. The banking is tied into the certificate of occupancy. 4(a) may want to be revisited regarding the release of the lot as to what the Board will accept. As long as the Builder has a passable road and can tap into water service, they can wait on the binder and pavement course until later.

Mr. Carter- I am in favor of what Larry has said.

Mr. Rich- My motion is that in the Certificate of Vote Decision that was given to the Moylan's, Item 4(a) will mean in this particular purpose and only this purpose, a gravel road is acceptable for the traveling of fire apparatus and equipment to the site and that

utilities do not have to be brought in and stubbed and pavement does not have to be put down and stopped.

{No Second was made}

Mr. Graham- What Chris motioned is that he [the applicant] has to have a rough gravel road prior to lot release. The Board will need to sign a lot release.

Mr. LaCortiglia- I see lot release and Building Permit as separate.

Mr. Cracknell- I want everything to be clear.

Mr. Spadafore (Builder)- Under the obligation, we had a site visit on the property in October. My vision is that we want to cut down that hill. Of course I want a travelable road to lead you back to the site as I have a lot of materials to haul in and out. There's also an insurance liability that I have to be concerned with.

Mr. Graham- You do not have to put the binder down, per the Board.

Mr. Cracknell- The core issue is – the Board oversees the construction of the way and when it's constructed in a sufficient and passable quality, you then release the lot and sign the building permit. The applicant wants to combine those steps. You [The Board] need to modify the rules in the decision to do what is being asked of the applicant. [To the applicant] If this can be done quickly, can you construct the driveway?

Mrs. Moylan- I have an excavator from Maine coming to do all the work.

Mr. Rich- Is there a problem why we couldn't make a general statement saying, "any and all of the above may be accomplished simultaneously due to the size of the project." The rules were geared towards multiples and this is a one building site.

Mr. Graham- You can do that, as it's your prerogative as a Board.

Ms. Evangelista- How many days will this take for your excavator to perform the work?

Mr. Moylan- Approximately 5 days. That's why I am giving you a \$15,000 surety. We want to get going and not keep having to come back.

Ms. Evangelista- Will Dave Varga be able to do all his inspections? Is there going to be a different Certificate of Vote?

Mr. Moylan- I spoke to him tonight and he said, "yes."

Mr. LaCortiglia- [To the applicant] Right now you need a building permit but before you start, your excavator will get in there and do his job in 3-5 days. Why can't you then get the building permit signed off on that day?

Mrs. Moylan- Because I have to give the building permit to the bank. The excavator won't come down until we have a building permit.

Mr. LaCortiglia- If we instruct the Town Planner to sign off on the building permit, where does that leave us? Are we releasing the lot when we grant the building permit?

Mr. Graham- Yes

Mr. Cracknell- If you have Larry Graham get the surety figured out immediately and post it, then you're done.

Mr. Rich- If this goes bust, it turns into an empty lot.

Mr. Cracknell- I recommend you move 4(a) under "Lot Release" to "Prior to Certificate of Occupancy" in the Decision. Before you get an occupancy permit, and Dave Varga agrees it's all been done right, you can then sign off on the Occupancy Permit.

Mr. Rich- Motion that item 4(a) of The Certificate of Vote for 231 North Street dated March 13, 2008 be moved to 6(c). In addition, 4(a) should be revised and read:
" all utilities and all pavement courses."

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

Mr. Rich- [To the applicant] You need to get a certified copy of the Certificate of Vote with this motion. The amendment will need to accompany the original Decision and be recorded t the Registry of Deeds.

Mr. LaCortiglia- Motion to have Carol Fitzpatrick continue to work in the Planning office until June 30, 2008.

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

Mr. Howard- Motion to adjourn at 10:10pm.
Mr. Rich- Second
All in favor? 5-0; Unam

