

**Meeting Minutes**  
**Planning Board Meeting**  
**July 11, 2007**

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

**Absent:** Mr. Tim Howard and Mr. Hugh Carter for portion of the meeting

Mr. Hoover opens the meeting at 7:06 PM

**Minutes – 5/9/07**

Mr. LaCortiglia- Motion to accept the meeting minutes of May 9, 2007 with corrections.

Mr. Hoover- Second

All in favor? 2-0; Unam (1 abstention- Ms. Evangelista; 2 absent- Mr. Carter and Mr. Howard)

**Construction Review Inspector position:**

Ms. Evangelista- What's happening with the junk car at Whispering Pines referred to in the meeting minutes dated May 6, 2007?

Ms. Buck- Jack Moultrie is doing the inspection. There was also an issue of flooding in their back yard. There has been some progress but we are still working on it.

Ms. Buck- Regarding the Construction Review, the Board had asked that we use Jack Moultrie as our interim inspector. I would recommend that the Board uses Jack Moultrie as interim inspector until an RFP is issued.

Mr. LaCortiglia- What about the 3 candidates that submitted resumes?

Ms. Buck- As a courtesy, I could send them a letter informing them of an RFP to see if they are interested. I will have an RFP within the next 2 meetings.

Mr. Hoover- I would agree to do that.

Mr. LaCortiglia- Motion to engage John Moultrie as interim Subdivision Inspector until Sept 30, 2007.

Ms. Evangelista- Second

All in favor? 3-0; 2 absent (Mr. Carter and Mr. Howard)

Mr. LaCortiglia- What did Kopelman & Paige say?

Ms. Buck- They said that it is not a conflict if the person was previously working on the town's behalf, and is now, similarly, working on the town's behalf. There is a waiting period when town employees work for someone with an application before the board of which they had been a member.

Previously, our subdivision inspectors would come to meetings. I could ask Jack to be here for questions. I could put it at the beginning of the meeting and the Board will still continue to get detailed written reports. The board is also welcome to get the information I receive via email from the inspector.

Mr. Hoover- I strongly recommend that you convey the reviews in the packets – one week in advance.

Ms. Evangelista- It is valuable to have him here.

Mr. Hoover- It makes sense to have him present at meetings on an as-needed basis.

Ms. Buck- He does want to know if calls/decisions should be made in the field by him with the developer. He wants it to be clear from the Board.

Mr. LaCortiglia- I am not comfortable with that. The determination as to whether an issue is significant should be made by the Board. Abutters have no way of knowing the changes to permits unless they see the changes at meetings.

Mr. Hoover- In concept I agree with Harry. I keep going back to the Georgetown Shopping Center project. Find the middle ground with those issues, there was a certain number that the Inspector could make in the field – maybe it was five, but it all had to be recorded.

Ms. Buck- Maybe we should keep a list compiled for the Board to review and see how it evolves. Let the Inspector can make these decisions in the field, but keep the board informed.

Ms. Evangelista- Perhaps it would be more worthwhile to have a phone call from the contractor.

Mr. LaCortiglia- Then Jack has to determine whether it is or is not significant. We should not put Jack in that position.

Mr. Hoover- Please put this back on the agenda so that Tim and Hugh can provide their input. Also contact other Planners to find out what those Towns are doing.

Ms. Buck- Agrees to put that in place.

## **Railroad Avenue**

Ms. Buck- I went by there yesterday. The dirt pile was covered securely. The buildings were taped off with a "No Trespassing" sign at the entrance. The holes that were excavated were filled in. We are just waiting for a final report from Simmons Environmental. Mr. Simmons had mentioned filing with DEP and the time clock is ticking. We just need to know where we are on that.

Mr. Bob Grasso of Professional Land Services who is also the applicant/owner – He submits a letter for the file. The subdivision was approved in the fall of 2005. One of the conditions was that Simmons would be involved with the cleanup prior to the purchase of the property. The Planning Board wanted further testing by Simmons. We did do that. Regarding the floor drains - Bill Simmons was at the site. He conducted the tests and the drainage water was found with no contaminants. However, the underground storage tank showed contaminated soil. We filed with DEP and sent it to Maine. We also saw another spot that we decided to clean up. The two piles there are contaminated soil piles. We made the hole less gradual for safety factors. With the cost of the contaminated soil, DEP reports and filings, I am forced to develop with another developer or selling it outright. It has been a financial burden.

Mr. Hoover- When will the test pits/monitoring wells be in?

Mr. Grasso- I have not talked to him [Bill Simmons] yet but he suggested that they would be in place within the time limit.

Ms. Buck- It is important that we get a final letter/report from Simmons.

Mr. Grasso- We did cover the tops of the contaminated piles and put wood stakes in it.

Ms. Evangelista- What are the contaminants?

Mr. Grasso- Petroleum only. There is a 120 day requirement for removal. It happened about a month ago. Financially, I cannot do it right now. I can't transport the soil right now – it is a burden right now. I am paying Simmons directly who the Board asked me to use. I do not know when he will be sending you the report.

Mr. Hoover- Jack Moultrie's concern on # 4 and # 5 of his letter was the collapsing of the building. Per Jack's letter, the front of the building is starting to collapse. It is his recommendation that the Building Inspector be asked to inspect this immediately and take whatever action he deems appropriate.

Mr. Grasso- We brought clean fill back in for the sub-floor.

Mr. Hoover- He refers to Jack Moultrie's recommendation from his report. It's a huge safety concern. {Construction inspection report is on file in the Planning Office }

Mr. Grasso- 2 ft. of concrete is still holding up the wall.

Mr. LaCortiglia- I move to ask the Building Inspector to visit the site of Railroad Avenue to get a safety check for structural integrity of the buildings.

Ms. Evangelista- Second

All in favor? 3-0; Unam (2 absent – Mr. Howard and Mr. Carter)

Mr. Hoover- What does it mean to us as a Town with regards to the report that we are looking for from Simmons? Do we stay the course right now?

Ms. Buck- The sooner that contaminated soil is removed; we have the monitoring wells and can close the site off, the better. It's moving in that direction. On the plus side, the DEP clock is the one we go by.

Mr. LaCortiglia- It needs to be checked every day so that the piles are covered and the contaminants don't leak out under the covers.

Mr. Grasso- We taped off entrances of each building and put up "No Trespassing" signs around the site.

Ms. Buck- We need the report from Simmons. There is a strong smell of oil from the two piles.

Mr. Hoover- The report protects the Town.

Ms. Buck- Mr. Simmons said he felt that all the contaminated soil was excavated. I will check with Board of Health and make sure there are no private wells. My only concern is if we are contaminating an adjacent property but I don't know which way the ground water flows.

Ms. Evangelista- Is there a Bond?

Ms. Buck- No

Mr. Grasso- Right now I'm doing site preparation cleanup. I have not been issued a subdivision permit and I am not under subdivision control law right now. If Jack goes out there, I want to be present. I am trying to get to the point of pulling a permit to build. It is private property.

Ms. Evangelista- When someone applies for a subdivision, can they touch anything on that property? What about the site on Pond Street?

Mr. LaCortiglia- Pond Street was a wetlands issue.

Ms. Buck- What we give them is lots. They can clear and grade if they choose to.

Mr. Grasso- I am just trying to clean up the site by following the Board's recommendations.

Mr. Hoover- Monitoring wells – what drives that is the schedule of the DEP which we are okay with. Also, the report from Simmons is important. Right now all we have is Sarah's phone conversation with Bill Simmons.

Ms. Buck- He did agree to put our conversation in a report for the Board. I will request it from Bill Simmons.

Mr. LaCortiglia- I would prefer in the future that a Review LSP is hired by the Planning Board. Please make sure those piles stay covered.

Mr. Grasso- I will submit photos and a report for distribution to the Board in the next packets.

### **Whispering Pines**

Ms. Buck-7 Pineneedle Way is one of the rear lots of Whispering Pines. All the drainage goes to a detention basin behind 7 Pineneedle Way. It doesn't negatively affect the site. Mr. Lapointe bought the lot from Mr. Longo and built a house. He is now selling it to the potential buyer who is here tonight. They don't want to have a road. It is very close to the house. They have no problem with it as an easement or access road for the Town. It is not specified on the plan what the road will be made out of. The Applicant is asking if we could put a deeded covenant on the property and leave it a lawn as it is right now. Larry Graham and Jack Moultrie gave opinions. Larry said it probably wouldn't affect the grass there. The Applicant is willing to take the risk. What you have before you is for the Board to approve the modification to the Subdivision.

Mr. Jason Lapointe (owner)- Jack Moultrie and John Caldwell were both out at the site to look at the retaining wall. He [Mr. Moultrie] agreed grading was okay without the retaining wall. My buyer is amendable to the fact that if something happens, the Town is not responsible. Jack said there is plenty of access with the grass and the grading. I am looking to sell this house and to have an aesthetic looking lot.

Mr. LaCortiglia- I am not seeing the retaining wall on the plan.

Ms. Buck- It was on the septic plan. It was not something we approved. We don't have jurisdiction over the Board of Health plans. If the Board wants to go ahead with the covenant, we should have the applicant deposit the money so that we can have Kopelman & Paige review it and approve it. We have 3 covenants here and I'm not sure which one is correct.

Mr. Michael Cusack (prospective buyer) – Mr. Lapointe was preparing the covenant for review. There is actually one covenant. There are just 3 versions. The only change in the three versions is Number 5 which states, "the Town shall not be responsible to repair the

easements to the original conditions as a result to any access to the easements by the Town.” He reads from the covenant received July 7<sup>th</sup>, 2007.

Mr. Hoover- Harry raised the issue of the retaining wall which is not our jurisdiction. The attorney does not need to sign off on it.

Mr. LaCortiglia- Is there a curb cut there?

Mr. LaPointe- There is not. I addressed that with John Longo and he said he will take care of it.

Mr. Hoover- Drawing shows a break in the curb.

Ms. Buck- Right now it is a sloped granite curb out there.

Mr. Hoover- I have no problem with vehicle access over a sloped granite curb.

Mr. LaCortiglia- Insert a statement that would bind any future owners to not put any structure(s) or obstacles of any kind that would prohibit access. We don't want a shed blocking the access. Legal counsel could help with the wording.

Ms. Evangelista- Will this be a waiver to the plan? Will precedence be set?

Ms. Buck- It's actually considered a modification to the plan.

Mr. Hoover- Every case is unique. {Stating that precedence is not set}

Mr. LaCortiglia- I see all these issues as insignificant meaning that no public hearing or notification to abutters will be necessary.

Mr. Hoover- If this access road gets used, who's responsible for repairing it?

Mr. Lapointe- The homeowner is responsible per the covenant.

Mr. Hoover- How will it be marked in the field as the right of way?

Mr. Lapointe- Any suggestions?

Ms. Buck- Con Com uses square granite markers and they are labeled.

Mr. LaCortiglia- Have you talked to Con Com?

Mr. Lapointe- No

Ms. Buck- The lawn slopes down to the edge of the trees. Anyone would access the drainage easement by going along the edge of the trees. I think it would be very clear. I don't think it would be confusing in the field.

Mr. Lapointe- The easement is wider than 10 feet.

Mr. Hoover- Regarding the wetlands and Lot 14, it should be clear about marking the edge of the easement with square granite posts. I would put on both sides. When the temporary drive goes in, then there is no mistaking. Add a 6" depth of soil to hold the moisture. Secondly, I would rather see a gravel structural support system underneath the lawn to ensure access in all weathers.

Ms. Buck- The construction review inspector could go out initially to make sure you are doing it correctly.

Mr. Hoover- The Town maintains the drainage on the road after the road becomes accepted. Nobody wants to see pavement. I think there should be gravel underneath the lawn and Jack Moultrie should see it.

Ms. Evangelista- I think the highway surveyor should inspect the site and give us a recommendation.

Ms. Buck- The Board could vote to accept the covenant subject to several conditions which are as follows:

- Install granite markers – Qty 3 (locations stated below by Larry Graham)
- 9" of gravel and 6" loam – strip to be a total of 10' wide
- Deposit \$500 to review account for Kopelman & Paige to review and approve the covenant – they will prepare the wording for #5 so the Town is protected.
- Covenant to be recorded subject to the approval of the Planning Board after final review
- Delete Note 2 from the current covenant (delete all references to the retaining wall)

Mr. LaCortiglia- I am not comfortable approving the covenant without seeing it first. Motion to modify conditions of the permit and repeats the five points made by Ms. Buck and adds that the covenant be recorded subject to the approval of the Planning Board after final review.

Mr. Graham- The location of the granite markers should be described as: The first marker should go at the right of way line of Pineneedle Lane where it intersects the easement line. The second one should be at the first angle point and the third marker should be at the second angle point in the easement line.

Mr. Lapointe – I was asking if one could go closest to the road and one closest to the basin.

Mr. Howard- Second

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

### **Heather Road:**

Ms. Buck- Mr. Tony Franciosa (Applicant) and his attorney are present. Heather Road is not on the Town map. It was placed on Town map after Town Meeting on May 7<sup>th</sup>. The applicant is showing frontage and lot area. They meet the requirements.

Mr. LaCortiglia- Motion to endorse the ANR plan shown on the plan as 19 Heather Road Cypress Design Inc. 12/06/06 (Revision date)

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent – Mr. Carter)

### **Blarney Way**

Ms. Buck- As the Board will see, we have a request for a Court subdivision with 2 lots (one existing and a proposed new house at the rear of the property).It is proposed to be constructed at the end of a new court named Blarney Way. We have just received tonight Larry Graham's review.

Mr. Richard Moylan (owner) – We have lived in the neighborhood for 20 years. We have chosen to downsize. An outstanding opportunity presented itself and we have agreed to buy the land behind our neighbor's house. The highway surveyor suggested that our access be closest to Maureen Way as possible and our attorney John Anderson agreed. Mr. Marty Halleran (design engineer) also agreed. We are not a developer. I just received the memo from the Town Planner yesterday referencing sight distance. After reviewing the regulations dated October 25, 2000, it states courts as 2 or fewer houses. Under minimum site distance it is 120 ft. It is the opinion of the attorney that “to not apply this standard would be an error in law.” #2) I want to clarify the memo from the Planner. We absolutely DID NOT clear any trees before our Hearing date. Attorney Anderson also said it would be too extreme to move the septic.

Marty Halleran (T-Square Design) - Shows property on North Street. When we started this project, in discussion with the Building Inspector, it was suggested we move the driveway as far away as possible. We are suggesting a T- shape turnaround to minimize pavement. He shows proposed 10' drive with a 30' right of way. Larry suggests a 12' drive. We are putting in underground utilities. Major issue is site distance. Existing Fire Hydrant is a conflict with the regulations. We need to ask for a waiver and install a sprinkler at the house.

When we got the comments back, I was directed to help the situation of the site distance issue. There is a possibility of a driveway off of an easement. He passes out a new plan with the “Amendments to the Subdivision Regulations.”



Mr. Larry Graham- There are two conflicts in the regulations in my review of this application. Mr. Graham reads his review to the Board and to the applicant. {Blarney Way Technical Review on File}

Fire hydrant – it requires a hydrant 500' to the closest lot line of the nearest hydrant. It depends on how you measure it.

Secondly, minimum sight distance is recommended to be 200ft. which is equivalent to the stopping sight distance of approximately 34mph.

I faxed a report today to Marty Halleran and the Board.

#7 – Should be renamed Blarney Court

#8 - I don't believe that is needed

#9 - Plan doesn't show street bounds at locations required by this section of the Rules & Regulations.

#13 - I would like to see comments from the Water Dept. The Board should also get a comment from the Fire Dept regarding the fire hydrant issue.

#15 - Street Lights- existing lights should be shown on the plans.

#17 - Road should be extended to abutting property.

If the road can not be relocated, then the road should be brought forward even more to a safe stopping distance. The existing septic should be shown on the plan.

Mr. LaCortiglia- My only concern is the catch basin. With all the waivers, I don't see the benefit there. The slope needs to be cut back there.

Mr. Halleran- It would have to move. If Alternative B plan goes forward, it would not have to move. That area will get cleaned up with grass regardless of the plan you choose.

Mr. Hoover- The only question I have is regarding sight distance and clearing along North Street. First important issue is health, safety and welfare. If things go ahead, the Planning Board will be charged with what the Town sees and doesn't see regarding slopes. Take a look at the slopes.

Ms. Evangelista- Nice boulders would be very nice there.

Mr. Moylan- Maureen Lane has rip-rap on it.

Mr. Hoover- I believe that the Option B Plan is more sight sensitive.

Mr. LaCortiglia- I move to continue the Definitive Public Hearing for Blarney Court to August 8, 2007.

Mr. Howard- Second

All in favor? 5-0, Unam (All Board members present)

## **Parish Road**

Matt Brassard of Brassard Engineering is present representing the applicant. We made changes based on comments from the last meeting. A couple of things that changed were

related to site access. 1) We proposed to narrow the entry drive to a 20' width. We would like it paved with hard gravel shoulders. We would put a T- turnaround at lots 8,9,10 for a single unit service vehicle. We will explore this further with a landscape architect. From an aesthetic standpoint, we will explore it in detail and discuss with the Board at the time of the Definitive Subdivision. We are confident there is a viable solution for that area. We are proposing at the Definitive Stage, a slight widening of the second to last driveway entrance for each of the common driveways. We added some locations for dry hydrants and points to their locations on the plan. A solution will be worked through with Fire Dept. [Mr. Brassard reads from his memo which is on file in the Planning office]

Mr. LaCortiglia- Can't you bring water in and have hydrants?

Mr. Brassard- We don't have water service. Each lot has its own well. Because of the low number of dwellings, it would be cost prohibitive. Larry suggested moving the primary trench. It presents problems to the applicant. There would be a disturbance. As an alternative, the primary power runs underneath the driveways. The solution would be to provide concrete encasement of the power duct.

Mr. Graham- His responses covered the responses from the last meeting. The fire department will have to look at these driveways. To provide a turnaround for each driveway is excessive. I am interested in how you will feed the dry hydrants.

Ms. Evangelista- Could each lot have a fire well?

Mr. Brassard- There are contained storage systems available for each home. There are problems with this option. We are looking for an exterior system that would serve approx 4-6 houses which makes sense.

Mr. LaCortiglia- Regarding the hydrant issue, seek recommendation from the Fire Dept. The parcel of open space will be transferred to the Town. That will be up to the Con Com. Is there trailhead signage there for parking?

Mr. Brassard- Yes, that could be considered.

Mr. Howard- Have you responded to Newbury? If it flies with ConCom, I like it.

Mr. Brassard- Yes, we responded.

Ms. Evangelista- I thought those common drives should be connected. How does the Board agree with that?

Ms. Buck- It then becomes a Lane. A Common Drive has a maximum of 3 lots.

Mr. Hoover- I agree with everything you are saying. The only thing is that you understand the needs of the Fire Dept. If they look for large turnarounds at the end

and/or if there is something else, I would like to understand the health, safety, welfare issue.

Ms. Buck- I heard back on the fire hydrant issue not the turnaround issue. Will you be looking at the weight limit of the bridge?

Mr. Brassard- Yes

Mr. Scott Edwards (9 Parish Road) - I assume the advantage to the town is the Open Space. I believe there is less than 2 acres and it is not usable open space. You can grant waivers, but it is not usable open space. Why should the Town be burdened with open space that it can't use?

Mr. Hoover- I appreciate what you are saying. The advantage to the Town with this open space is only part of it. It doesn't have to be physically accessible. They have addressed a sense of density. They introduced curving driveways. It doesn't look like a subdivision. It is about achieving character with a natural landscape. The other half is the property value associated with this plan.

Ms. Buck- The Board approved the 10 lots on a previous yield plan. This approach was to minimize the impact of what they already had. They wanted the street to look rural. The Board wanted to blend the subdivision into the existing neighborhood.

Mr. LaCortiglia- The open space proposed, if Con Com accepts it, will be a benefit because it adjoins a very large conservation parcel already owned by the Town. The natural habitat is better if the area can grow and become larger.

Ms. Evangelista- This current plan better protects Byfield's water supply district.

Ms. Buck- If the Board feels the Applicant has responded appropriately, the Board can approve the plan.

Mr. LaCortiglia- Motion to approve the preliminary plan for Parish Road Realty Trust. (Rev July 3, 2007)

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

Mr. LaCortiglia-Motion to Close Parish Road Public Hearing.

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

**Pondview Estates:**

Mr. Carter- Motion to continue Pondview Estates to August 8<sup>th</sup>, 2007

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

### **Board Business:**

Ms. Buck - My recommendation would be to move the date of the Master Plan to August 22, 2007. I want to meet with Alan MacIntosh for assistance with revising the land use section and also get the plan up to date with current information.

Mr. LaCortiglia - Are we in the public review process? Do people realize where we are in the process?

Ms. Buck- I think after the meeting on August 22<sup>nd</sup>, and changes have been made, it can then be available to the public for review.

The Board agrees.

### **Smart Growth Technical Assistance:**

Ms. Buck - The Economic Development Group – the Georgetown Alliance - is active these days. The Smart Growth Technical Assistance grants should be coming out soon. I want the board to know that I have been working with this group. The town has a great need for fiscal resources – to increase the tax base.

### **Vouchers and Correspondence**

Mr. LaCortiglia- Motion to approve vouchers totaling \$3,592.07 for FY'07 billing.

Mr. Howard- Second

All in favor? 5-0; Unam

Mr. LaCortiglia- Motion to enter Executive Session and not return to Public Session at conclusion. The Planning Board begins Executive Session at 9:05PM.

Mr. Howard- Second

Roll Call?

Mr. Hoover- Aye

Mr. Carter- Aye

Mr. Howard- Aye

Mr. LaCortiglia- Aye

Ms. Evangelista - Aye

All in favor? 5-0; Unam

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**Planning Board Meeting**  
**July 11, 2007**

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

**Absent:** Mr. Tim Howard and Mr. Hugh Carter for portion of the meeting

**Whispering Pines/Raymonds Creek Executive Session:**

Ms. Buck- The Board has asked Attorney Joel Bard about recouping the court fees. The response was that no costs are recouped. The Applicant is offering \$40,000 to compensate the Town for the two affordable units.

Mr. Howard- We should reply with a cost for each affordable house. There are 2 home sites.

Mr. Hoover- I suggest we respond with an affordable housing price of \$300,000 less the affordable price of \$133,000 per unit. Then we double it.

Ms. Buck- The applicant (Mr. John Longo) pulled all the building permits right away.

Ms. Evangelista- How is he able to do that?

Mr. Howard- This is not a negotiation. We hold that price firm or we see him in court.

Ms. Buck- The median assessed house price could be established.

Mr. LaCortiglia- Two times the average differential less the list price is what it will cost us.

Ms. Buck- We could buy a house and put a deed rider on it. We should also add administrative costs. The lawyers are saying we have no control over Whispering Pines. The median assessed value less the list price + administrative fees (50% of equal contribution). We could put in a clause that the numbers could escalate and are subject to change. I will draft a letter and bring to the Board for approval at the next meeting. I will also add that he needs to respond within a certain time limit. Building Permits on Whispering Pines should be let go according to the lawyers.

Mr. LaCortiglia reads from the Kopelman & Paige memo regarding Occupancy Permits {Memo on file}. Are we also asking him to go for the full \$50 / day fine?  
The Board agrees.

Executive Session ends at 10:15PM

