

**MEETING  
GEORGETOWN PLANNING BOARD  
Memorial Town Hall  
Third Floor Meeting Room  
July 12, 2006  
7:00P.M.**

**Present:** Mr. John Moultrie; Mr. Rob Hoover, Chairman; Mr. Tim Howard; Mr. Hugh Carter; Mr. Harry LaCortiglia; Mr. Larry Graham, Technical Review Agent; Ms. Sarah Buck, Town Planner; Ms. Melanie Buck, Recorder

**Absent:** none.

**Board Business 7:00 p.m.**

**Draft Meeting Minutes – June 28, 2006 and July 12, 2006**

Mr. Hoover states that Planning Board meetings will end at 10:30 unless the Planning Board decides to extend them longer for a specific reason.

Mr. La Cortiglia motions to hire Melanie Buck to take minutes for this meeting on July 12, 2006 and for the next meeting on July 26, 2006.

Mr. Moultrie seconds the motion.

5-0 in favor.

Mr. LaCortiglia clarifies page two of the June 28, 2006 minutes from “Mr. Spear” to “Mr. McGrath” and amends the fourth line from the bottom of page four to “Mr. LaCortiglia states...” in order to clarify the paragraph.

Mr. Howard clarifies page five in “Other Business” of the June 28, 2006 minutes to “Mr. Moultrie states that over at the former sand and gravel the railroad right-of-way has been lost and flooded.”

Mr. Moultrie clarifies the fourth paragraph down on page two in the June 28, 2006 minutes to “twenty units complete and some more that are under construction” instead of “forty-five complete”.

Mr. Hoover clarifies the last sentence on page one in the June 28, 2006 minutes from “come” to “came” and adds in “when it turned out not to be the case, the Planning Board was told it is not the Planning Board’s jurisdiction, it’s the Building Inspector’s.” Later on in the paragraph Mr. Hoover shows where a whole section is missing.

Mr. Moultrie suggests that Mr. Hoover needs to leave a copy of the tape recording of the meeting with the newly changed minutes to avoid legal trouble for the Planning Board in the future.

Mr. Hoover continues his clarifications to the June 28, 2006 minutes and takes out “he states” when it says “Mr. Moultrie states he states...” and makes a paragraph break in the fifth paragraph down and suggests clarifying the second paragraph.”

Mr. LaCortiglia makes a motion to approve the June 28<sup>th</sup> meeting minutes as amended.  
Mr. Howard seconds the motion.  
4-0-1 in favor. Mr. Carter abstains.

Mr. Moultrie makes motion to accept the minutes from July 12, 2006.  
Mr. Hoover seconds.  
3-0-2 in favor. Mr. LaCortiglia and Mr. Carter abstain.

Mr. LaCortiglia makes a motion to review the June 14<sup>th</sup> minutes at the July 26<sup>th</sup> meeting.  
Mr. Howard seconds the motion.  
5-0 in favor.

**Correspondence:**

Ms. Buck tells the Planning Board that there are a number of vouchers that need their signatures. She says that the vouchers are primarily construction review fees that she’s reviewed and is comfortable with. She explains that the \$850 voucher is for her Administrative Assistant’s new computer and says that the Planning Board already approved the new computer.

Mr. Moultrie questions the make of computer and Ms. Buck clarifies that it’s a Dell.

Mr. LaCortiglia asks if the Board usually does traffic studies (like Whistlestop Estates).

Ms. Buck clarifies the situation with Whistlestop Estates. Whistlestop Estates is a rare occurrence. It’s a long, straight connector road between two main roads. The Board wants to make sure that the neighborhoods nearby stay quiet and safe even if the two main roads are connected. Therefore, the Board has to look at the traffic and see what drivers are doing. The applicant agreed to pay for it. Ms. Buck says that she thinks the Board received a good traffic report and that she expects the applicant to appear before the Board at 8:00.

Mr. Hoover wants clarification on how vouchers work so Ms. Buck explains the process.

Mr. Carter wants clarification on how the money gets back to the town after the town pays the voucher.

Ms. Buck states that the account is a town-controlled developer account.

Ms. Buck says that in the future she would like to go through and review the Quicken accounts on a monthly basis and balance them so that there aren't inactive accounts with money in them.

The Board starts to discuss street acceptances and Mr. Moultrie decides that the Board will discuss street acceptances at a later date.

With the cost of the computer included, the new voucher total is \$10899.49.

Mr. Moultrie makes a motion to pay the vouchers in entirety.

Mr. Carter seconds the motion.

5-0 in favor.

Ms. Buck states that she likes doing Board business first and Mr. Hoover agrees.

Mr. Moultrie asks Ms. Buck if she's had any updates on the litigation that the Board is involved in.

Ms. Buck shows him an opinion she's received but says that there hasn't been any movement.

The Board takes a few moments to sign the vouchers.

### **Caribou Court:**

Mr. Nilson Tidd requests to renew his one lot subdivision called Caribou Court. The subdivision was originally approved in March, 2003 by the Planning Board. Mr. Tidd then appeared before the Conservation Commission. His subdivision permit was arranged to lapse in three years, which it now has. He's expecting a ruling within two months from the Newburyport Supreme Court between him and the Conservation Commission. He requests a two-year extension.

Mr. Moultrie agrees with the written opinion that Ms. Buck previously showed him. The opinion suggests granting an extension until there is a response from the Newburyport Superior Court.

Mr. LaCortiglia points out that the permit has already lapsed, in March, 2006, so technically Mr. Tid has to get an entirely new permit instead of an extension. He suggests not being swayed by the opinion because it was written in response to the wrong question: "can I have an extension?" instead of "can I have a new permit?"

Ms. Buck states that Counsel was aware of the fact that the permit had lapsed.

Mr. Hoover agrees with the opinion and thereby agrees with granting an extension.

Mr. Tidd says that the court case is a different type of litigation because both sides agree on the facts and the judge, based on the facts, makes a decision. Mr. Tidd says that he expects a favorable decision.

Mr. Hoover questions the time period (suggested to be two years) of the extension.

Mr. Tidd replies that he just needs an extension and he doesn't know what the time period should be because he's never dealt with the Conservation Commission before.

Mr. Moultrie suggests extending until the court decision and then having another hearing.

Mr. Moultrie makes a motion to extend the permit for three months.

Mr. Howard seconds the motion.

4-1 in favor. Mr. LaCortiglia opposed.

### **Continued Public Hearings 8:00 p.m.**

#### **Parish Road:**

Ms. Judy Timon, Newbury Town Planner, summarizes a letter from the Newbury Chief of Police stating his concerns with the possible development:

- only one entrance
- dirt road that needs to be widened and paved to handle increased traffic
- expects that Larkin Road will receive increased traffic because it's the closest point to the entrance to Rt. 95
- there is a newly renovated bridge on Larkin Road that may have to be widened
- concerned about increased traffic and increased speeds if road is widened and improved.

Mr. Matt Brassard wants to pick up where he left off and reopen discussion now that the Board has had time to review the case.

Mr. Hoover requests a short summary of the plan.

Brad Weiger, the architect for project, summarized the plan for the development:

- 40 some odd acres with two upland areas divided by a creek and they border some woodland/wetland areas that contain wildlife and boulders. Mr. Weiger makes the point that the people who would live there would enjoy these things.
- use the existing road to avoid disturbing woodlands.
- propose to keep a broken-down farmhouse to be used as a community center.
- use upland areas to put buildings and cluster them to minimize the space that they, and the roadways that will be built, will take up.
- propose to put an earth wall eight-nine feet high to block noise from highway
- orient units to maximize solar energy potential and views.

- wants homes to have a close relationship with the really great surrounding area (views, walking paths (suggests interconnected walking paths throughout the entire area), etc.)
- common area with a gazebo and play fields.
- each cluster has private drive with entryway.
- each house has a 20 x 23 foot garage for parking.
- 51 units with a 2000 square foot downstairs and a 800 square foot upstairs.

Mr. LaCortiglia questions whether the grouping of three units within one building is allowable.

Ms. Buck says that there can be up to three units within a single building.

Ms. Buck suggests that the architectural presentation, while good, was slightly more in depth than what the Board was ready for.

Mr. Graham states that from what he's read in correspondence and heard in Board meetings, he thinks that the proposal is either an open space plan or an independent senior housing establishment. He says that, in his opinion, one of the biggest questions on the table is the density issue (how many units).

Matt states that density is based on the density proposed in the zoning bylaw. Senior housing bylaw states that the maximum number of units allowable is twice the number of units allowed in the underlying zoning. That would work out to a maximum of 70 or so units allowed under the senior housing bylaw.

Mr. LaCortiglia suggests a possible misinterpretation of the bylaw.

Ms. Buck reads the exact wording of the bylaw from the zoning book. The book says "twice what's allowed in the underlying zoning *process*." She says that her take on the wording is that it means twice what would normally be allowed based on how much land is being developed not based on the entire acreage.

Mr. LaCortiglia asks if the applicant has gone through the Conservation Commission.

Mr. James Senior, the applicant's representative, stands up:

- Conservation Commission is the last step so the applicant has to go through Planning Board first.
- There isn't a yield plan mentioned in the senior housing bylaw.
- Density limitations should be changed if the density changes over the development (if there're some areas of high density and some areas of low density)
- Purpose of OSRD bylaw is to give flexibility in design of project where regulations might require certain things that lock in how the subdivision has to look. Under the ISH bylaw, the Board already has the same flexibility.

- Applicant should file an ISH application and do a traffic study and then design the project under the ISH bylaw.

Mr. LaCortiglia states that the applicant is still required under OSRD to file the OSRD application because the proposed development includes more than ten acres. He says that it's the Planning Board's job to decide which application they want submitted.

Mr. Hoover says that the word selection process in the bylaw was carefully thought about and selected to include all of the components that the Board is discussing.

Mr. Graham says that he remembers the Board wrestling with how to make a change that was reasonable for applications regarding density.

Mr. Senior states that the zoning process in OSRD is a specific process. The regular zoning process is that density is calculated based on how much land is available. He recommends combining the OSRD and ISH bylaws.

Mr. LaCortiglia says that the applicant is currently doing the zoning "process."

Mr. Senior says that the bylaw states that ISH developments get twice the normal maximum allowable density and that the density is calculated based on continuous buildable area.

Mr. Hoover says that he understands where the lawyer is coming from and how he could misinterpret the bylaw but that he helped to write the bylaw and he knows what his intent was. He says that his intent was to avoid this type of situation.

Mr. Senior says that the Planning Board's interpretation could end up with an ISH development being limited to fewer houses than a normal housing development would be limited to. He says that the applicant should file the special application permit and suggests that the Planning Board should talk to Counsel and have him interpret the bylaw.

Ms. Buck says that OSRD has to be submitted in entirety for the Planning Board to hear a case. She says that there are three parts and one of the parts is the yield plan. She says that, in her opinion, the application is not complete because the Planning Board doesn't have a yield plan.

Mr. Hoover says that he thinks it's an excellent idea to get Counsel's opinion on the interpretation of the zoning ordinance.

Mr. Moultrie agrees with Ms. Buck in thinking that the application is incomplete. He says that the Board can't make a decision because they don't have everything they need to make a decision.

Mr. Howard reads from the zoning book: “not more than twenty-five units are allowed in an ISH development without a special permit.”

Ms. Buck says that OSRD and ISH are two different applications and that the Board has the right to review the two applications separately.

Mr. LaCortiglia makes a motion to postpone Parish Road until September 13, 2006 so that the applicant can read the OSRD bylaw.

Mr. Howard seconds the motion to continue the hearing on September 13.

Mr. Carter and Ms. Buck clarify that the yield plan cannot include the wetland crossing.

Mr. Howard says that there might be problems with the septic requirements since the project is in a protected wellhead area.

Mr. Hoover suggests that a six-week window is more reasonable than Mr. LaCortiglia’s two-month window.

Mr. LaCortiglia amends his motion to continue the Public Hearing for Parish Road until August 23, 2006.

Mr. Howard seconds the motion.

5-0 in favor.

### **Whistlestop Estates:**

Ms. Buck states that the applicant was asked to fund a traffic study

Kim Hasavartian, a traffic specialist of TEPP Associates, summarizes the study:

- Purpose of study was to look at the site’s road configuration and see how it should work with other roads.
- One extreme is a cul-de-sac and the other extreme is a complete throughway.
- Guidelines indicate that traffic would not be seriously changed by the project.
- The study suggests a compromise between the two.
  - o road system that connects Chaplin Hills Road to Baldpate Road
  - o curves to work with natural topography and to slow traffic under 30 mph speed limits
  - o broken up into multiple roads so that people have to stop at intersections throughout the development
  - o not wider than Chaplin Hills Road (26 feet wide), possibly less wide
  - o if road is designed this way then other speed slowing devices won’t be necessary
  - o keep traffic out of Georgetown Square
- Brook Street will connect to Route 97 and the new road will connect to Brook Street.

Mr. Graham says that most of his concerns have been addressed in the study and that he basically agrees with Mr. Hasavarty's conclusions.

Mr. Howard wonders how far back the houses will be placed from the road.

Mr. Hasavarty says that he would put them more than 30 feet but not 75 or 100 feet from the road. He says that it needs to be clear that people are driving through a neighborhood when they're on the new road.

Mr. Carter is happy with the report. He wasn't happy with the cul-de-sac design or the complete throughway design so he likes the compromise.

Mr. Moultrie doesn't think that Brook Street can be made into a two-lane connector and there needs to be a connector in order for the project to be viable. He says that there's a house very close to the road on Brook Street and Mr. Moultrie doesn't want a car to crash into the house.

Ms. Buck says that the only way Brook Street could be widened would be away from the house.

Mr. Hoover acknowledges that the report was very helpful but suggests that the applicant needs to work on the Brook Street issue before going any further.

*Opened to the public*

Robert Rudolph submits a letter from him and his wife, Nancy:

- They live on Brook Street and are in support of the development because it keeps open space in perpetuity.
- Also, drainage along Brook Street needs to be improved and the development would result in it's improvement.

John Morrison (29 Brook Street) states that if the street is widened then his septic tank will be only ten feet from the road.

Tom (171 Central Street) asked for clarification.

Mr. LaCortiglia motions to continue the hearing on September 13, 2006.

Mr. Hoover asks the applicant to think of ways to make Brook Street work before doing anything else.

Mr. LaCortiglia repeats his motion to continue the hearing on September 13, 2006.

Mr. Hoover seconds the motion.

5-0 in favor.



## **The Meadows**

Ms. Buck states that the Board has a request from The Meadows to withdraw their application for a senior housing development.

Mr. LaCortiglia makes a motion to accept the withdrawal.

Mr. Carter seconds the motion.

5-0 in favor.

## **Tower Hill**

Ms. Buck states that the Planning Board has a request to continue the hearing until September 13 and a request of a time extension until September 30.

Mr. LaCortiglia makes a motion to continue the hearing until September 27, 2006.

Mr. Howard seconds the motion.

5-0 in favor.

Mr. LaCortiglia makes a motion to extend the deadline until September 30, 2006.

Mr. Howard seconds the motion.

5-0 in favor.

## **Stone Row**

Mr. Agannis states that they want to ask for a waiver for the length of Stone Row. He shows that they want to put a loop around the bottom and come out the same road. He outlines the reasons why the Planning Board should think about granting a waiver:

- Conservation Commission in favor of the proposal.
- Extension is very moderate - only 75- 100 feet.
- Stone Row drains 75 feet into our property and the proposal would correct the drainage problem - better for the environment if there isn't a drainage problem.
- Would give eighteen or so upland acres back to the Town of Georgetown.

### *Opened to the Public*

Barbara (13 Stone Row) wants clarification where her house is on the map and wants to restate that another developer couldn't make a subdivision unless he connected through to another road.

Carol Echols (5 Stone Row) wants to know how this subdivision proposal is different from the previous subdivision attempt and states that the neighborhood will have requirements before they let the subdivision go through.

Gary Echols (5 Stone Row) states that the implication was made that all drainage from Stone Row goes down the road and he says that the claim isn't true because he has drainage control devices in his yard and his neighbor does as well.

Carol Echols (5 Stone Row) states that the applicants were told to get full permission from the Conservation Commission before submitting anything before the Planning Board so she's confused as to why the Planning Board is even listening to the applicant.

Mr. LaCortiglia explains that the applicant's previous plan was a different situation because this new plan doesn't have any wetland crossings and the previous plan had two. Without any wetland crossing, the Conservation Commission doesn't have any jurisdiction.

Mr. Graham states that the applicant needs to submit a new yield plan because the proposal has changed so much.

Ms. Buck says that the applicant's OSRD plan expires in two days so that the applicant would have to either request a time extension or submit a new plan.

Mr. Moultrie says that he doesn't have a problem considering a waiver but he needs to have more information.

Mr. Carter and Mr. Hoover agree with Mr. Moultrie's sentiment.

Mr. Howard says that he doesn't want to set a precedent.

Mr. LaCortiglia agrees with Mr. Moultrie, Mr. Carter, and Mr. Hoover.

Mr. LaCortiglia makes a motion to extend the OSRD Concept Plan application until September 30, 2006.

Mr. Howard seconds the motion.  
5-0 in favor.

Mr. LaCortiglia makes a motion to continue the hearing until August 23, 2006.

Mr. Carter seconds the motion to continue the hearing.  
5-0 in favor.

July 12, 2006 Planning Board meeting adjourned at 10:45.

***Minutes accepted 7/26/06***