

Meeting Minutes
GEORGETOWN PLANNING BOARD
May 23, 2007

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

Absent: none

Board Business 7:00 p.m.

Minutes – 3/28/07

Mr. LaCortiglia- Motion to approve with corrections.

Mr. Carter- Second

All in favor?

3-0; 1 abstention (Ms. Evangelista), 1 absent (Mr. Howard)

Sign decision Berry Lane

Ms. Buck- The Board has already voted on this. The applicant just wanted a letter from the Fire Chief. Ms. Buck passes around a letter for review and approval. Berry Lane is a modification of a Definitive Subdivision. Board members sign and approve.

Vouchers & Correspondence

Sarah removes invoice for Georgetown Photo – Town ID. Photo was never sent – invoice removed from vouchers. Board approves two vouchers for \$82.99.

Mr. LaCortiglia- Motion to approve two invoices for \$82.99.

Mr. Carter- Second

All in favor? 5-0; Unam

Other Business

Ms. Buck- Reads a memo from Steve Delaney regarding appointments from the Boards. He asks that Boards review the appointment expiration dates from members of their committees. Ms. Buck notes that the Planning Board CIP position is vacant as well as the Associate Member position for the Planning Board. Is there someone from the Board who might know someone that would be interested in the Associate Member position for the Planning Board?

Mr. Hoover- The Associate Member position is a recommendation from the Planning Board and appointed by the Selectmen.

Ms. Buck- We annually elect a chairman and a clerk which we can handle at the next meeting. We no longer use Millenium Engineering to handle construction reviews. With the recent change in election, Peter Durke [Highway Surveyor] wants to come up to

speed with the plans. We usually look for more issues from the Town that would not be apparent from the plans.

Ms. Evangelista- Perhaps Peter would like to attend the meetings to add input.

Mr. Hoover- Sarah, please follow up with Jack Moultrie to determine whether or not he wants to pursue the interim position as Construction Inspector.

Mr. LaCortiglia- Sarah, could you re-look at the resumes we received back in the fall?

Ms. Buck- I can come back to the Board with some suggestions if Jack doesn't want to take on this role for the Board. If a previous employee leaves the Town, he/she is still allowed to work for the Board as long as he/she is on the same side and working for the same purpose. There is a one year ban on coming back if you are working for the applicant.

Mr. Howard- I went to Railroad Avenue. The water is white and milky looking. You can not see an inch down. Someone needs to look into that. [Ms. Buck agrees to go to the site]

Sarah gives update of Master Plan

Ms. Buck- If you go to Georgetown Planning Dept. website and click on Planning Department, it takes you directly to the Master Plan website. Reports are all on the right side. Drafts of the Housing, Historic, Public Facilities and Transportation sections will be posted next week. Also the last piece which is Implementation will also be there. Sarah agrees to email the Drafts to the Board.

Continued Public Hearings 7:30 p.m.

Parish Road

Mr. Matt Brassard of Brassard Design and Engineering is representing the applicant- We submitted a plan earlier and made changes based on the results of the last meeting. The main change was the reconfiguration of the open space parcel. What is being presented tonight is: The open space is being expanded so as not to interact with the wetlands and allow for continuous travel throughout the open space parcels. This makes a more cohesive public use of the land. It also allows for more public access which we are proposing an easement on Lot 1. It establishes a trailhead location and information station with a possible kiosk. What we are proposing is a plank walk with ConCom without being obtrusive. This elevated boardwalk crosses the low section of the stream channel. The overall layout of the parcels has not changed. There is the addition of a turnaround element to the entrance to the rear 3 lots (Lots 3,4,5). The rest is the same from the initial submission.

Ms. Buck- There is several pieces of correspondence that just showed up today. The Fire Department also came in to the office today. Larry Graham has comments that came in on Tuesday that you all have not yet seen. Sarah distributes the Fire Dept. memo to the Board and applicant for review.

Mr. Graham- We wrote a report 4/11/07 on this original plan. Additional comments are a leftover question with the rights of the developer coming off of Larkin Rd. which the applicant can respond to tonight. Lots 1 and 2 have a common driveway. They have added an easement and parking for the open space. I like the access to the open space off of Larkin Rd. We still have the question that Con Com will have to address which is if the common driveway is going to work? The suggested "entry identification zones" is a nice touch to the plans. All these roads are private common drives as discussed previously with the Board and leave no responsibility to the Town. I recommend putting a turnaround more in the center of the road with the island. It will keep the speed down there. There are now 18 acres of open space instead of 14. The narrative lists the preliminary waivers. There were none of the 9 waivers that would be negatives but all are subject to final design considerations. Electric communication service is to come underground via directional drilling throughout all the common driveways. I would suggest that it be kept out near the no build zone area. {Technical Review on file}

Ms. Buck- I can review the notice from the Fire Dept. 1) The Fire Dept. wants the turnaround at the ends of the common driveways as the driveway narrows to 12 ft. 2) There needs to be a hydrant system into the project. 3) The Fire Dept. needs to know the bridge is OK for the weight of the fire trucks. {Memo on file}

Ms. Buck reads a memo from the Town of Newbury which is on file. The first 50 ft. of roadway at the entrance of Larkin Rd. is part of Newbury. They want to review that piece of roadway on how it connects to their public street. Their attorney states that because of the wetland crossing on Lots 1 and 2, the Newbury conservation has jurisdiction over any disturbance to the wetland. In my review I like the layout of the open space better in this plan. The applicant has a lot of issues to still work out with Conservation. It seems to be a low impact design. One issue I have is regarding the back 3 lots – that frontage is drawn within the 100 ft river front buffer zone. It may be in an endangered species zone at the furthest rear lot. Sarah agrees to check for sure if that is true. The applicant needs both subdivision approvals for the first section of roadway and for the wetland crossing. We have a bylaw under lot frontage that says 30ft. of your frontage must be accessible. This frontage is drawn so that it is completely in a no-build zone. The bio-retention cells handling the water seems narrow and dispersed which I like in the plan. Lastly, I have reminded the applicant that our new Zoning requires that building height is from existing grade.

9 Parish Rd. resident- Maximizing this property with waivers and common drives...it doesn't look like a subdivision at all. It really isn't usable open space. I would rather see someone pay taxes on it. Granting all these waivers is not right. You are adding 10 homes and the roads are very narrow. That southern piece really is usable open space.

Mr. LaCortiglia- How would you feel about a soccer field there?

9 Parish Road resident – That southern piece would be usable open space and could be recreational land.

Mr. LaCortiglia- I don't see the benefit to the Town with all these waivers that the client is asking from the Board.

Mr. Howard- I think the plan has greatly improved. My only request would be that the space be delineated somehow. At least the open space is bounded. I like the plan as it is.

Mr. Carter- Under the law, how many lots do they have by right?

Ms. Buck- 11 lots. They are using 10 for the Yield plan.

Ms. Evangelista- I was looking at the Fire Dept. letter and have a question. Where would the Town get the water?

Mr. Brassard- There would be some kind of fire storage system for different parts of the property.

Mr. Howard- How would it be fed?

Mr. Brassard- Probably through a groundwater storage water system. Fire ponds are usually a common solution – this would not work. A permeable storage volume in the groundwater table may be another possibility.

Ms. Buck- Glen Smith of the Water Dept. mentions that the last Georgetown water fire hydrant is 1,300 ft. from the road entrance. Perhaps the Fire Dept. would be happy with water storage. Perhaps Georgetown could tie in with Newbury.

Ms. Evangelista- Why is the turnaround located there?

Mr. Brassard- We wanted to provide a means of preventing people from going to the back section of the driveway. It is there for those to be able to turn around if they make a wrong turn. The waivers that are being requested are to minimize the disruption of the project due to the environmental issues. The site is accessed by a relatively small number of people. This is a low density project.

Mr. LaCortiglia- ConCom says that 1,2, 8, 9, and 10 may not be buildable.

Mr. Brassard- We intend to complete the preliminary subdivision process. If the plan meets the Concom general approval, then we plan to proceed into the Definitive Subdivision stage. Some of the changes seen on this plan are based on conversations with the Planning Board and ConCom. We are meeting with Con Com again next Thursday. We hope to have an understating of their opinion on this at that meeting.

Mr. Hoover- Can you summarize the benefits to the Town?

Matt- The major benefits are: The addition of the publicly accessible valuable open space. There is a large network of trail systems. There is a lot of wild life on the open space land that is easily accessible by foot.

Mr. Hoover- I agree with what you have said.

Mr.Brassard- Because most of the houses are raised, there is an opportunity for rainwater collection. The intention of showing the detail is to show Bio retention cells capture runoff from the roadway. It could be regulated under the homeowners association language.

Mr. Hoover- Regarding the maintenance issues – there should be some mechanism in place that if they are not maintained and don't function the way they are supposed to, the Town or somebody has the ability to have them corrected.

Mr. Brassard- That could be done by easement to the Town. We've done that on other projects. We could provide this information from other states that have been using these systems. In Maryland, for example, they have a long list of guidelines and maintenance procedures that we could provide to the Board.

Mr. Hoover- I would appreciate that information. I applaud your efforts with this plan because it doesn't look like a typical subdivision. The roads look like driveways. Why the two different dimensions of driveways– 16 ft and 18 ft? It seems that 16 ft is appropriate. The frontage of 30ft. is also an issue for me.

Mr. Brassard- The 16 ft vs. 18 ft may just be an oversight. The language in the Zoning - in my opinion, it applies to physical limitations of the property, not regulatory limitations. In the bylaw, it allows the applicant to provide engineering plans to show how the frontage could be modified to provide adequate access. It doesn't mention any environmental issues or other regulatory limitations.

Mr. Hoover- What about a hammerhead turnaround??

Mr. Brassard- We will look at all those options. The idea is that if it is done right, you would not even see it.

Mr. Hoover- 8" compacted gravel seems pretty light so check that out. I assume you have the Newbury letter?

Mr. Brassard- We have a letter from the project legal counsel that agrees with Town counsel.

Mr. Hoover- I am happy to see that the Fire Department comments regarding some type of turnaround at the end. Less is more. Perhaps the fire truck could back up and turn around 100 or 200 ft. from the end instead of at the end just as long as health, safety and welfare issues are all addressed.

David Powell (Newbury Planning Board)- I have not seen our counsel's opinion. Your zoning is fairly congruent with ours. Our issues will simply be the wetland crossing on the driveway to the east and Larkin Rd.

Mr. Hoover- They have to go before ConCom again and then the Board will look at that again. I don't have a clue how our two Boards [Georgetown and Newbury] could come together!

Mr. Powell- I think Sarah and Judy will have to work together so we don't waist a lot of time.

Mr. Hoover- The Planning Board will have the final say after the two Planners consult with one another.

Mr. Powell- Some of those waivers directly affects Newbury. We just have to clear what is what.

Mr. Brassard- Submits one more piece of information to the Board labeled, Mass. Highway Easement {Document of file.}Letter describes that Mass. Highway rights are limited to maintenance of the culvert and the ability to discharge water on the property. There aren't any prohibitive items in the easement related to use by the owner.

Ms. Buck- Where do we want the applicant to go from here?

Mr. Brassard- We would like to conclude the preliminary subdivision plan with the Planning Board. We will not conclude until we work things out with ConCom. Should we expect to address all those issues in a formal plan or do we need to come up with a solution to address the Fire Dept. issues?

Ms. Buck- I also had an issue about that rear lot. Could the Definitive be worked out with the Fire Dept. issues?

Mr. Graham- From the Board and the applicant's perspective, they should get the plan back taking into account these issues so the Board can take action. However, denial doesn't mean that they can't continue with Con Com and Newbury.

Mr. Powell- I would think in Newbury we would like to look at something that is close to what it will actually look like.

Mr. Hoover- [To Mr. Brassard] Clear up the minor issues that we discussed tonight and then come back with another plan for review. It would give the Board a chance to think about these issues given to them tonight and be ready to act in the next go around.

Ms. Buck- We have until June 30th for this plan. I don't want to hold you up from meeting with the other Boards.

Mr. LaCortiglia- I will motion for the continuation of the Public Hearing to July 11th, 2007.

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

Mr. LaCortiglia- I motion to extend the decision for Parish Road subdivision to September 30th, 2007.

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

Harmony Lane

Ms. Buck- They have asked for a continuance – they couldn't get the plans earlier. The applicant wants to meet with Larry Graham and Park and Rec. and look at any revisions. They have asked for a continuance of the Public Hearing to June 27th, 2007.

Mr. LaCortiglia- Motion to continue the Public Hearing for Harmony Lane to June 27, 2007.

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

83 Baldpate Road

Mr. John Morin of Neve Morin (representing the applicant, Lucille Battel) – no one was present from our offices at the last meeting. We apologize for not showing up at that last Planning Board meeting. Ms. Battel is still moving forward with the independent senior housing project on her own. She [Ms. Battel] met with Mr. Menke. He is the design architect and has been dealing with the project for over a year. Mr. Menke would like to set up a meeting with Sarah Buck. I am taking control as project manager. He would like to review the original proposal and revise or come up with a separate design. He wants to start from scratch. I am here to ask for an extension of time to Sept. 30th, 2007. At that time we will look at the whole property again.

Mr. Hoover- Have you thought about withdrawing without prejudice?

Mr. Morin- I need to consult with our legal counsel.

Mr. Hoover- This has been going on a long time. I am not comfortable with continuing.

Mr. Howard- How would that impact the zoning change?

Mr. Hoover- They would have to apply under current zoning. It's the right thing to do. Our new Master Plan may be helpful with this project.

Ms. Buck- It has been awkward having this plan out there from April 2006. My difficulty is that it has changed so much from day one. It is hard to see how this is moving forward. This plan can be voted on by 4 of the 5 members. A tie is considered a disapproval from the Board. We have had a definitive plan since November, 2006. We have no ISH plan.

Mr. LaCortiglia- The last thing I saw was a subdivision of land with a short cul-de-sac.

Mr. Morin- It's a roadway and drainage that mitigates the roadway.

Mr. LaCortiglia- If this Board denies, would it be difficult to write the denial for lack of frontage?

Ms. Buck- The concern was the frontage. The zoning has changed twice since then so it's not right for the Town. The project should move forward under current laws.

Mr. Carter- We are giving you [Mr. Morin] the opportunity to withdraw or it will be denied.

Mr. Hoover- It would seem to me that you would favor to clean the slate and withdraw so that you could come back with a new plan.

Mr. LaCortiglia- Motion for a 5 minute recess.

Mr. Carter- Second

All in favor? 5-0; Unam

Mr. Morin- I would like to request a vote from the Board.

Mr. LaCortiglia- I motion to deny the definitive subdivision permit for 83 Baldpate Road for the following:

Lack of adequate frontage to serve the proposed lots

Lack of adequate building envelope: creation of unbuildable lots

Intensification of nonconforming use, noncompliance with zoning

Street design with less than 100' between reverse curves

And any inconsistencies that Sarah may find.

Mr. Carter- Seond

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

107 Baldpate Rd resident- Will we be notified of an appeal?

Ms. Buck- You can call me or the Town Clerk. You will need to stay in touch with our office on the legalities of the project as no further notices go to the abutters.

Cont. Board business:

Ms. Buck- We received a letter right before the start of the meeting from Whistlestop Estates. They are saying they should have rights to a full engineering review. We hesitated to do that and my letter to them gives many reasons why. It seemed premature at this time to do a full review. Their letter is very aggressive. It would cost \$5-8,000 to do a full engineering review. My first instinct was to send a rebuttal letter but the the Board has not yet seen the letter. They have a continued Public Hearing on June 13th.

Mr. Graham- This is not the first time they have asked for a full engineering review. They have asked 3-4 weeks ago.

Ms. Buck- We told the applicant it was premature. If we don't have any intention of following it through, it puts us in a bad legal position. The engineering review is for our benefit as well.

Mr. Hoover- If a rebuttal letter states that we don't recommend doing this and that we are against it for these specific reasons, and then if the applicant wants us to, they do so at their own risk. In summary, they could do so at their own risk if we list clearly on record why we recommend that they should not. As long as we go on record with the client, it is documented and legal.

Mr. Graham- If the Board directs me to do a full review, I will do it. The Board has not instructed me to do so.

Mr. Hoover- What is your recommendation?

Mr. Graham- The Board is not satisfied with the road layout and the plan as a whole and it doesn't meet with the Board's approval. Therefore, the Board should not instruct me to do a full review.

Ms. Buck- The preliminary plan was denied 3 years ago. The original Definitive submission was exactly the denied Preliminary plan.

Mr. Graham- To me it does not satisfy this Board. My recollection is that Rob felt that they were not ready for a full comprehensive review but that they should meet with me and Sarah on one more go around.

Mr. LaCortiglia- The Board may not have enough new members to vote on the Definitive application. Can I make a motion that we do not request a full engineering review of Whistle Estates Definitive Subdivision because we believe it does not meet with the concept plan and the Board does not have adequate membership to approve the special permit?

Mr. Carter- Second

Ms. Buck- We have a definitive subdivision for 3 lots, an independent senior housing application with a maximum of 64 lots and a site plan review application – it keeps getting more complex as time goes on.

Mr. LaCortiglia- Consider my motion withdrawn.

Ms. Buck- I recommend we discuss this issue at the next Public Hearing. I could put a memo together summarizing where we are with the 3 subdivisions. The Board agrees.

Mr. Carter- Motion to adjourn meeting at 9:20PM

Mr. Howard- Second

All in favor? 5-0; Unam