

MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
August 23, 2006
7:00P.M.

Present: Mr. Rob Hoover, Chairman; Mr. John Moultrie; Mr. Tim Howard; Mr. Hugh Carter; Mr. Harry LaCortiglia; Mr. Larry Graham, technical review agent; Ms. Sarah Buck, Town Planner.

Absent: none

Board Business 7:00 p.m.

Mr. Hoover: I'd like to let the public know we have two continued public hearings at 8 p.m. for Parish Road and Stone Row and that we have a lot of other business to take care of first, so we'll get right to it.

We have minutes to go over of 8/9, but we'll wait until Mr. Howard arrives. We'll turn to the minutes of May 11th and August 10th.

Mr. LaCortiglia: Mr. Chairman, may I just ask a procedural question? At the August 9th meeting, we had an executive session and we have minutes of that to review. Do we have to go into exec session to review them?

Ms. Buck Oh yes.

Mr. Moultrie: I don't know about that. I think you can accept in an open session, but they don't become public until the reason for the executive session was for has gone away.

Mr. LaCortiglia: If corrections had to be made of the executive session minutes, then you would have to go into executive session to do that.

Mr. Moultrie: yes, if that were the case, I agree.

Mr. Hoover: So, we'll go to the May 11, 2005 catch-up minutes. Mr. Howard, Mr. Moultrie and myself are the only ones who were here who can comment on these.

Mr. Moultrie: It's a long time ago to have to review. I do recall these minutes because there was a question about the litigation this developer had against the town.

Mr. Howard: To be honest, I haven't reviewed these minutes. I spent three hours today looking at other information, and didn't get to the minutes. I would prefer to have time to review them

Mr. Hoover : Then can we move the May 11, 2005 minutes to the next agenda please?

Ms. Buck: And I assume the August 10, 2005 minutes as well would be moved to this.

Mr. Hoover: What I would add to that as well, is that on the August 10, 2005 minutes, under Littles Hill, in the final draft, there is no mention of any of my comments that were very important. And I understand the problem that you had with that. When I go to the original draft, there's a number of "Rob: I just want to go on the record...." I know what came after that, but it's not there. Is this something that we go back to the recordings of to do?

Ms. Buck: I'm really in a tough spot with these, and why these have never been fixed, is that the original tapes were lost. That original draft that I printed out for you, that is the only record I have.

Mr. Hoover: So we don't have any back-up

Mr. Moultrie: May I make a comment Mr. Chairman. A lot of this is not immaterial, but the real important things are the votes of any decisions. All the rest of it, I won't call it rhetoric, but it's discussion, it's this and it's that and a heck of a good record if you happen to need it for litigation. However, under law, I would say that the most important things are the votes, and if we agree with the record of those, go with that and forget about trying to do the rest. Now, without the verification of the tapes you are only making an educated guess, and I'm uncomfortable with that.

Mr. LaCortiglia: It's my understanding that even if you don't approve the minutes, these are the minutes. If someone requested these of you right now, these are the minutes.

Mr. Moultrie: So do we just want to let these go into the record as they are?

Mr. Howard: I would honestly like a chance to review them. I don't want to be a stickler, but I was here, and I would like to take a look.

Mr. Hoover: We will review these minutes at the next meeting.

Mr. Howard: I would just ask that on the schedule for the next meeting, that you put that we are reviewing these minutes, so that will remind me to review them.

Ms. Buck: I definitely will. My main concern is that there are not inaccuracies in there. That you don't read anything and say, that's wrong.

Mr. Hoover: My biggest concern was on that Little's Hill paragraph that I went on record with several important points. I have them in my notes, but I know that's not sufficient for minutes. So let's move on.

Mr. Howard: So where are we with the August 9, 2006 minutes?

Ms. Buck: I thought we'd hold off on that. We would hold an executive session at the end of the meeting to discuss an issue that's come up.

Mr. Hoover: Can you fill us in on this?

Ms. Buck: Yes, I had a problem with the minutes and I spoke with Robin and she was going to come tonight and take minutes and we reviewed how to improve them and different methods she could use to help her recreate them after the meeting such as listening to the tapes or watching the DVD if she preferred. She was intending to come tonight, but Hugh, on his way in today, received a note from her outside the door that he brought to me that said that she decided that perhaps it would be better not to come tonight but to do them from tapes afterwards. I'm quite uncomfortable with not having approved that before the meeting.

Mr. Moultrie: I would suggest Mr. Chairman that we discuss this in executive session.

Mr. Hoover: Then let's go to the end of the meeting with that. Let's look at vouchers. We have the one page?

Ms. Buck: You have two pages: the August 9th and the August 23rd cover sheets. To bring you an update on the Millennium invoices that I know have been a concern over visiting idle sites, I have written a letter in May, and now I've written a follow-up letter in August that you will see in your packets next month, about which sites are active and permissible to be reviewed. In fact, if he needs to go to any site, there is no problem, but he needs to call me and make sure it's okay and that we have a handle on where the inspections are taking place. I have tried to get the Board and the Inspector on the same page where we don't miss inspections, yet do not needlessly visit sites. All the bills you see in front of you are ones I thought could be reasonable for inspections. I've held about seven invoices and asked him to reconsider.

Mr. Moultrie: I just don't understand what ever happened to the procedure that's in the Subdivision Regulations that the developer, when he's at a certain point in the subdivision, he's usually the one who triggers the inspection. The inspector then comes on the site, or if the roadbed for example is being prepared, then he might be on the site for six hours/day for a week or two. But I just don't see why we have inspections at these sites where no new work is happening, unless we have an issue – erosion or something like that. It would be hard to justify charging somebody six, seven hundred dollars for what I feel is a minimal amount of return for their money. What is he doing there if there is no actual work to inspect?

Mr. LaCortiglia: If no work is going on, what do you report?

Ms. Buck: According to our inspector, he said the previous planner liked to have the subdivisions checked every two weeks, to make sure nothing was going on. There was a lack of trust in the development community there, and she wanted to have feedback that things really weren't active.

Mr. Moultrie: I don't recall that. What could be going on in the middle of February?

Ms. Buck: I agree. I spoke with the subdivision inspector last fall, and inspections were supposed to be on an on-call basis and we have a written record of that. But I have had a difficult time being perfectly clear. I have had a hard time having the subdivision inspector understand what I am saying and he is extremely willing and interested in working for the town. So what I finally did last month was say these are the three active subdivisions period, and I don't expect to see inspections on anything else. And then I got a set of bills a week ago that had inspections on subdivisions that were not part of those three. So I wrote a further letter saying I'm disallowing those invoices because I have been very clear. But what has been difficult all along was to be completely blunt so that I could be completely certain what he was doing was contrary to what we had asked.

Mr. Moultrie: Well, I think the bluntness should be like this. If you go in there and you don't have approval from this Board, you go in there and do whatever you want to do but you're not going to get paid for it.

Mr. LaCortiglia: What if it's Thursday, what if it's Friday? He's not going to be able to get approvals then.

Mr. Moultrie: He's our eyes and ears out in the field. And if there's an issue, he can get hold of me anytime. He knows how to get hold of the Chair. And I would think that this Board would not have an issue if there was an emergency and he visited a site.

Mr. Hoover: It would be very clear in the report that followed thereafter that it was necessary for him to inspect.

Mr. Howard: There shouldn't be emergencies. If he knew there was a problem, he should have called Sarah on Wednesday and gotten permission.

Mr. Moultrie: We want a level of service that protects the Town, but we don't want an abusive situation here either.

Ms. Buck: My discomfort with this is that I don't understand why it has taken so long to clarify this. Now I am comfortable that I have been crystal clear. In November, I did sit down and we went through those ten months of invoices that had stacked up, but I must say our focus was on sorting out the old invoices, what was reasonable, what was not. We worked out some considerations for some people when it seemed it was excessive for just this sort of reason. And then the winter was inactive and we didn't see much billing.

And then when it started up this spring, the May rains, it was hard to argue with that. It seemed a great idea to have someone check all the subdivisions. But I was very clear at that point that that was just May. But then we got a whole slew of June invoices for the same subdivisions and that wasn't acceptable. And that's when I wrote a letter saying we would expect Millenium to withdraw seven of those invoice.

Mr. Hoover: Have you heard back from them?

Ms. Buck: I didn't. Then I called them, and they were not in, so then I sent this second letter. It's possible that they don't want to continue working for the Town, and I have considered that possibility.

Mr. Hoover: I believe you've been clear about this for awhile now. And I am comfortable with the invoices you have disallowed, and we can move on.

Mr. Howard: Our primary function is to look out for the Town, but we want to be fair to the developers as well.

Mr. LaCortiglia: Sarah, are you comfortable with these?

Ms. Buck: yes.

Mr. LaCortiglia: Motion to approve the Bills Payable on the August 9, 2006 and the August 23, 2006 invoices as submitted. Mr Howard seconds. 5-0 in favor.

Correspondence reviewed.

Other Business:

Yield Plan Definitions

Mr. Howard: I've been having a problem with these yield plans; for instance Parish Road. I understand we can't make a decision based on what another board will do, but yield plans are under our jurisdiction and don't depend on what another board will or will not do. Maybe we should consider the probability of another board approving or not approving when we're talking about yield plans. If we think there's reasonable doubt that ComCom or another board will deny a crossing or whatever it might be, why can't we consider that in the yield plan?

Ms. Buck: Yield plans only refer to OSRDs. We want to encourage flexibility in the design process to get better subdivision designs. OSRD is a helpful tool when an applicant doesn't want to go the normal subdivision route. You should vote on the yield plans based on whatever you think is or is not reasonable.

Mr. LaCortiglia: We can't second-guess another board. We ought to be able to read their regulations and where they've specifically forbidden something, we should assume they won't grant a waiver.

Mr. Howard: If the yield plan is presented as something high-in-the-sky and unreasonable, we need to bring that down.

Mr. Hoover: I think the board tries to do more than it has to. It's up to us to make the plan somewhat reasonable, but it's not our place to go to ComCom to go figure out if it's reasonable or not. If the applicant disagrees with our decision, it's up to them to prove us wrong. We don't need to make an incredible amount of work for the board.

Mr. Hoover: We've talked about this issue for ten minutes. How do we want to end this?

Ms. Buck: I think this conversation has been helpful itself.

Board agrees that they all agree with what they've heard.

Littles Hill Sign Issue

Ms. Buck: He has not submitted drawings and there's no engineering certification on that sign. It was built as a retaining wall system when it should be a standing wall system. I don't think it will stand for more than a year or two. It's not a big money issue to rebuild the sign, so let's just rebuild the sign. All I want for follow up with the board is what the board wants me to do after the sixty day period is up.

Mr. Howard: I think that withholding occupancy is our only route.

Mr. Hoover: I would follow through with that as long as I know that this is a serious thing.

Ms. Buck: I would be hesitant to do that with the residents living there but I wouldn't mind withholding renewing the building permit.

Mr. Moultrie: Send the man a letter telling him about the repercussions if he doesn't get the drawings.

Mr. Hoover: He still has the opportunity to bring us the drawings that show us that the sign is structurally sound.

Mr. LaCortiglia: My notes read that on June 28th we extended his subdivision permit for two years contingent upon receiving shop drawings within 60 days.

Ms. Buck: So as of Monday, the subdivision permit has, in fact, lapsed. I will send him a letter informing him of that, with copies to the Building Inspector and other relevant Boards. He will have to come back and get an extension of the Subdivision Permit.

Mr. Moultrie: Should we notify the bank that this has been suspended, whereas there is a third party agreement, for noncompliance.

Mr. Hoover: I think we do, Jack.

Ms. Buck: Okay. So Monday I'll send that letter and copy the Building Inspector and the bank. And I'll also send it certified.

Simmons Environmental – Railroad Avenue

Ms. Buck: I just want to let the Board know that I have reviewed the report. I see that there are six or seven action items. It turned out Bob Grasso hadn't received his copy yet. So I intend next week to follow up with him on how to get the information that is still outstanding. I know you want to have a more in-depth discussion at some point, but it might be better to wait until we have information from the applicant. There is no activity on this site as of yet.

Mr. Howard: The report was excellent. We still have the issue of how much time Simmons will be required to be on site, but that's an issue for another day.

Ms. Buck: And there's clearly more LSP work required on that site.

Building Height at 255 East Main Street

Ms. Buck: I spoke with the Building Inspector. We approved the building permit for that lot in April, and that permit was issued before the new height amendment was put in effect.

Mr. Hoover: I still have a question of how that building height was determined, even under the old rules. So would Ms. Buck please write a memo to the inspector asking how the height is determined.

Master Plan

Ms. Buck – Mr. Crosby came into the office to tell me he would be happy to help fund the Master Plan. We made an appointment for a meeting in a couple of weeks to go over the issue.

Mr. Hoover – We need to find an outside consultant to head this up. The Planning Board and public don't have the time or resources to do it.

Ms. Buck – Defining the scope of services will be tricky. I was looking to see what was missing before we could complete it – there are 9 requirements and we have 6. There has been discussion about making this a more detailed study, so I wanted to get your feedback on that.

Mr. Hoover – So you will go back and look at those 3 missing issues. We also need to know more about the process we need to go through to get it complete.

Ms. Buck – Having looked at many Master Plans and been involved with others it seems each community comes in with the same sort of comments – more open space, more walking trails, traffic is a problem, not enough economic development. So there are things we know. So how do we look at this and get something useful? Which areas give us more information that show us our needs more clearly.

Mr. Howard – There are good concrete things that can come out of it but you have to get it done first.

Ms. Buck – We also need an Implementation Plan. What are the things we want to pursue over time? Do we want mixed use in the downtown?

Mr. LaCortiglia – Could we have a short, sub-meeting of this board to discuss it? We're also updating our Open Space & Recreation Plan in town. We're also looking at the Land Use element as part of the mapping project. We're really getting close. I think it's more like two sections we need to do – the OSRP will address many of these already. When we pull those two out we can see that we are really close.

Mr. Moultrie – That's right, there is a lot of existing information that could be pulled together for this. It may be wise to have Alan Macintosh come when we're going to discuss this. He can bring us all up to speed on how this all works.

Mr. Hoover – That meeting should be open to everybody.

Mr. Moultrie – It would be a public informational meeting.

Mr. Hoover – Let's get Alan Macintosh and Mr. Crosby to attend. The goal would be to define what's left to do and the history behind it.

Mr. Moultrie – This board adopted a Land Use Plan as an element of the Community Development Plan. I'll bring that in.

Attendance at Public Hearings

Mr. Hoover – There is a new law regarding our attendance at public meetings but it has to be adopted by the town. Until it has been, you need to attend meetings in order to be able to vote.

Wireless Communication Facility Downtown

Mr. Hoover – I would ask Sarah to go to the ZBA to let them know we have a question about the health, safety and well-being of the project. We know you can't prove it but

they can have the applicant pay for outside consultants for monitoring over a period of time. This is going next to someone's house, it's not fair to them that this variance should be granted. It's just for us to say that we're aware of the situation.

Mr. Moultrie – It seems right that they should hire a knowledgeable person to report on the possible effects on this neighborhood. We are concerned though we don't have any authority in this case.

Mr. Hoover – The FCC did a report measuring the effects, but that's not from an independent source.

Ms. Buck – Did you already review our special permit for wireless communications in our zoning? Does it specify minimum setbacks?

Mr. Hoover – Yes, it does and that's one of the variances they need. It doesn't meet our zoning anyway.

Mr. Moultrie – That property is not taxed, as a religious facility. So how do you have a tax-exempt facility and a commercial facility on the same premises? And does that commercial use come before us for site plan review? This board should have a chance to review it. It is an important income for the church who face large expenses for maintaining their spire.

Continued Public Hearings 8:00 p.m.

Parish Road OSRD Concept Plan:

Mr. Brassard: At the conclusion of the last hearing, we were asked to resubmit a version of the yield plan that eliminated a secondary stream crossing. Since then we have submitted it, and received comments back from the planner and some other people. This is essentially what has been presented. It is an 11-lot yield plan. It would require some waivers, but we feel it is a feasible, maximum yield from a conventional subdivision on this property.

Ms. Buck: As a yield plan, this was much closer to what we thought was permissible. Looking at each of the lots, what keeps coming up for us is conservation issues. As you know, we have difficulty making judgements on what would or would not be accepted. At this point, I would prefer not to question various lots on the yield plan, because it is at least close enough, that we know what we're talking about out here. At this point, it is really the reasonable judgement of the board. The biggest question from conservation was whether a common driveway could cross from Parish Road into the field. One last piece is where we are going with this. The Board has a yield plan for a conventional subdivision plan, an OSRD plan, and also an independent senior housing plan. At this point I believe the applicant is looking for some guidance from the Board as to which plan they favor.

Mr. Hoover: Is that an accurate assessment, that that is what you are looking for tonight?

Mr. Brassard: I believe that is what we have assumed in the overall purpose of the OSRD concept plan filing all along. We have already presented that our preferred option is some sort of senior housing project for that property.

Mr. Graham: I looked at it not so much in detail, but along the lines of the three plans that were presented. My opinion after looking at those three plans as to how I would rank them, how they fit the property, the community, and the bylaws. And I ranked them in order of preference: the yield plan, the OSRD plan, and lastly the independent senior housing. I went on to say in my report to the Board, that I took their 11 lot yield plan, that if there were a public benefit, such as conservation restrictions on part of the land, then perhaps the Board could consider for that public benefit an add-on to density. That might get him closer to the count that he had on the open space plan which was 16 lots. So perhaps 13 as opposed to 16. To me, when you look at the open space plan, there is more roadway, housing within the loop, and seemed to close up on the property versus the conventional plan. Lastly I thought that this property was unsuited to independent senior housing. This is about as far out from the center of Georgetown as you can get. It is not served well by Georgetown roads. Georgetown will have the housing, Newbury will get most of the traffic. It is far from the commercial center. I felt the applicant in addition to bringing in a revised yield plan, had asked the Board for an opinion as to what is most suited to this property. I have offered that opinion to you.

Mr. Hoover: We will turn now to the planning board for comment. Jack?

Mr. Moultrie: Just that at this point the conventional subdivision looked the most reasonable. Also we have a letter here from the DPW Director in Newbury. He raises concerns about the width of the roadway, the construction of the roadway. There are a lot of issues there that need to be looked at very carefully.

Mr. Howard: When we asked for an OSRD proposal I think we want to see something where a little more effort was put in to making it attractive, not unattractive. I think that's part of the exercise we asked you to go through.

Mr. Brassard: We focused on the criteria in the regulations, specifically in relation to the buildings and the site. The relation of the development in relation to the features of the site and the environmental resources that are present on the property.

Mr. Hoover: Do you think that's your best shot at an OSRD?

Mr. Brassard: I wasn't the alternate designer of this layout so I wouldn't want to say, but possibly not.

Mr. LaCortiglia: I just want to comment on the whole concept of OSRD. We have an engineer here who is interested in meeting "the numbers". While that may work and fit in the bylaw the OSRD concept is more than just fitting the numbers. OSRD means that

there is an actual willingness on the part of the owner to minimize the impact but still have the benefit of one's property. That's something that is difficult to legislate. It's something the owner either wishes to do or doesn't wish to do.

Mr. Hoover: I'm curious as to who did design that?

Mr. Brassard: Some of our group, based on the architect's and the landscape architect's site analysis. In all honesty the purpose of this exercise was to see if we could generally meet the design criteria that's presented in the bylaw and achieve maximum density. That was the purpose of this exercise.

Mr. Hoover: As one member, I've always thought of OSRD plans from a Planning Board member's perspective as the best shot at not just the numbers. It's a hard position if this is what's being presented.

Mr. Brassard: The other goal we were trying to achieve was to show that the senior housing design that was developed could meet the criteria of the OSRD process. As that's the preferred option of the applicant that's where the emphasis was placed. The same features of that layout and development could be expressed in a similar OSRD project. I don't think the overall disturbance to the site would be any less with this project if it was modified to suit the aesthetic purposes of the bylaw relative to the senior housing plan that was presented. There are a lot more units, more pavement, more buildings, all which would be mitigated in certain ways. Some of the major aspects of OSRD design criteria are still being met through the design with the architecture, through the stormwater management systems, through the building placement relevant to the open space, through the access to the units. That's really where the effort was placed in this process. We really decided that this was the project we wanted to put forward. I think the applicant and the design team really have been under the impression that the focus of the remainder of this public hearing application process was going to be some derivation of site impact and unit density, and what would be an acceptable density to the board for a senior housing project. We've been through several meetings together and that's been my impression that these were the issues left on the table. We're surprised that the board is saying that a conventional sub-division would be preferred. That's why we're still presenting this plan and that the focus has been on the senior housing plan.

Ms. Buck: I'm surprised to hear that you're surprised at the Planning Board's reaction. I don't think there's been any indication to encourage ISH at any point. That has been totally clear all along. The yield plan that we've been looking for from the very start has been to look at what this land would yield under a conventional sub-division. Something that came up regarding ISH recently is that our bylaw does limit ISH to a maximum of 25 units unless there's an additional affordable component. What that speaks to is what the town was worried about when they put the bylaw in place for all special permits – that's neighborhood character and the character of the site. That's what we are all reacting to. We have this very rural area of town on the border of Georgetown and Newbury then they put 50 homes on one lot. That feels out of character to most people. It is relevant when the applicant talks impacts because we all care about increased traffic and we care

about how much sewage is coming out of these homes. I bring this up because I feel that that 25 unit maximum, and we raised the minimum affordability for ISH to be 20% across the board. So there is actually no benefit in the bylaw to exceeding the 25 units. This is a starting point for the board in considering ISH vs a conventional. Then the applicant can go back to see whether he wants to think about OSRD more seriously. It's very difficult right now to make a judgment regarding OSRD vs conventional because we never really got an OSRD design.

Mr. Howard: I agree.

Mr. LaCortiglia: Is it a waste of time to do that? If the applicant doesn't want to go forward with OSRD then let them go ahead with ISH if that is their preference. We're not in the spirit of OSRD in this proceeding. It doesn't make any sense to me to continue with that.

Mr. Howard: We're not in the spirit as it has been presented.

Ms. Buck: I think it would be worth indicating to the applicant whether he should pursue the ISH so the applicant knows whether he is going to go off and do an ISH plan. Whether or not the board would consider that and under what conditions. I think it's very important to give them that guidance.

Mr LaCortiglia: It seems we're asking for more OSRD when it's clearly not the preference of the applicant to go OSRD. We know which way they do wish to go which is ISH.

Mr. Hoover: There are two ways we can do this. We can simply give the indication of the board's preference for direction regardless of what they are clearly desiring. There's something to that which is important for the record. If they decide that that isn't what they want to go with then that's the way it proceeds and we respond when it shows up. I think the density issue has been an issue from the beginning that has made a lot of people very uncomfortable. I don't think the applicant has ever made a gesture to the density issue on the ISH, to show that it's been something that's been recognized. This has felt pretty heavy handed. That said, I think the OSRD is a good planning tool and there are a lot of good ways to do it. A lot of love clearly went into this ISH plan, if that kind of effort went into the OSRD it might be a win-win for everybody. What is the current density allowed?

Mr. Brassard: Conventional is 11, ISH is 51.

Mr. Hoover: The other option is to have another meeting on this. Ask them to come back with more information if they want, or not, and to give the board time to think about it.

Mr. Graham: I think one thing that's come out of this open space exercise and the yield plan, is that figure of 11. We've talked about the impact on the land, the impact of the

traffic, the impact of the shared septic. If we send the applicant away tonight saying “OK, we give in” and we recognize that we’ve been pushing OSRD and we’re not going to get it & tell them to bring in ISH, we need to tell them to start with 11. Tell them to look at the ratio of traffic and don’t exceed the 2:1 or 3:1 – whatever that figure is, substantiated by proper documentation. Tell them don’t exceed the effluent, septic flow that you would have at 11 or 13 or 16. Base it on actual usage rather than design or regulatory numbers. You’ve compared Georgetown’s 165 per bedroom to DEP’s 155 per unit, that’s apples & oranges that we can’t use to compare. We need to get that in order – maybe somewhere in between regulatory & actual. Also is the impact to the land itself. You don’t have a good OSRD plan as the target, as how you might do an ISH.

Mr. Hoover – And you do have in the ISH that was prepared, a lot of thought went into the crafting of some of those very tight spaces.

Mr. Graham – What the board is struggling with is sending him away with some idea of the density.

Mr. Hoover – I would agree with that.

Mr. Carter – Looking at Steve Przyjemski’s letter, the roadway would require a waiver as it is within a no-cut zone. I’m assuming that is one of the waivers you would be asking for,

Mr. Brassard – That’s right.

Mr. Carter – It still says the yield plan shows a wetland crossing. It says wetland and river crossings are not permitted, but you’re saying that its already there and would need a waiver to improve it?

Mr. Brassard – He’s also referring to one of the front lots. There’s a wetland that runs along Larkin Road as a result of a drainage channel. We’d need a common drive to access the lots there.

Mr. Carter – As we’re considering how many units could go on this property, Conservation could come back and say No, you can’t do it. Why are we wasting this time when Conservation could come in and change it.

Mr. Brassard – If the Commission denied access to these front lots it would potentially be appealable. In my opinion, through whether a waiver or appeal, it might take a long time to get it but we would probably be successful. That is not a guaranteed statement, it’s a reasonable assumption.

Mr. LaCortiglia – From the Commission’s perspective, if they allowed the crossing in the front then they would not have to allow the crossing in the back.

Mr. Brassard – This isn’t a crossing.

Mr. LaCortiglia – But you would require a variance and they may not allow that under the local regulations. They would not be depriving the applicant of the use of his property, just applying the regulations.

Mr. Brassard – Each crossing gives access to different parts of the site.

Mr. LaCortiglia – Yes, but denying access to the back would not deprive use of the property. If it went to court you'd have to wait 2-3 years to find the answer.

Mr. Howard – Does the Parker River flow through that property?

Mr. Brassard – No, Wheeler Brook is a tributary to the Parker River which flows up to the East of the site.

Mr. Howard – Is all water on the property shown on that drawing?

Mr. Brassard – Yes. Wheeler Brook is to the south & east. Larkin Brook is a tributary to Wheeler Brook, flowing across the site. Both of these are considered perennial streams. This is all riverfront, except the front section.

Mr. Carter – What's the advantage to Georgetown to have a 51 unit development over an 11 unit sub-division on this property? If it were up to me I would go with the 11 in a heartbeat. Why is it that there is such a huge difference between 51 and 11.

Mr. Howard – His point earlier was that the senior housing contributes a higher tax revenue vs houses with children. That would exceed the tax receipts.

Mr. LaCortiglia – Are we continuing this because it's an OSRD concept plan?

Ms. Buck – We are in receipt of plans which have not yet been distributed as the applicant has been waiting for this meeting re. ISH. I told the applicant it was premature as it is obviously coming in at a density that doesn't reflect any comments or any input from the process. Even though an applicant can decide to "go for it", I think as a board I would recommend that you be as clear as possible on where you stand. It's a lot of time & expense to go through an application process. If the board isn't in favor of it the board should say so. I think the board should consider saying what densities they are looking for. Before we see the OSRD plan we can close the public hearing with a recommendation as to what we would like to see the applicant do. The debate between ISH & conventional has been so heavy I haven't seen an OSRD plan and I really want to see that. It would be interesting to hear each board member's opinion & see if there is any consensus.

Mr. Howard – I feel we haven't seen an OSRD plan. What I see is not acceptable.

Ms. Buck – If he was really talking yields tonight, he might say he was going to come back with a 16-unit special permit. You would never approve the OSRD we saw up there tonight, in fact he hasn't designed an OSRD yet. You would be saying that you would like to see a real OSRD. Or you might say the 2 common driveways on the conventional plan are not in keeping with the character of Larkin Road. If the rear lots were pulled away from the wetland areas, you might say you like that. Or, if you were going to go with the ISH you might say you want to go with what Mr. Graham recommended, as a multiple of the yield plan; or stay with the 25-unit maximum; or say you don't like anything you've seen of the ISH and it isn't what this neighborhood is looking for.

Mr. Hoover – One way to look at it is the way Mr. Graham talked about it. We asked for a baseline yield plan, which we now have. We didn't have that before. All the related components that go along with that 11-units – whether it's septic, traffic, or environmental impact – there is a baseline on the table and step one would be for the board to acknowledge it. Step 2 is whether it's an ISH starting at 25, or looking at the development issues of septic etc based on the yield of 11. Whether it's conventional at 11 or ISH, I don't have a strong view one way or the other. The baseline development issue is what I'm more attracted to. I agree with what Mr. Graham was expressing.

Ms. Buck – We should have a vote on the OSRD as this is a public hearing. The OSRD bylaw says the board votes on whether the applicant should go for OSRD or conventional. But we have to include ISH as well as it's on the table.

Mr. Hoover – As a Planning Board member there's no question for me that OSRD is the way to go, but the one that's up there is not the one I would want to go with.

Mr. Moultrie – I think they only need to go away with the baseline.

Mr. LaCortiglia – I was concentrating on the OSRD and not on the yield plan. I am not in agreement with the 11. I would like to go back to comments made by Ms. Buck about the reasonableness as well as comments made by the Conservation Commission. I apologize for not looking beyond the OSRD but I can't agree with that number of 11.

Mr. Moultrie – What do you think is a reasonable number?

Mr. LaCortiglia – For the layout I'm seeing, I think it is more like 8. It seems reasonable to me because I was on ConComm and I am weighing some things that are important to them.

Mr. Hoover – Let's take one step at a time. Would the board be willing to take a vote on the yield plan at 11? You can vote yes or no, just to move it along. If we can't then we will have to move this to the next meeting.

MOTION to continue the hearing to Oct 11, 2006 – Mr. LaCortiglia / no second.

MOTION to accept the yield plan as presented at 11 units – Mr. Hoover / Mr. Carter / 4 Aye, 1 Nay.

Mr. Howard – I don't agree with it but I'll leave it in the hands of the ConComm to change it.

Mr. Hoover – We are left with the original goal of trying to provide direction. That vote would be our direction and the discussions we have had do provide direction.

Mr. Howard – If I saw an OSRD plan I liked I would go with that, but I don't. It's just not good use of the land. I would suggest you put more effort into the OSRD or just go conventional.

Mr. Hoover – For the record I want to say that I absolutely fall into the OSRD camp, but not that one.

Mr. LaCortiglia – I'm ready to close the OSRD hearing & to make a motion for that. It doesn't seem as though they want to put forth an OSRD. But I guess we just have to go through the motions.

Mr. Hoover – Yes, we just have to move this forward with the information we've given them.

MOTION to close the OSRD hearing and make a recommendation to the applicant that the OSRD as presented is not preferable in this instance – Mr. LaCortiglia / Mr. Carter / 5 Aye

Whistlestop Estates

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

Ms. Buck – We did not receive revised plans from the applicant. I called their engineer about 2 weeks ago and called again last week. The applicant came into the office today. They say they are moving slowly because they don't know what kind of yield they have on the property. I believe they were going to ask a landscape architect to site 5-6 houses sensitively on the site and then come back with a proposal. They were going to address the public benefit of the project, perhaps offsetting their proposal with a donation of some of the land to the town. This is only a concept plan, I think we should give them one more shot to come in with a plan we like.

Mr. Moultrie – I am really not happy with this whole situation. It was rude and disrespectful of the applicant to wait until the last minute to say they weren't going to show up. We have a heavy workload and can't afford to waste a meeting slot like this, other applicants could have had that slot. There is a serious waiver associated with this – the length of road – which we have to consider seriously.

Mr. Hoover - I am absolutely of the opinion that we should not extend this hearing. They have not submitted materials or requests for continuation in the timeframes we require.

Ms. Buck – If this were closed now you would be voting to deny the concept plan and they would have to come back in with a new filing of a different proposal.

Mr. LaCortiglia – Do we want to give them one more chance to come in?

Mr. Hoover – I don't. We are struggling as a board with overload of information coming in.

Mr. Moultrie – The town is not supporting us, we have asked for changes but they have not come forward with them. If they want us to protect the character of the town they will have to support us. If this results in legal action then so be it. We're drowning under the weight of work.

Mr. Howard – The applicant can re-apply. We don't have time to get them back in here.

Mr. Graham – You could waiver his re-filing fees if you prefer.

Mr. Howard – Yes, but we've spent a lot of time and money on this.

Mr. Hoover – If we deny the application and don't waive the fees then he goes back to the drawing board and re-submits when they're ready.

MOTION to deny the application as presented for Stone Row – Mr. Howard / Mr. Carter / 5 Aye.

MOTION to close the public hearing – Mr. LaCortiglia / Mr. Howard / 5 Aye.

EXECUTIVE SESSION

MOTION to enter Executive Session for discussion of executive session minutes and personnel issues and not return to open session – Mr. LaCortiglia / Mr. Carter

Harry LaCortiglia - Aye

Tim Howard - Aye

Rob Hoover - Aye

Hugh Carter - Aye

Jack Moultrie - Aye

August 23, 2006 Planning Board meeting adjourned at 11:00 pm.