

**MEETING
GEORGETOWN PLANNING BOARD
October 24, 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

Public Hearing 7:00 p.m.

Zoning Amendment – Lot Width

Mr. Hoover- opens meeting at 7:02p.m. to discuss Lot Width Zoning amendment and 8:00 p.m. to discuss Stone Row which applicant has requested an extension.

Ms. Buck-The Board has proposed a new definition for lot width. It is the minimum narrowing of the lot until you met the requirement for zoning. Sarah points to a drawing of a 40,000 sq. ft. zoning district. An example of this is shown on the map drawn by Sarah Buck to point out a proposed lot requirement for lot width. [Map is on file in Planning Office] There seems to be a loop hole in the definition showing this zig zag lot. Until you meet the requirement, you have to have minimum lot width to meet zoning. It must be an L-shaped or reasonable sized lot.

Bob Grasso- How far back do you go for width?

Ms. Buck- Minimum area of 40, 000 sq ft. If in a 40,000 sq. ft. lot, you must have approximately 65ft.

Mr. Matt Lewis of the Georgetown Zoning Board- I understand it to be getting rid of a box size lot. Is that correct?

Ms. Buck- Sarah points to diagram #2 of another proposed example. Tim Howard's solution to this example (shown is 39% instead of proposed 50%) if we pushed it to 50% of the required frontage, then people couldn't develop their land in the most effective way. You are not disrupting people's property rights. I propose we reduce the 50% down to 35-40% - 35% is still 70 ft. You are not being harsh on property owners. It is still the Zoning Board's opinion to grant the variance and for the width of the right of way for the court. Potentially you could require a waiver from the Planning Board.

Mr. LaCortiglia- If the bylaw is to be amended, they could still be granted the waiver.

Mr. Howard- I thought 50% was a little excessive and this example demonstrates that. There isn't much RA left.

Mr. Hoover- The RC zone has a 100ft. requirement.

Ms. Buck- Reads the lot width requirements that are in the current zoning bylaw.

Mr. LaCortiglia- We can just tweak those numbers individually and maintain it in the RB and the RC zone.

Ms. Buck- 40% is 50ft.

Mr. Lewis- I suggest 40%.

Ms. Buck- RA- 50 ft, RB- 64 ft., RC – 80 ft. for frontage

Mr. Hoover- I think it should be consistent.

Mr. Howard- I don't think a 50 ft. wide strip is ugly. We are trying to get rid of dumbbell lots.

Mr. LaCortiglia- We advertised the hearing in the paper but the percentage is not mentioned. Maybe we just change that 65 to a reasonable number between 40-45.

Ms. Evangelista- My concern is the larger sections of town in the RC and RB zones in town. A commercial zone is not as critical. People will tear down because of that. That's how Andover has experienced their growth. They went to 90%. This one example is not enough to make me change that number. When it gets to the floor, the Town should decide. This will not eliminate that density. Zoning is there to increase the value of your home and protect your rights.

Mr. Howard- By reducing it, you are not creating ugly lots like what Sarah has shown.

Mr. Hoover- I am glad we have this example to discuss. I don't know that there are a lot of people in this position. I think planning is looking out for the best interest of the town. I like to think zoning is protecting the property of the individual. Why I come up with 50ft or 40% is if someone wanted to connect the front to the back, it would allow enough room for access. In the compromise, I conclude with 50ft in RA zones.

Mr. LaCortiglia-Could we look at each zone individually? I think everyone of these zones is different because they are in different zoning areas.

Ms. Buck- A RA zone with Smart Growth is encouraged to be lower though you are always encouraged to have more density. RC is meant to keep a rural density.

Mr. Hoover- This is where Tillie makes a good point. We don't have an ordinance in place to control the size of the homes in these lots.

Ms. Buck- It is prohibited that you can't make a zoning ordinance to require the size of the house. You can deal with it in lot coverage.

Mr. Lewis- Just focus on RA. Trying to get down a road with cars on both sides of the road, it is hard to do. In a RA district 40-45 ft for width, you are now looking at a roadway that will be 30ft. Apparatus can still get down the long driveway. If you want to bring it to 59, you need to go back further on the RB. 50% is not good for RA.

Mr. LaCortiglia- We are trying to keep things as open as possible after the entrance from the lot frontage - a 40-50ft width would work. In the RB and the RC district, we are looking at less- we are trying to achieve a more geometrically simple lot. All zoning is a density question as in the example of doing 2 houses vs. 3 houses.

Ms. Buck- We looked at all the neighborhood town zoning and they are all convoluted. If it makes it more palatable to pass at Town meeting, 50ft is a compromise. My recommendation is to compromise on the RA zone and leave the others.

Mr. Howard- If you just go with the 40%, it just grows with it as it gets larger.

Ms. Evangelista- What we had was removed. Let's go back to what it was.

Mr. Howard- To take a step in the right direction, I just want an effective change.

Mr. Hoover- You could argue for consistency - the 50ft comes up as a minimum which is the smallest that we have. You could argue that that is why we did that because we were going for the "minimum."

Mr. LaCortiglia- There may be specialized cases, there is a mode of appeal. They can in special cases get relief. We are moving to a more simple geometrically shaped lots. 40% does allow you do a radial type lot. I am more in favor of bumping that number up.

Ms. Evangelista- The front has to have 20' in the front under the RA.

Ms. Buck- All we are dealing with is minimum lot width. With 50ft. you are pretty close to what you need.

Mr. Hoover- Is it possible to get the Board to agree to 50ft? It is a good idea to get a unanimous vote.

Mr. Howard- Nothing is forever.

Mr. LaCortiglia- Motion to change the RA lot width dimension under RA to 50ft.

Mr. Howard- Second

All in favor? 5-0; Unam

Mr. LaCortiglia- Motion to recommend to the town a special town meeting the amendments for Chapter 164-7 and 165-11 as amended this meeting.

Mr. Carter- Second

All in favor? 5-0; Unam

Mr. LaCortiglia- Motion to close the public hearing for zoning amendments

Mr. Carter- Second

All in favor? 5-0; Unam

Board Business

Minutes – August 8, 2007

Mr. Howard- Motion to approve August 8, 2007 meeting minutes with corrections.

Mr. LaCortiglia- Second

All in favor? 5-0; Unam

7 Jewett Street – More than One Building on a Lot

Ms. Buck- The applicants Alyssa and Chris Cayer applied. They are the house before the church. They want to build an attachment to the workshop for an accessory apartment. There is a clause in the Subdivision Regulations that states, “not more than one building used for dwelling purposes shall be erected without consent of the Planning Board. If you read the way it is worded, the issue is if we start allowing separate dwelling units on a lot, then there is no way to adequately police single family dwellings on a lot.

Ms. Evangelista- This same clause comes from Zoning bylaws.

Mr. LaCortiglia- This is under subdivision and site plan regulations.

Mr. Hoover- Is there a definition for accessory?

Mr. Howard- It does say it has to be attached to the existing dwelling. I only know this because I asked the former Building Inspector.

Ms. Evangelista- The same provision is in our subdivision regulations as well as zoning regulations.

Mr. LaCortiglia- ZBA held a proper hearing. In the same fashion that after this board grants a decision and it goes to ConCom, we are one step in the process to getting the permit. What is the level of sight review for getting the permit? It is good that this Board should review the plan and decide if site permit is necessary.

Ms. Buck- Don Schmidt said we could give our consent.

Mr. Howard- It needs additional clarification.

Mr. Hoover- In supplemental regulations, (165-68,69), it talks about apartment houses. It implies that an accessory apartment is an accessory to the living quarters.

Mr. Lewis of the ZBA- It falls under our jurisdiction.

Mr. LaCortiglia- This is unusual. This is another layer to be dealt with. Is this site plan review? The addition being added is 24 x 28 which is over 500 sq. ft. and this fits site plan review. We are talking about a garage with a shop.

Ms. Buck- We don't site plan review accessory apartments.

Mr. LaCortiglia- This is greater than a 500 sq. ft. building that is not a single family home.

Ms. Buck- It doesn't seem appropriate with site plan review.

Mr. Hoover- I respect that the ZBA made the decision they did. What they have done is created two single family homes.

Ms. Buck- States to the Board that it is written under the rules and regulations and reads page 75 of Zoning codes. I think the Board does have room to clarify it at town meeting as totally separate buildings. I would be tempted to let it through. Should the Board give consent and then clarify it at town meeting?

Mr. Howard- I think we need to bring it before the town at town meeting.

Ms. Evangelista- It had to be part of the single family dwelling.

Mr. Howard- It only implies it.

Mr. Hoover- It should be specified.

Mr. LaCortiglia- I would be comfortable dealing with all these problematic changes of zoning amendments as they need to be looked at.

Mr. Hoover- [To Sarah Buck] Add this to the punch list.

Mr. Howard- It is a delay for 7 Jewett Street. I think the definition of “accessory apartment” needs to be redefined.

Ms. Evangelista- The Zoning Board of Appeals is appealing it. This is two buildings on one lot. In my mind they have already gotten a decision when a Zoning Board of Appeals has jurisdiction.

Mr. Howard- How could we give our approval to this?

Ms. Evangelista- Perhaps a site approval is required.

Ms. Buck- They can be required same access as two lots.

Mr. Hoover- ZBA has made determination under their jurisdiction. Now the question is if it is site plan review or not.

Mr. LaCortiglia- I am looking at this and saying that this is an accessory on the back of the house. How does the fire dept get back there or have access?

Mr. Hoover- We want to make sure it is a safe place.

Ms. Buck- It is awkward what you are trying to do. The ZBA doesn't condition ways to access it.

Applicant – The Zoning Board agreed to everything in the bylaw.

Mr. LaCortiglia- Can I motion to have Chris and Alyssa Cayer complete an application for site plan review so that the Board can make a decision regarding 7 Jewett Street?

Mr. Hoover- On the application, there are a lot of items not necessary in terms of requesting waivers. I am looking to protect the basic issues. I want this thing to work and get the ordinance revised.

Mr. LaCortiglia/Mr. Howard- I agree with that.
All in favor? 5-0; Unam

Railroad Ave: Sign Subdivision Permit

Ms. Buck- All conditions have been met in Form N and Form G and also Mr. Grasso has an agreement with Mr. Danilecki that Mr. Danilecki has signed.

Mr. Simmons called and congratulated the Board. They removed a lot of contaminated soil which Tim Howard had a lot of concerns about.

{Mr. Grasso hands Sarah the signed agreement between Bob Grasso and Mr. Danilecki}
The Planning Board is being asked to sign the construction permit.

Mr. Howard- When are the shrubs being trimmed back?

Ms. Buck- I will get back to you all on that.

Mr. Hoover- Is there any way the shrubs can be trimmed up front now?

Mr. Grasso- I will talk to the neighbor.

Mr. Hoover- It's not the correct height for turning in and out of the driveway.

Ms. Buck- I can follow up on that after Mr. Grasso talks with the neighbor. I will contact Jack Moultrie (Construction Review Inspector) about random sight visits. I also have a letter from Mr. Paganelli that states he has a concern about the 4 house lots. It was missed when looking at this rail trail project. You can't build a transportation corridor without an EOT permit. If people use the rail trail, they can use the drainage easement. I am bringing this up now to go on record that this should be taken care of before lot releases. I want it to be on the radar screen for Bob Grasso and the Board before we do lot releases.

Mr. Grasso- We can grant an easement for National Grid to pad an easement for the rail trail to go through. The only traffic going through there are the residents living on Railroad Avenue.

Mr. Paganelli- There is the option that the town could decide to purchase the contaminated site across the street. We need the drainage easement to go through.

Ms. Buck- Mr. Danilecki did not have strong objections to that.

Mr. Paganelli- Referring to Alt 1-a, Alt 2-a, Alt 3. Dick points to Alt 2-a. Mr. Paganelli points to the main roads which will be affected. The trail right of way crosses Andover Street. Alt. 2-a makes a lot of sense. (Mr. Paganelli shows Rail Trail alternative diagrams.)

Ms. Buck- Does the Board want to have National Grid to access the lines to include any right to pass the rail trail to the public road? Do you want it as a modification to the subdivision? The subdivision has been permitted. All the conditions have been met. The

next step is the release of lots. He has to release lots A,B and C. We just want the Board to give direction that everyone is comfortable with.

Mr. Hoover- I would like to see the modification to the plan.

Mr. LaCortiglia- Before you ask for the release of the lots, the applicant needs to convey the easement for the Rail Trail.

Ms. Buck- There is a slight cost to re-advertise. There is a building permit issue upon release of lots.

Mr. Grasso- I need to talk to my partner.

Mr. Hoover- Once we sign the modification to the subdivision plan, what is to say?

Ms. Buck- When he requests a building permit for Lot 1, under law, he has to get permission from EOT which falls under their jurisdiction and that is why the law is there.

Mr. Paganelli- This should be resolved tonight. The smart thing to do is resolve it ahead of time.

Ms. Buck- I don't want to hold up Mr. Grasso. He's been held up a year cleaning up the sight.

Mr. Grasso- I just want to build the road to get the subdivison complete. I have cleaned the sight and want to build the roadway.

Mr. LaCortiglia- Should the Board be signing off on a permit?

Ms. Buck- He has met the criteria for subdivision permits.

Mr. LaCortiglia- It should have been handled in the subdivision process.

Mr. Grasso- I will entertain this issue when we go through lot releases. The first I heard about the trail was this year.

Mr. LaCortiglia- I will make a motion to table the signing of this permit until next meeting to allow the applicant to discuss the easement with his partner. (Railroad Avenue project)

Mr. Grasso- I met with Dick Paganelli and Sarah Buck and have met all the conditions. I am here for my construction permit.

Mr. Carter- Second Discussion?

Ms. Buck- As planner, when we permitted this subdivision, I was not unaware of the trail. It is very confusing that the trail goes onto the rear of the lot. Mr. Paganelli is just looking for an easement to share with National Grid. Mr. Danilecki is the most direct abutter.

Mr. Danilecki – I do not have a problem with it.

Ms. Buck- What is being asked of Bob [Grasso] is relatively small.

Mr. LaCortiglia- I would like to hear from the partner.

Edward LeDere- partner- I am taking over control of the project. We did not know this would be one of the issues tonight. To me it seems simple. It is not near the houses. The only issue is there might need to be fencing. I don't see it as a problem.

Ms. Buck- If they are willing to commit. They could grant an easement.

Mr. Hoover- On such an important issue, these things get lost if not recorded on the plan.

Mr. LaCortiglia- Larry, would this easement be an exact overlay of the drainage easement that has been agreed to be transferred?

Mr. Graham- They are asking to share the easement with National Grid. Bob Grasso owns the land and has granted the easement over the land with another easement to Railroad Ave. It seems to me, you could do a 20' wide easement.

Mr. Hoover- What would be your opinion for drawing the easement on the plan?

Mr. Graham- You don't have to re-do this whole plan for that. It should reference Easement A and be identified.

Mr. Grasso - I don't have a problem with doing that.

Mr. LaCortiglia- I withdraw the motion.

Ms. Evangelista- Get that in writing for the Board.

Ms. Buck- It is ok with me to draw it up prior to lot release and have it recorded after the Planning Board first sees it. The Board must approve it first.

Mr. Hoover- It must be recorded prior to the lots being released.

Ms. Buck- Reads handwritten memo for the Board.

{The applicants, Bob Grasso and Ed Ledere, for a subdivision permit for Railroad Avenue subdivision, agree to grant an easement to the Town of Georgetown provided that the Planning Board first reviews and approves the plan. It then must be recorded prior to the lots being released.}

Mr. LaCortiglia- I move to authorize the Chairman to sign the Railroad Avenue subdivision construction permit dated October 24, 2007. {Permit expires in 2 years }

Mr. Howard- Second

All in favor? 5-0; Unam

Expired Subdivision permit: Chaplin Hills

Mr. Lance Lane (attorney) is present for the applicant of Chaplin Hills, Mr. Jay Jones- Sarah states that the permit has expired and no work has happened in awhile. The reason for being lax is that Mr. Faragi has been dealing with the access from Whistlestop to Chaplins Hills if that project were to move ahead. They have not yet re-submitted. We have an outstanding subdivision and Jay Jones owns the subdivision.

Mr. Lance Lane (attorney) – We are looking for an extension as it has not become economically feasible to finish the road. He is working with the engineer. The client will maintain the road.

Ms. Buck-I have received several emails from neighbors. Mr. Jones wants a bond reduction. The bond is there so he would complete road.

Mr. Hoover- I hear there are people complaining and concerned about the Faragi development.

Mr. Lane- I think there will be more complaints if the Faragi development happens. It just isn't economically feasible for my client to complete the project.

Mr. LaCortiglia- How old is the permit?

Ms. Buck- 1996 – It is built out complete and the permit has expired. As a Board we are responsible to move this forward. Will Paulitz (engineer) called and said that Mr. Faragi would take on any obligations for Chaplin Hills.

Mr. LaCortiglia- We are on the third extension. The permit is expired. The client has not renewed the permit. Given that it is expired, we take the bond, look at the punch list and finish the road and the action items on that punch list.

Mr. Graham- I looked back in the file and \$97,000 is left on the bond for improvements. I understand why it has been delayed. If Whistlestop was not such a bad idea, my suggestion would be to give him a year extension to get the work done for planting and paving. Time is limited due to the close of plants.

Mr. Howard- I agree with that to give him until June to complete the work.

Ms. Buck-The bond is in effect until we release it. There is no time limit.

Attorney- The repercussions are greater.

Ms. Evangelista- Whose name is on the bond?

Ms. Buck- Jay Jones

Ms. Evangelista- My concern is once it is accepted, Mr. Faragi may damage the road while under construction.

Ms. Buck- We could add conditions.

Larry Graham- Because it is special permit, you could condition that all traffic must come in off of Rte. 97.

Ms. Buck- My opinion is we need to move with the bond money by June 30th. It needs to be clear that he is done by June 30th.

Mr. Carter- Motion to issue a subdivision permit to bring applicant into compliance for Chaplin Hills up until June 30th, 2008.

Mr. Howard – Second

All in favor? 5-0; Unam

Ms. Evangelista- How many lots are vacant?

Ms. Buck- None.

Master Plan Hand-outs for Town Meeting

Other Business

Vouchers

Mr. Howard - Motion to approve vouchers in the amount of \$7,345.07.

Mr. Carter- Second

All in favor? 5-0; Unam

Sign mylars – Harmony Lane

The Planning Board signs the mylars for Harmony Lane

Public Hearing 8:00 p.m.

Stone Row – Definitive Subdivision – request for extension

Mr. Carter- Motion to continue the public hearing for Stone Row to Dec 12, 2007.

Mr. Howard- Second

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

Mr. Howard- Motion to adjourn at 9:25 p.m.

Mr. Carter- Second

All in favor? 5-0; Unam