

Meeting Minutes
GEORGETOWN PLANNING BOARD
Wednesday, September 12, 2007

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

Absent: Mr. Carter (arrived at 8:05PM)

Board Business 7:00 p.m.

Minutes – June 13, 2007 & June 27, 2007

Mr. Hoover opens the meeting at 7:05pm.

Mr. LaCortiglia-Motion to approve the minutes for 6/13/07 with corrections and 6/27/07 with corrections excluding the Executive Session.

Ms. Evangelista- Second

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

Sign decision – 11 Martel Way

Mr. Howard- Is someone supposed to go out and count the number of trees and have them identified?

Ms. Buck- It is to be done by the construction inspector. What he committed to was anything beyond 5 feet.

Mr. Hoover- The Construction Inspector should notify you [Ms. Buck].

Ms. Buck-The pre-construction meeting is attended by me and the Construction Inspector. I would expect that it would be brought back to the Board so that we know what trees are in danger. Sarah reads from the document (11 Martel Way decision and Site Plan Approval) that is on file in the Planning office.

Mr. Howard- If you [Ms. Buck] are the one to go out there, please be sure to mark where the wall will go.

{The Board agrees to sign the Decision}

Master Plan – set final meeting date. Executive Summary.

Ms. Buck- Oct 10th seems like a reasonable time for a final draft of the Master Plan to be adopted. The overview is in the Executive Summary. I think it is worth saying that the Master Plan is required under MA General Law, Chapter 41, Section 81D, that the Planning Board shall develop a Master Plan for the town, it shall have nine sections and

three are new. Sarah reads the agenda for the Selectmen's meeting. I will follow up and start calling each of the departments for their response. I think it is very important for someone from the Selectmen's Office to be on the Implementation Committee. A lot of the things are Town Code enforcement and fall under the Selectmen's Office. If you want the Town to be contacted by potential property owners, who should that be? I recommend that it be the Board of Selectmen.

Mr. Hoover- Can you explain the responsible party?

Ms. Buck- We are looking for when they have those actions on the time frame schedule.

Mr. Hoover- What does leadership mean? Isn't that redundant?

Ms. Evangelista- I think they would be lost unless they are aware of a particular instance. Do board members have answers?

Ms. Buck - You all have more history here than I do regarding enforcement procedures. You will need to file with the Haverhill Courthouse and figure out a new procedure.

Mr. LaCortiglia- Apparently the Town has these procedures.

Mr. LaCortiglia- Perhaps we could talk about that in the Executive Session.

Ms. Buck- I think it is more clearly what to do. I think it refers to standard operating development – you don't know what we know how to do and worry about what we don't know how to do. This is an issue we need to talk about. Development and clarification of zoning enforcement procedures.

Ms. Buck- You all have an email from Matt Vincent, our Chairman of the Board of Selectmen, that states that a representative is to attend the Recreational Path meeting.

Mr. Hoover- I was suggesting that Sarah should not have to attend this meeting.

Ms. Buck- We have a limited amount of hours in Planning.

Mr. Hoover- The Master Plan should be your first priority.

Ms. Buck- If the Selectmen are reaching out to the Board, it is good for the Planning Board to attend the meeting. I would like to attend the Boston meeting.

Mr. LaCortiglia- I agree she would be the eyes and ears for us by being there. It would have an impact on the way this Town runs.

Ms. Evangelista- I would support her going. This Recreational Path project has had a lot of money put into it. It would be great if someone with knowledge could attend.

Ms. Buck- I am not very available to manage it. It is at the state level now.

Mr. Hoover- It is real easy to get more involved so it is a slippery slope. If Sarah is overloaded, then she needs to make the decision to not attend.

{The Board agrees that the decision to attend will be left up to Sarah Buck}

Changes to Executive Summary:

Mr. LaCortiglia- Requests to make a change to Housing Balance Section on page 3 of the Executive Summary section of the Master Plan on page E-7. He states that the number the consulting firm came up with was 40 acres.

Ms. Evangelista-Page 6 – Creation of a bylaw that prevents Historic Homes from becoming dilapidated, the homes must be kept in some minimal condition. Page 5 – “including resource-based businesses... farming and nursery applications.

Ms. Buck- This was kept from a previous master plan and was therefore not taken out for this Master Plan.

Ms. Evangelista- I don't see any interest in it. How about agricultural and forestry operations instead?

Construction Review- come back at end

Re-scheduled to another meeting

Review/Approve RFP Construction Inspector

Ms. Buck- We have a request for proposal and we ask for their qualifications.

Mr. LaCortiglia- Do we know how much this position is valued at over the course of the year?

Ms. Buck- Yes, \$35,000 from what I have found in my research. We will never return to that unless we can't manage the process. It should be less than \$25,000.

Ms. Evangelista- I found these qualifications stringent. You will limit yourself.

Mr. LaCortiglia- Should we change to “minimum of 10 years experience?”

Mr. Hoover- Could we require that they identify any conflict of interest? To avoid any conflict of interest, the inspector must disclose the development of any plans to receive, review, and approval, any association with a development, or any other perceived conflict of interest.

Mr. Hoover- “familiar with Mass Highway” remove #5. Why 2 municipalities?

Ms. Buck – With 10 years of experience they will have familiarity with the MA Highway Two municipalities was lifted from before.

Mr. LaCortiglia- I am fine with the changes.

Mr. Hoover- Why the choice of an RFP vs. qualifications?

Ms. Buck- It is the solving of problems that takes time.

Mr. Hoover- Without a spec, it will be hard to evaluate that and it may be misleading. The hourly schedule is important.

Ms. Buck- The most important things are qualifications, recommendations, and hourly rate.

Mr. Hoover- Once you get their qualifications, you go into negotiations about their hourly rate.

Mr. LaCortiglia- Assuming all these people meet the qualifications, then you can select the lowest bidders.

Mr. Hoover- Where do we find the answer? I tend to think that regarding licensed professionals, those can be based on qualifications. Is it within the law to select the Construction Inspector based on qualifications and then enter into negotiations on the hourly rate.

Ms. Buck- We have a list of qualifications as well as a proposal. Do we select based on an RFP, you have to select the low cost bidder.

Mr. Graham- I am not sure you are required to select, according to 30B, to make a decision based on spending public funds.

Mr. LaCortiglia- The question to ask is: Is this a service which may fall under bidding laws that the Planning Board is assigning out? I don't want to delay the process. I think you should call the Inspector General's office.

Ms. Buck- I will email it out to everyone for your review before I advertise.

Mr. LaCortiglia- I want to advertise in the Record, a legal advertisement. Then we can post it in Town Hall, on the website & other forms of advertisement.

Lot Width Zoning Amendment & Revisions to Rules & Regulations

Ms. Buck- The information is in your packets and will be on the next meeting's agenda. Sarah receives a draft of the Frontage and Lot width definitions which is on file in the planning office. The proposed Zoning amendment, Chapter 165, in the Town of Georgetown, states:

To see if the Town will vote to amend Chapter 165-7, definitions and word usage to add the following definition: "Lot Width: The minimum horizontal distance between side lot lines, measured parallel to the lot frontage at all points on the lot from the frontage to the termination of the lot depth until the minimum lot area for that district is met." And to amend Chapter 165-11, Intensity of Use Schedule to add under "Minimum Lot Requirements" below "Frontage" a new entry:

	RA	RB	CA	CB	CC	IA	IB	RC
"Lot Width	65'	80'	25'	80'	100'	65'	100'	100' "

Ms. Evangelista- Bylaws should never be that long. It needs to be brief and direct.

Ms. Buck- You don't want to lose any important information by taking out too much information.

Meeting Schedule & Office Hours for fall/winter

Board agreed to cancel the meeting scheduled on December 26th.
Office Hours are changing from Summer Hours to a schedule of 3 days open and 2 days closed (Monday and Friday).

Vouchers

Mr. LaCortiglia-Motion to pay vouchers totaling \$3,432.27.

Mr. Howard- Second

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

Other Business

Mr. LaCortiglia- Regarding the CIP appointee, I received a response from Michael Howard. I know him personally.

Ms. Buck- I would like to meet with him.

Mr. Carter- What is the reporting structure between the representative and the Board?

Mr. LaCortiglia- This person reports to the FinCom on any capital purchase over \$10,000, and a life over five years.

Ms. Evangelista- Would he come before the Board at all?

Mr. LaCortiglia- I don't think it can be a Board member.

Mr. Carter- Does he have voting powers? I would like to meet with this person. I suggest he come to our next meeting?

Ms. Buck- Why don't we prepare the paperwork so we can sign it at the next meeting? Would the Board like me to ask him to attend our next meeting?

ANR 8:00 p.m.
11 Bailey Lane

Ms. Buck- Vernon LeBlanc is present. He is proposing a land swap of 194 sq. feet. One is a parcel A near the bottom of the plan. The other problem is on Lot 11. Tom Corbone is the engineer.

Mr. LeBlanc – We tried to get an easement from the BOH but thought the land swap would solve the Lot 9 fence problem and Lot 11 leeching field problem. There is a fence problem on Lot 9 and a fence problem on Lot 11. We have signatures from both pieces of land.

Ms. Buck - Normally it is not an issue with us. The homes don't have adequate frontage and do not meet our requirements. My issue is that we are technically creating two new lots. I looked at all the ANR rules. I got through to Don Schmidt at the State office. The definitive subdivision in Mass General Law states on page 2 of 2 Chapter 41, Section 81P. "Since you are not changing the frontage on the lots that were already created." Don Schmidt said the Planning Board could approve this since you have no case law and the lots are grandfathered. Therefore, the Board could endorse the plan.

Mr. LaCortiglia- Motion to endorse the ANR for 11 Bailey Lane.

Mr. Howard- Second

All in favor? 4-0; Unam (1 absent - Rob Hoover)

{Board agrees to sign the mylar plan}

Charles Street

Mr. Thomas Rawson - Swap of land Neighbor- Paul Caplaski is present. Want to add a 10 foot addition on the side of my house.

Ms. Buck- There is no issue with lot frontage.

Mr. Rawson- We will have the 20' setback.

Mr. LaCortiglia- I am concerned about two different signatures. An easement is not shown. Lot 55 and lot 56 line. The registry of Deeds shows this but it is not shown on

the mylar. Mr. Anderson needs to add this to the Mylar as it is referenced on the Deed. Harry presents a copy of the Deed to the neighbors.

Ms. Buck- If the lot lines are not be shown
He has to withdraw and re-submit. We are working with Lot 55 and 57. We don't see the boundaries for Lot 55.

Mr. LaCortiglia- I know the plan will be on file at the Registry of Deeds.

Ms. Buck- If you look up Lot 55 at the Registry.... This surveyor is only concerned with Lot 55 & 57. The Assessors could not put an easement on someone else's land when you are not the applicant. I can't put an easement on Lot 55 without an application from Lot 55.

Mr. Howard- Motion to approve the ANR for Charles Street.

Ms. Evangelista- Second

All in favor? 3-1-1, (1 absent- Mr. Carter; 1 does not approve – Mr. LaCortiglia)

Continued Preliminary Plan
Pond View

Mr. Hoover- Cont. preliminary plan – I have a late submissions that Sarah Buck nor the Board has not yet seen.

Ms. Buck- The Board was made aware of the situation.

Mr. Borselli- At the last meeting, there were several items to be addressed. We have agreed to almost everything on Larry Graham's list. We were able to speak to Mr. Murray and came up with a tentative agreement. The largest issue is a 20' easement to allow us to put in a 12" overflow pipe. Some slight changes will be made in the cul-de-sac. Other than that we are to request a conditional approval of the preliminary plan based on Mr. Graham's review to allow us to go forward to the definitive stage.

Mr. Graham- As I reported to you previously in my 8 page technical review report, I suggested that the plans went well beyond the requirements of the Subdivision rules and Regulations. I wanted to give ample consideration of the drainage issue so that they could resolve this and provide an overflow.

Ms. Buck- I have seen the preliminary agreement to be signed by Mrs. Murray.

Mr. Graham- With that, I would consider a preliminary approval along with the items identified on the 7th in addition to the overflow.

Ms. Evangelista- How much water do you think would be in this overflow?

Mr. Graham- They are proposing to look at 3 infiltrations systems. They will have to provide a pre and a post summary and analysis. The pipe will go under the road.

Mr. Hoover- Will they have to rebuild it?

Mr. Howard- You are proposing to take care of the pipe at the catch basin.

Mr. Borselli- The existing pipe is in disrepair and my client has agreed to correct it or replace it.

Ms. Evangelista- I would communicate that to the neighbor that you have not yet spoken to.

Mr. Howard- So you will turn the driveway at 100 Pond Street?

Mr. Borselli- Yes

Mr. LaCortiglia- Assuming this is approved, the underground infiltrators could be changed to a surface detention if the Board agrees. They are cleaned through the entrance man-holes. How would one know if they failed?

Mr. Borselli- There are access holes into the infiltrators.

Ms. Buck- The applicant offered, through the HOA, to clean the Lake Avenue. It would be essential to keep the drainage systems working. From an aesthetic view, the detention systems have not been an asset to many of the subdivisions. The Homeowners' Association is required to clean it every year. I would say the detention basins are not good looking. You know they are not working when they back up. It would be great to get them underground if it is safe.

Mr. Hoover- Larry, from your perspective, what is the long-term maintenance of a traditional basin vs. an infiltration system?

Mr. Graham- The open basin needs maintenance. Cleaning the sub-surface basins is not all that effective. These will probably need replacement. To be considered, if they have standing water, should we think about fencing them to protect children?

Mr. Hoover- Is the long term cost more in replacing them than maintaining the other open basins.

Mr. Graham- It's not a big number. You don't have to accept the street saying you will not accept the street or the drainage.

Mr. LaCortiglia- I am only concerned with the infiltrators failing. It looks like they will turn into pipes, overflow and go into the pond through that pipe through the easement and no one will know that they have failed.

Mr. Borselli- The overflow pipe is designed to have most of the water go into the ground. They do need to be maintained.

Mr. Tim Howard- As long as you clean the catch basins, there should not be an issue.

Mr. Graham- We are required now to have grease traps. If you keep them clean, you are likely to have good performance for many years.

Mr. Graham- I have put that condition in other plans in other towns. Another condition would be a double filtration barrier all along the property line & 10 – 15 feet up and add another fence. The review of the Individual Site Plan should be a condition of this, like Littles' Hill.

Mr. Hoover- I am in support of that system. I want to reiterate that the proposed buffers will relate the existing tree line. I hope you will do something with the stone wall.

Ms. Buck- Regarding the width of the street pavement, it will have drainage issues. Perhaps, the Highway Surveyor may have an opinion on it.

Mr. Hoover- What is the ordinance?

Ms. Buck- Lane is 20.' The Board will have to give clear direction on this.

Mr. Graham- We want two lots coming off the street. That is the argument. They could access and not really load the street up with 7 homes. They could, I believe load the street with 5 houses and fall into the category.

Ms. Evangelista- I would support Larry's recommendation.

Mr. Hoover- I also support that. It is a great opportunity to introduce a rain guard here.

Mr. Borselli- This is going to be revisited. The original suggestion was to put in more infiltration, more catch basins, and a planting strip. Water will infiltrate as a natural condition.

Mr. LaCortiglia- Has there been testing?

Mr. Borselli- There has been some test pits. The infiltration test at this location ran twice, conditions are dry. We did run another hole over in this area. We got about 8 minutes an inch.

Mr. Howard- Motion to approve the preliminary subdivision for Pondview.

Mr. Carter- Second

All in favor? 5-0; Unam

Continued Public Hearing
Harmony Lane

Ms. Buck- Bob Grasso of Professional Land Services is present.

Mr. Grasso - We received a letter from Larry Graham on 8/21/07. We had minor issues from the last Hearing and we have a lighting and landscaping plan.

Mr. Graham- I have no further comments.

Ms. Buck- I think the Board wanted to see the final plans which you have.

Mr. Hoover- Any comments?

Mr. LaCortiglia- The easement going across to Town land... what was the final decision and please tell what it was all about.

Gatchell Representative- The Town said it is better to grant a license we would have a temporary license to install pipe. The Town will take over ownership.

The two waivers are:

The benchmarks and how the bounds are set on the property line.

Mr. Graham- explains the waivers. 62-B They are proposing half inch iron rods...Larry reads this from the Subdivision Regulations. Most properties get a lot of damages during construction. I don't have a problem with their request to substitute the iron rods for the iron pipes and markers.

Mr. LaCortiglia- I do have a problem with their request. Not just to protect just the Town. I can't vote for that waiver. I would like to see that replaced with concrete monumentation along town property.

Ms. Buck- Regarding concrete monumentation is more to keep the public away from private property.

Mr. Hoover- If you can live with the inch and a half pipe, then grant the waiver. It is in the ordinance.

Mr. Graham- Reads 62-A ordinance...what they have on their plans, this is rarely done, to establish a USGS vertical benchmark by putting a granite marker in-ground with a disk on it.

Ms. Evangelista- With the bike trail coming through there, I would think you would want a fence boundary or something there.

Ms. Buck- The last issue...the Planner and the Construction Inspector have made field calls. Sarah reads the permitsee email from Harry. It has always been in our boilerplate template for Notice of Decisions. This came from Railroad Avenue.

Mr. LaCortiglia- I think it should be taken out completely or modified.

Mr. Hoover- On bigger projects, I think the Board needs to be responsible. For this as a small project, it is a non-issue.

Mr. LaCortiglia- It is more a question of personal judgment. Without this Board giving a written requirement as to what was considered substantial or insubstantial.

Ms. Buck- You would want to control this by your Planner.

Mr. Hoover- All changes were notified to the Board in the past with the previous Planner and Board. It was never put into writing.

Ms. Buck- As Planner, I would handle these calls all the time, probably not the Construction Inspector.

Mr. Hoover- I would like to suggest then that we vote on this to keep the language as is. Let's keep the plan moving forward.

Mr. Grasso- There will be an as-built plan on this project.

Mr. Hoover- This is an important issue but for another time to discuss it by the Board.

Mr. LaCortiglia- Motion to strike condition #20, it is not acceptable without the town planner, building inspector, and construction review.

Mr. Carter- Second

All in favor? 1-3; (Mr. LaCortiglia in favor; Mr. Hoover, Mr. Howard and Mr. Carter opposed); 1 abstention – Ms. Evangelista

Mr. Howard- Motion to approve as submitted.

Mr. Carter – Second

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

Mr. LaCortiglia: Motion to close Public Hearing for Harmony Lane.

Mr. Howard- Second

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

Twisdenwood Farm – to be withdrawn

Ms. Buck- Reads the letter from Ben Osgood dated Sept. 12th, 2007. {Letter on file in the Planning office}. Applicant states that they will most likely withdraw without prejudice.

I recommend that they withdraw because it's cleaner and they could re-submit another application.

Ms. Evangelista- The request is contradictory to Sarah Buck's recommendation.

Ms. Buck- They [the applicant] seems to be buying themselves some time. I would recommend moving the public hearing to Sept. 26th We need to make a decision by September 30th.

Mr. LaCortiglia- Motion to continue Twisdenwood Farms to September 26th.

Mr. Carter - Second

Mr. Hoover – Motion and seconded to approve continuation of Twisdenwood Farms to September 26.

Mr. Graham- At the next meeting, you need a reason for a disapproval or get an extension of time.

Ms. Buck- I did get an email from the abutter and the story is the same.

Mr. Carter- To Larry's point, you will request a letter of their intent a week prior to the meeting.

All in favor? 5-0; Unam

Mr. LaCortiglia- Motion to adjourn at 10:02 pm.

Mr. Howard- Second

All in favor- 4-0; Mr. Hoover- absent