

GEORGETOWN PLANNING BOARD MEETING
Wednesday, December 19, 2007
7:00 p.m.

Present: Mr. Rob Hoover, Chairman; Mr. Tim Howard; Mr. Harry LaCortiglia; Ms. Matilda Evangelista; Ms. Sarah Buck, Town Planner; Ms. Melanie Buck – Recorder

Absent: Mr. Hugh Carter; Mr. Larry Graham, Consulting Engineer

Mr. Hoover opens the session at 7:10 pm.

Board Business

Minutes

Mr. Howard moves to accept the minutes from September 26, 2007 as amended.

Mr. LaCortiglia seconds the motion.

4-0-1 (absent)

Caribou Court

Mr. Tidd has a request to extend the subdivision permit on Caribou Court. The last time the Planning Board heard this case they granted a one year extension which expires tomorrow.

Mr. Tidd explains that Caribou Court is doing well in their legal battle. The court has ruled in favor of Caribou Court. They are winning the land back, but it is still going through the Superior Court and they expect a resolution in January. It has been in litigation for four years, so now several members of the Conservation Commission have changed. Conservation Commission has asked them to withdraw and resubmit since new members would not be able to vote otherwise. They will be filing a new Notice of Intent early next year. He's asking for an extension because it is a complete reset.

Ms. Buck recommends extending the subdivision plan.

Ms. Evangelista asks if this is a necessary step because she sees it as a given.

Ms. Buck clarifies that it is just cleaner to redo everything.

Mr. LaCortiglia says that Mr. Tidd doesn't own the land.

Mr. Howard says that it is not the decision of the Planning Board. What is the benefit of the extension?

Ms. Buck says that it is beneficial since he would not have to go through the permit process again.

Mr. Hoover says that the extension doesn't affect whether he gets it or not, and reasonableness is to extend it.

Mr. LaCortiglia is against the extension because Mr. Tidd missed the expiration date on a previous time period granted by the Planning Board and has already been granted two extensions.

Mr. Howard asks what Mr. Tidd wants for an extension.

Mr. Tidd says that he is starting completely from scratch, so he would need at least a year.

Mr. Howard and Mr. Hoover agree that it is not causing the Planning Board any aggravation, and if they deny it, it will cause aggravation.

Ms. Evangelista questions if things change when such a long extension is granted.

Mr. Howard says that Mr. Tidd is already grandfathered in since his subdivision has already been approved.

Ms. Buck believes that subdivisions are grandfathered in for eight years after being approved. She says that generally if anyone is held up without it being their fault, they are basically always given an extension.

Ms. Evangelista says that in state law the clock stops when you are in litigation. She is surprised that Mr. Tidd is here, and she believes that the extension is a given.

Mr. Howard moves to grant an extension of one year for Nelson Tidd's Caribou Court subdivision permit. The permit will expire one year from the date of issue, which is 12/19/07. The permit will expire on 12/19/08.

Mr. Hoover seconds the motion.

2-1-2 (one absent and one abstain (Evangelista))

Mr. LaCortiglia moves to authorize payment of Melanie Buck for tonight's services.

Mr. Howard seconds the motion.

4-0-1 (absent)

Ms. Buck distributes Village Center maps to the Planning Board members so they can look into zoning and downtown issues.

Form K for 2 Birch Tree Drive

Ms. Buck clarifies that it is an old subdivision and they want a release of the Master Grading Compliance Agreement on lot 2. Lot 2 was not part of the lots the Planning Board held since it already had a house on it, but it is still technically connected to the Agreement and was not technically release.

Mr. Howard asks if she is sure that is the only issue.

Ms. Buck says that she has gone over the entire file and it is the way it appears.

Mr. Hoover says that Ms. Buck should not have to spend two hours poring over the file. He says that she should just make the lawyers come and argue their case in front of the Planning Board.

Ms. Buck says that the Master Grading Compliance Agreement is usually done before the roads are accepted and the roads have already been accepted. This specific Agreement deals with drainage issues. It basically said that until the draining was fixed, the lots would be held to the Agreement. However, now the road has already been accepted. In her mind, it is a done deal that is over and done with.

Mr. Hoover is hesitant to agree to something he does not understand, but he is also hesitant to make more work for everyone. He is more comfortable since the summary says that Lot 2 is exempt from the Agreement, so it appears that it never had to be released.

The house is now being sold, so this is just clean-up.

Ms. Evangelista questions the validity of things since it could have changed so much from when it was first approved. This would involve going over the zoning laws, which is an entirely different issue.

Mr. LaCortiglia moves to sign the Form K to release Lot 2 of Birch Tree Drive from the Master Grading Compliance Agreement.

Mr. Howard seconds the motion.

4-0-1 (absent)

Construction Review Inspector contract

The Planning Board agreed to hire BSC Group at a previous meeting subject to reviewing the fee structure. The fees are higher than expected, but the Board really needs a subdivision inspector, and BSC Group was the only qualified bidder and comes with excellent recommendations.. Two small things in the contract were changed as noted in the addendum (passed around to members). The contract is for one year and can be renewed for up to three years.

Mr. Hoover suggests that whoever signs the contract initial and reference the addendum.

Ms. Buck points out that it has already been referenced.

Mr. LaCortiglia moves to authorize the Chairman to sign the contract with BSC Group for the Construction Review Inspector.

Mr. Howard seconds the motion.

4-0-1 (absent)

Vouchers

Mr. LaCortiglia moves to approve the invoices dated 12/19/07 totaling \$1,843.33.

Mr. Howard seconds the motion.

4-0-1 (absent)

Correspondence

Ms. Buck notifies the Board of all correspondence.

Other Business

The Budget memo says that the Board needs to have a draft budget by the third of January.

Mr. Hoover questions the email sent to him by Sandy that said that FinCom is going to be asking the Department Heads for four scenarios for their budget. One is if there was a 4% cut, one was if it was a level budget, one was if it was level serviced, and one was on needs based. He doesn't understand how this jives with what Steve Delaney asked for.

Mr. Delaney only asked for two scenarios: one for if it was the same budget and one for if it was a 2-5% decrease.

Ms. Buck thinks it should be considered that if the Board advertises the position of Planner, they should look for someone with a Masters and AICP certified. She thinks it really helps the Planner to do a better job. She thinks that in the budget there should be a provision that, even if there is only a part-time Planner, there is some space so that the Board could have the ability to pay the Planner slightly more for higher qualifications.

Mr. Hoover agrees with the importance of discussing such issues but wants to focus on the issue of figuring out what work is necessary so that the Board does not have to do work twice. He requests that Ms. Buck follow up with either Sandy or Steve Delaney and figure out what exactly needs to be done.

Ms. Evangelista points out that Steve Delaney is the FinCom Director so what he asks for is what is necessary.

Mr. LaCortiglia says that if the Board increases their fees, FinCom will not worry about giving the Board more money since the Board is bringing in more money.

Mr. Hoover points out that Georgetown's fees are already a little high, and that it might not be good for the town to increase them further.

Ms. Evangelista says that what Sandy is requesting is a day-to-day description of what Ms. Buck does, and she says that she has been looking for one as well. She suggests that the Georgetown Alliance should be paying extra money for Ms. Buck since she is acting as a public employee for a private nonprofit group.

Ms. Buck says that although she is helping downtown, she is really helping the town.

Mr. Hoover concludes business with the understanding that Ms. Buck is going to follow up with Sandy and Steve Delaney.

Ms. Buck says that she checked Georgetown's fees with other towns, and Georgetown's fees are among the highest.

Mr. Hoover agrees that this was his understanding as well.

Mr. LaCortiglia argues that these people are coming to get a permit, and they will pay whatever the fee is. He questions whether or not the town should be paying for Ms. Buck or should the people who are benefiting from her (applicants) pay for her?

The other business item is the Nelson Street project which was approved by the Board. Mr. Hoover wanted to look into the entrance. The driveway that was cut into the hill is basically now bordered only by bark mulch. The stone has been thrown haphazardly back in place where there used to be a beautiful stone wall. Mr. Hoover believes that the agreement was that the stone wall was going to be restored. He says that right now it just looks like an engineered mess, whereas otherwise the road is very beautiful. He would like the Board to hold them to keeping their end of the bargain and having a pretty entryway.

Mr. Hoover concludes Board Business.

Continued Public Hearings

34 Thurlow Street

Mr. Hoover opens the meeting for 34 Thurlow Street.

The lawyer wishes that Mr. Carter was in attendance but is willing to give a short overview if the Board wishes.

Mr. Hoover would rather keep it clean and, if they are not ready to make their case entirely, he would rather wait until another meeting when Mr. Carter is in attendance.

The lawyer prefers to continue it until Mr. Carter is present. He says that his clients have been in contact with Ms. Buck regarding changes, so there is progress.

Ms. Buck thinks it is cleaner if a certified mailing is sent to the Abutters before they come back to the next meeting since it has been so long.

Mr. Howard moves to continue 34 Thurlow Street subdivision to the second meeting in January, 1/23/08.

Ms. Buck asks that the Notification to Abutters be fourteen days before the meeting.

Mr. Hoover seconds the motion.

3-0-2 (one absent, one abstain - Ms. Evangelista cannot vote)

Ms. Buck says that an extension of time to March 30th is necessary.

Mr. Howard moves to make an extension until March 30, 2008 for 34 Thurlow Street.

Mr. LaCortiglia seconds the motion.

3-0-2 (one absent and Ms. Evangelista cannot vote)

Stone Row

There is a request from Stone Row to continue the Public Hearing to 1/9/08, and they apologize to the Board. They say that they have found the files but have not been able to prepare them in time for the deadline. They have been in contact with the neighbors, and plan to meet at a convenient time, and want to get feedback from the neighbors before the meeting. They hope to meet within the next ten days. They say that they will be prepared in time for the next date that works for the Board.

Mr. Hoover asks if it would make sense to extend this a few more weeks.

Mr. Howard reminds the applicant that he has requested that something be signed by the neighbors that shows that they are in agreement.

The applicant says that they are working on it and that they are just waiting for the neighbors to be available to meet.

Mr. Hoover wants to give them an extension of a few weeks.

The applicant does not want to delay too long since it will cost them \$5,000 for each month they delay. He says they only need one week.

Mr. LaCortiglia moves to extend the Stone Row decision date until March 30, 2008.

Mr. Howard seconds the motion.

4-0-1 (absent)

Mr. LaCortiglia moves to continue the Public Hearing for Stone Row until January 9, 2008.

Mr. Howard seconds the motion.

4-0-1 (absent)

Blarney Court

The applicant would prefer that Mr. Carter be present, however, he is not present. They do not feel comfortable rolling the dice with four board members. They would like a continuance to the earliest available date.

Mr. LaCortiglia moves to extend the decision date for Blarney Court to March 30, 2008.

Mr. Howard seconds the motion.

4-0-1 (absent)

Mr. LaCortiglia moves to continue the Public Hearing for Blarney Court until January 9, 2008.

Mr. Howard seconds the motion.

4-0-1 (absent)

The applicant requests that the Board place them number one on the hearing schedule for January 9th.

Mr. LaCortiglia amends his motion to continue the hearing until January 9, 2008 at 8:00 pm.

Mr. Howard seconds the motion.

4-0-1 (absent)

Executive Session

Mr. LaCortiglia moves to enter executive session for the purposes of discussing litigation and stipulate that we will not be returning to public session.

Mr. Howard seconds the motion.

4-0-1 (absent)

Roll Call Vote:

Mr. Tim Howard

Mr. Rob Hoover

Ms. Matilda Evangelista

Mr. Harry LaCortiglia

Executive Session

Whispering Pines

Mr. Hoover went to a Selectmen's meeting regarding Whispering Pines. The Selectmen said to go ahead and get Kopelman and Paige in for a meeting to advise the Board on Whispering Pines. Hopefully the Board will receive advice on what to do in the situation.

83 Baldpate

Jonathan Eichmann summarized a conversation between Ms. Buck and himself in a letter to the board. The board reads the summary.

Ms. Buck says that her response was that the Board would not have denied the subdivision if there had been any way to do it. She feels that they are using the Board's own legal counsel to twist their arm into going to talk about things when there is nothing to talk about.

Mr. LaCortiglia agrees that Ms. Buck's denial was solid.

Ms. Buck expressed to the applicant that she always tries to find compromises, but there was no way to do it. The applicant already maxed out the property with the Tower Hill 5 lot subdivision, the Form As on the roadway and the existing hospital.

Mr. Hoover says, why not give Kopelman and Paige the decision and have them render an opinion on the decision of the denial.

Mr. LaCortiglia says that the point is to avoid litigation. He says that the applicant is apparently saying, "Let's have a sit down," and discuss things. He thinks that maybe after such a meeting they would understand that they have to drop their litigation and come in with another proposal.

Mr. Hoover says that he would not be comfortable with a meeting like that without Ms. Buck, the Planning Board, and Larry Graham. He says that it seems like pointless blackmail.

Ms. Buck says that she has been all over the plan, and she has no idea how to use the land. It is nearly impossible. If anyone has any ideas, she thinks a meeting would be useful, but if not, then there is no point.

Ms. Evangelista suggests that the Board wants to hear what they want to do. The Board is not supposed to explain what their feelings are to the applicant.

Mr. Hoover said that he would support a meeting where the Board went to hear what they had to say. He does not support a meeting where it appears that the Town is telling them where to go.

Ms. Evangelista says that they are going to proceed with litigation anyway, and that a meeting is dangerous since it may provide them with ammunition for when they are in court.

Mr. LaCortiglia suggests trying to get them to resubmit.

Mr. Hoover says that Ms. Buck should not say, "No" to the meeting. She should say that the Board is willing to have a meeting where the applicant can propose ideas, but she should also say that the Board is not going to provide anything in return (such as suggestions on where the applicant should go).

The Board agrees that the Board's lawyer should be present at the meeting.

Ms. Evangelista suggests that Ms. Buck's response should include that if the applicant drops the lawsuit the Board would be open to suggestions.

Mr. Hoover wants to make it clear that the Board is not going to provide input at the sit-down meeting. He thinks that they will then see that their bluff is being called and they will either drop it or go to court.

Mr. Hoover adjourns the meeting at 9:15 pm.