

**MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, June 13, 2007**

Present: Mr. Rob Hoover, Chairman; Mr. Tim Howard; Mr. Hugh Carter; Mr. Harry LaCortiglia; Ms. Tillie Evangelista; Mr. Larry Graham, Consulting Engineer; Ms. Sarah Buck, Town Planner; Ms. Michele Kottcamp, Assistant

Absent: Mr. Tim Howard until 7:40 PM

Board Business 7:00 p.m.

Minutes – 4/11/07

Mr. LaCortiglia- Motion to approve minutes with corrections.

Mr. Carter- Second

All in favor? 4-0-1; (Mr. Howard absent)

Railroad Avenue status

Ms. Buck- Those holes should be filled in and made safe there per Mr. Simmons recommendations. He still needs to install temporary monitoring wells, but thinks all will be fine.

Mr. Hoover- Get a completion date as to when the site will be done and when the conditions are favorable and intact.

Ms. Buck- Anyone who buys the property will come in to the Planning office and check with us. There's currently a 4-Sale sign on the property.

Mr. Danilecki at 4 Railroad Avenue (abutter) – One condition - paving the driveway and transferring property to him. Second- raise the elevation. It was never written into the decision.

Mr. Hoover- It would be helpful to look at those minutes.

Ms. Buck- It should be in the decision. Another issue is one of the lots includes the right of way to the rail trail. They have to get a state permit to build on that lot. His reserve septic might be under that rail trail. The owner will have to fix that.

Mr. Hoover- Please look at minutes and look at that issue. The project was approved two years ago.

Ms. Buck- There have been two removal actions that took time.

Ms. Evangelista- Should we not give a deadline date to Bob Grasso?

Mr. Hoover- I think two weeks is plenty of time and sounds reasonable.

Mr. Danilecki- There is still an uncovered dirt pile on the site.

Ms. Buck- Mr. Simmons said that the contaminated pile was removed from the site. I have asked that he summarize everything in a memo which you will all have for the next meeting.

Mr. LaCortiglia- Regarding the issue of the paving and raising of the elevation of the abutter – How do we compel the new purchaser to abide by something that was discussed at the meeting?

Mr. Hoover- If a commitment was made then it is up to us [The Planning Board] to make the decision.

Master Plan

Ms. Buck- The presentation is 2 weeks from tonight. I will send out an email to the Boards. We don't have the complete draft yet – it didn't have enough in it. I emailed a copy to Alan MacIntosh to get his recommendations and input. We had a conference call and he agreed with my thoughts on the Land Use element. They will get us a new draft this coming week. We will have 1½ hours on the agenda with a half hour presentation by Daylor Consulting.

Mr. LaCortiglia- Is there going to be an action plan?

Ms. Buck- It will be noted as an implementation plan. Their recommended actions will be discussed at the meeting and then laid out.

Mr. Hoover- There is a certain level that the Master Plan goes to – it will not tell us everything.

Ms. Evangelista- They will give a clear direction so that we can say at Town Meeting that it was recommended by our Consultant.

Mr. Hoover- When we put together a Master Plan, a couple things come to mind. Cressy's is a unique store that is Georgetown only. Another is the music heard from the General Store as you come down Main Street.

Laptop computer replacement

Ms. Buck- The office is looking to purchase a laptop if the Board thinks it is good expense. The Zoning update from last year gave us \$1,000.

Mr. LaCortiglia- Motion to have Sarah purchase a laptop priced up to \$1,300.00
Mr. Carter- Second
All in favor? 4-0, Unam; 1 absent (Mr. Howard)

Other Business

Vouchers & Correspondence

Ms. Buck- I am holding the last 25% of the final payment for Daylor Consulting until we receive the final draft.

Mr. LaCortiglia- Motion to pay vouchers totaling \$12, 911.03
Mr. Carter- Second
All in favor? 4-0; Unam (Mr. Howard absent)

Mr. LaCortiglia- Motion to appoint Ms. Evangelista as an alternate for the Merrimack Valley Planning Commission.
Mr. Carter- Second
All in favor? 4-0; Unam (Mr. Howard absent)

ANR 8:00 p.m. - 22 Bailey Lane

Ms. Buck- Gives overview. Mr. Krause the owner is present. The street had a much wider right of way years ago. The Selectmen voted to give to the abutters the excess right-of-way when the street was relocated. The lot lines were never formally changed however. The assessors got permission from DOR to change the lot lines on the town maps so that the parcels could be properly assessed, but the process never included the planning board and the registry of deeds. On current town maps, this property is both Lot A and Lot A-1 combined. They are splitting out lot A-1 temporarily so that the lots can be properly combined.

Mr. Krause- The assessors claimed it as taxable property. It turns out I was within the setbacks. I need a deed to the abandoned land so I can build a garage.

Ms. Buck- The Selectmen agreed to convey it to Mr. Krause as they did in 1994 to all the abutters. We have copies of the original vote.

Mr. Krause – The deed is as stipulated on the map.

Mr. LaCortiglia- What is the April 3, 2003 deed?

Mr. Krause- I have owned the land since 1993.

Ms. Buck- The portion of the unused road was as stated in the annual report from 1984. He has no frontage. We certify that no lots are created or have access. That is what we do with an ANR.

Mr. LaCortiglia- Motion to endorse the ANR plan entitled #22 Bailey Lane, Georgetown, Mass. dated October 12, 2006 with a revised date of April 12, 2007.

Mr. Howard- Second

All in favor? 5-0; Unam

ANR:

Ms. Buck- The mylar disappeared for 52 Bradford Loop and was never registered. I was wondering if the Board could sign the mylar? The Town clerk had the only the application copy. It is a family property and was approved by the Planning Board in 1998. We really only vote for adequacy of access. Therefore, we asked the applicant to fill out a new ANR application, the town clerk stamped it, and it is ready for approval. 50 ft is the minimal frontage that is allowed in that area. We are not to reaffirm the old plan. Kopelman & Paige asked that they submit a new ANR for approval.

Mr. LaCortiglia- What is the description of the plan?

Ms. Evangelista- So the original plans were never registered in Salem?

Ms. Buck- Correct.

Mr. Hoover- This is a 1998 plan which we are signing in 2007. I have a question that we should think about - I would be comfortable for you to ask Kopelman & Paige about signing an old plan.

Mr. LaCortiglia- If this was brought to an engineer, couldn't they revise it and date it 2007?

Mr. Hoover- The engineer has to go out and verify the property that nothing has changed. Then they can sign it and date it. I don't know if we can endorse an ANR plan.

Ms. Evangelista- If anything, the bank may have an issue.

Mr. LaCortiglia- I don't want to hold up a sale.

Mr. Hoover- It will not hold up a sale. Wait two weeks and get their opinion if we can approve this 1998 plan by this 2007 Board.

Ms. Evangelista- If there is not a problem from Kopelman & Paige to approve this plan, then the Board members can sign individually.

Mr. LaCortiglia- Motion to endorse ANR plan with K & P for 52 Bradford Loop owners John and Patricia Decoulos dated 1998 subject to Kopelman & Paige opinion that the Board can legally sign/approve the 9 year old plan.

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

Preliminary Subdivision – continued
Pondview Estates:

Preliminary Subdivision – applicant has asked for an extension of time to Sept. 30th and a continuance of the meeting on Pondview Estates to July 11th, 2007.

Mr. Howard- So moved.

Mr. Carter- Second
All in favor? 4-0; 1 abstention (Mr. LaCortiglia)

Public Hearings

Stone Row – 3 lot Definitive Subdivision and Common Driveway Special Permit

Mr. Marty Halleran, engineer of T-Square Design, is present.

Mr. George Agganis- We have addressed everything that Larry has asked for. Those changes are in the new plans being submitted tonight. We have also addressed the 3 lots with Conservation restrictions and we are paying close attention to tree cutting to maintain character of neighborhood.

Mr. TJ Conte- When we left the last meeting, we discussed the 3 lots and some open space. Harry asked what would happen to it. We have addressed that with the conservation agent. Their committee was not really interested in land – his suggestion [Conservation Agent] was to leave it on the tax roll.

Ms. Buck- The 4th lot was going to be open space. This plan is showing 3 lots with the former open space lot. Larry suggested moving some of the boundaries on the open space lot.

{Mr. Halleran points to the dotted line showing outline of the 4th lot. Lot 2 is 19 acres.}

Mr. Halleran- Lot 3 is now over 7 acres. Three are restricted land. Lot one stayed the same. We have realigned the road 5 ft. per Larry's suggestion.

Mr. TJ Conte- The other thing is the covenant where this going to be a common drive. The public will not drive down them in order to keep the integrity of the neighborhood.

Mr. Hoover- Let's go to Larry and Sarah first.

Mr. Graham- I think this plan has gone through many revisions. Now with 3 lots, it is a good way to end this road. I think the biggest issue is what to do with the open space and the conservation restriction of open space land. I had suggested on the open space that

there should be a conservation restriction to cover the open space and take in part of lot 2 and take in the wetlands. My suggestion would be that the Conservation Commission hold the restriction. I can see that the revised plans will address one of the catch basins. On page 13, there are a number of waivers that should be reviewed by the Board. I want to be sure the Fire Department is comfortable with the hydrant. I suggested a 12' wide drive. This also needs to be taken care of.

Ms. Buck- The only 2 major issues I have are: 1) Conservation restriction – want to be sure it can't be lifted. A letter should come from Conservation stating that. I will also check with the Fire Dept on the hydrant issue.

2) The Protective Covenant's memo is addressed by Sarah – I would feel better if this was drafted by a lawyer with legal language. I don't want it to be this vague.

Mr. Tim Ruh- Who can explain conservation restrictions?

Mr. Marty Halleran- Our intent is a no-cut of the trees. You can still walk through it or ride a horse through it.

Mr. Hoover- It should be indicated on the plan. Conservation land should be clearly marked.

Mr. Halleran- Lot 3 and Lot 2 will have separate Deeds.

Mr. Hoover- On the plan it must be clearly marked and cross-referenced to the Deed.

9 Stone Row Lane resident- Who enforces the conservation restriction?

Ms. Buck- I have asked the agent if the restrictions can be lifted.

Mr. LaCortiglia- Enforcement falls to the holder of the CR (under the Conservation Commission)

Mr. Agganis- We will put it on the deed and it will carry a lot of weight. You really don't need civilians enforcing this.

Ms. Carol Echols (5 Stone Row Lane resident)- Our covenants are tied to our deed. Mr. Agganis agreed to use our covenants. I wanted to bring it to the Board's attention.

Mr. Agganis- When it got to the private drive issue, it got to a point that the minimum of 2,600 sq. ft homes will be built there. I also indicated the protection of that knoll and maintaining the character of the neighborhood.

Ms. Echols- I am not sure the abutters would agree with George. I have an email from Mark and Barbara Comunale – refers to an email.

Mr. Hoover- You will have to agree with everything or agree to disagree.

Mr. LaCortiglia- Who enforces the covenants?

Ms. Echols- The original owners, but we are establishing a homeowners association that will do that.

Ms. Buck- Why didn't you just use the original covenant?

Mr. TJ Conte- I have a problem with them forming a new commission.

Mr. Hoover- It is important to just make the deeds the same as the original deeds of the covenants.

Mr. Tim Ruh- I just want to commend the developers on the work that they have done so far with this plan.

Mr. Graham- Are the original protective covenants up for revision?

Mr. Tim Ruh- They are good for 30 years.

Mr. Marty Halleran- We do need to look at the waivers for direction of the next meeting.

Mr. LaCortiglia- I see slope granite curbing and transition to the Cape Cod berm with bituminous curb.

Mr. Hoover- What the Board needs to see is what the plantings, gates, etc. will be there. We need to have what you're saying put on the plans. My understanding is the cul-de-sac ends and then it will look like one driveway going into the woods. A 12' drive with a shoulder is plenty wide for 3 homes sharing a driveway. Can you take a look at the drive and then look at the design of the entrance to this drive? I would have it look like an estate driveway.

Mr. Howard- I think the tree no-cut zones agreed upon by the neighbors should be noted on the plans. I agree with Sarah to have a lawyer look over the covenants and write them.

Mr. Hoover- Permanent markers need to be placed on the properties as noted on the plan and deed.

Waiver Discussion:

Mr. Hoover- Is there lighting in the cul-de-sac?

Mr. Halleran- Yes. We propose to not add additional lights. He refers to Larry Graham's memo. Regarding the Fire Dept. call boxes - Sarah has agreed to check with the Fire Dept. on this waiver request. The other waivers listed on the plan are as follows:

- Street bounds to be located as shown on the plans
- No sidewalks

- No granite curbing
- Plan states minimum pavement width 20ft common driveway is proposed (Discussion was for 14'??)
- No GIS submission. Plans will be submitted to Town in electronic format
- No actual paving of the cul-de-sac. Cul-de-sac paving diameter 100 ft. Common driveway is proposed.
- Maximum length of the cul-de-sac 500ft. An additional 225 ft. is proposed.
- No sidewalks
- Street Trees- to be included in the landscaping plan
- No bounds at the property corners (Conservation areas and property corners will have markers)
- Relief from no street lights

Ms. Buck- This Hearing is a special permit for a common drive as well as a definitive subdivision application.

Mr. Graham- Regarding the No cut areas – Conservation restriction carries a lot more weight. The CR covers it. The 100 ft. buffer off Noyes Rd. should be part of the CR.

Mr. Hoover- I ask that you consider doing it the way we did agree to which is to increase it along Lot 3. No agreement yet on Lot 2.

Mr. Graham- You can make this look more like a driveway.

Mr. Hoover- I respectfully disagree with Larry on the 2 driveway system.

Mr. TJ Conte- We are now in the Design Stage. Are we on board with the concept provided that you have a majority of approval of the neighborhood?

Mr. LaCortiglia- Motion to continue the Public Hearing for Stone Row to July 25, 2007.

Mr. Howard- Second

All in favor? 5-0; Unam

Continued Public Hearings

Twisdenwood Farms

Mr. LaCortiglia- Motion to continue Twisdenwood Farm to July 25, 2007.

Mr. Howard- Second

All in favor? 5-0; Unam

Whistlestop Estates

Legal counsel contacted the Planning office and recommended that they withdraw all applications. They would like to come back to the Board for direction before they re-file an application.

Mr. Hoover- If they can be specific about their plans.

Ms. Evangelista – They should come to the full board for direction.

Ms. Buck will put such on an agenda when it comes up and announce at meetings when pre-application meetings need to take place.

Ms. Buck- I will bring them up to speed and then ask that they come back.

Ms. Buck- They no longer had the 4 members to vote. We asked that they withdraw the two applications for the three lots. We asked that they withdraw all three applications. They must start all over.

Mr. LaCortiglia- I motion to allow the applicant to withdraw without prejudice all applications for Whistlestop Estates: the definitive subdivision plan, the independent senior housing special permit, and the site plan review.

Mr. Howard- Second

All in favor? 5-0; Unam

Mr. LaCortiglia- Motion to adjourn the meeting at 10:02PM

Mr. Howard- Second

All in favor? 5-0; Unam

Board Business continued

1. Election of Officers – Was not voted on at this meeting