

**MEETING**  
**GEORGETOWN PLANNING BOARD**  
**Memorial Town Hall**  
**Third Floor Meeting Room**  
**September 13, 2006**  
**7:00 P.M.**

**Present:** Mr. Rob Hoover, Chairman; Mr. John Moultrie; Mr. Tim Howard; Mr. Harry LaCortiglia; Ms. Sarah Buck, Town Planner; Ms. Laura Repplier, Recorder

**Absent:** Mr. Hugh Carter

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

Approvals:

Minutes – 5/11/05 and 8/10/05

Board members invited to submit their changes to the minutes.

Mr. Hoover – Whatever is on the agenda for the night, that information should be in the packet for that night.

Ms. Buck – The minutes were in the packet last time but weren't voted on. If I receive subdivision plans early I hold them, unless I think the board wants to look things over in the meantime. They won't be in the packet for that evening but you will have had them beforehand. I also give a summary, in the order of the agenda.

Mr. LaCortiglia – I am abstaining from the vote on May 11, 2005 as I was not on the board at that time.

**AUGUST 10, 2005 MINUTES**

Mr. Hoover – The one that was important to me was August 10, 2005 re. the Littles Hill entry sign. The first copy is the original draft. This copy is a second draft. Items were talked about that were very important for the written record. Some was deleted from the original draft & should be in the final draft – not changing anything but added. Items from the discussion about the Littles Hill sidewalk sign should remain and not be deleted. When you compare the original draft with the final draft of edits, I added asterisks by the paragraphs that needed to be included. On page 2 of the original draft there are 6 individual sentences that should be included. “Rob - I take exception ...”; “Craig – this all stems from ...”; “Jack - Schedule him for another time ...”; “Rob – I want to go on the record ...”; “Mr. Rich - People make mistakes ...”. All these paragraphs need to remain in the minutes, it's all part of the written record.

Mr. Moultrie –The minutes pertaining to the Georgetown Shopping Center are a total mess – that’s the Georgetown Shopping Center request for consideration on August 10, 2005. The votes taken at the meeting are the most important thing to be recorded. State laws says they need to be recorded.

Mr. Hoover – Where it says “Rob – He is OK ...” that needs to read “Rob – He is OK with this new plan IF the engineers are”.

Mr. Moultrie – With this situation here just keep the upper paragraph & the votes at the bottom.

Mr. Hoover – Before we vote I can give you my notes on the original & final drafts. One other item about the minutes, I have handwritten notes from that meeting with bullet items & and outline. I would like to enter them into the record as to what we discussed:

Little Hill Entry Sign, August 10, 2005:

- Challenges our jurisdiction.
- Existing sign is uniblock not stone.
- Expressed to him that we understood the Conservation Commission (GCC) said no to stone so they needed to come back to us with an alternative design.
- He said the sign had been built as approved but it has not been.
- I’m not OK with stone and the replacement uniblock. The whole sign is not OK.

Can you all confirm the spirit of that discussion? To record that that is what we talked about and enter it into the record.

Mr. Moultrie – I will add my notes re. the block discussion with your changes.

Mr. Howard – I’m fine with that, that is the spirit of what we discussed.

Mr. Moultrie – Me too.

MOTION to accept the minutes with the changes as discussed & handwritten notes of chairman pertaining to the August 10, 2005 minutes & Little Hill sign to be entered into record – Tim / Jack / 3 Aye, 1 Abstain (Mr. LaCortiglia, as not a member of the board at that time)

### **MAY 11, 2005 MINUTES**

Mr. Howard – I don’t have any significant changes.

Mr. Hoover – I don’t have any significant changes either.

MOTION to accept the minutes of May 11, 2005 as edited by Ms. Buck – Tim / Jack / 3 Aye, 1 Abstain (Mr. LaCortiglia, as not a member of the board at that time)

Mr. LaCortiglia – I have a question about the August 9, 2006 minutes. When will we be seeing them?

Ms. Buck – We are having to do both August 9th & 23rd from DVD recordings.

Mr. LaCortiglia – Do we need to deal with the Executive Session minutes in Executive Session?

Ms. Buck / Mr. Moultrie – Only if there were changes.

## CARIBOU COURT

Rep: Nelson Tidd, Owner

Mr. Tidd – I am requesting an extension due to the results of the Superior Court case where they ruled against us in favor of the town. We are appealing, as is the town. Our attorney says the process will take a year or two. I am requesting a 1 year extension initially & then we will have a better idea of what is happening and what the schedule might be.

Mr. Howard – I thought we already granted an extension?

Mr. Tidd – Yes, you did, until mid-Oct for 90 days.

Mr. Moultrie – Didn't you say you thought you would prevail then?

Mr. Tidd – Yes, I did & we're still optimistic so we would like to go forward.

Mr. Moultrie – Should we get advice from counsel on this, on what the situation is?

Ms. Buck – We did when first heard the application. The question was also whether he should be in front of us at all? Counsel said that as the matter was unrelated to sub-division approval it was appropriate for the Planning Board to hear it. In land use law "tolling" says that if the applicant is held up through no fault of their own they can be granted more time. They are normally given 2 years to complete but if they are held up through no fault of their own they aren't held responsible for not meeting the 2 year deadline. That's pretty consistent through all the court documents I have read.

Mr. Hoover – Was that a written document that was given to us by Joel Baird?

Ms. Buck – Yes.

Mr. LaCortiglia – Yes but the permit had expired & we were being asked to extend after that expiration. (Gives copy of decision.) This case has been closed. The land is unquestionably part of Lufkins Brook Conservation Area. The court was very clear on it. Mr Tidd has the right to appeal. It's up to the Superior Court. It could be another 15 years of appeals. Should we extend for that long?

Mr. Moultrie – When does this expire?

Mr. Tidd – The end of October 2006.

Mr. Hoover – We already have the extension in place, let's go with that & get information from town counsel in that time.

Mr. Moultrie – Continue until December to give counsel time to respond?

Mr. Hoover – I have no objection to that.

MOTION to deny the extension – Mr. LaCortiglia /

MOTION to extend the current sub-division permit for Caribou Court to Nov 1, 2006 – Mr. Moultrie / Mr. Howard / 3 Aye, 1 Nay (Mr. LaCortiglia)

Ms. Buck – The meeting that month is on November 8th, we will need to decide on October 25.

Mr. Tidd – Can I get on the agenda?

Mr. LaCortiglia – The land in question, as has been decided by the court, is owned by the inhabitants of the town as part of Lufkin's Brook.

Mr. Moultrie – Has the court ordered them to relinquish their claim on the land?

Mr. LaCortiglia – The court has said that it was our land & has said to return the back taxes.

Mr. Moultrie – He can continue this until his legal rights have been exhausted, until the appeal has been decided.

Mr. LaCortiglia – Town has appealed the award. The court says the land belongs to the town.

Mr. Hoover – I have no reason to not believe what you say but I want to make sure we take legal advice. What's to be lost by staying the course for a couple more months?

### **ZONING AMENDMENT RE. MULLIN LAW**

Ms. Buck – This relates to an act made effective by the state legislature in August 2006 – there was a court case where the vote was cast out as not all Planning Board members were present at all public hearings. Since then, the legislature said that a member could miss one public hearing providing they read the minutes & catch up. Shall we take that to town meeting?

Mr. LaCortiglia – I'm very much in favor of this going to town meeting.

Mr. Moultrie – The Selectmen have indicated that there will be no zoning amendments at Fall

Town Meeting unless they are done by citizen petition.

Ms. Buck – This is just procedural so I'll ask them if it can be included.

Mr. Hoover – Do we want a motion to that effect?

Ms. Buck – The concerns of the Town Administrator's office is getting the information early enough for the warrant. We need time to hold the public hearings.

Mr. Moultrie – This isn't a zoning amendment. We're adopting state law. We don't have to have a hearing on that – it's just procedural, as is state law.

MOTION to send the amendment to the Selectmen to request adoption of Chap 39, Sec 23D (Ch 79 of the acts of 2006) of the MGL– Mr. LaCortiglia / Mr. Moultrie /5-0 in favor.

Mr. LaCortiglia – Are we bringing zoning amendments to Fall Town Meeting? I have a draft of proposed amendments. (Distributes list.)

Ms. Buck – With zoning amendments I have a wish list from Mr. Hoover & Mr. LaCortiglia. We should have a meeting to discuss the different ones & where we want to go with them. These are important & should be discussed fully.

Mr. LaCortiglia – We have to have a public hearing anyway.

Mr. Hoover – This is one of the most important goals we have as a board. I would be willing to come together for another business meeting as we have so much to talk about. This is so important it needs all our focus & attention.

Mr. Moultrie – I agree.

Mr. Howard – I agree.

Ms. Buck – Is this for Spring Town Meeting?

Mr. Hoover – Yes, we can't miss annual town meeting.

Mr. LaCortiglia – This should be into the Town Administrator early for counsel review, in January.

Ms. Buck – He wanted them in March last year.

Mr. Hoover – Let's wait until December. We won't miss Annual Town Meeting in any way. This is too important. In 2007 we will schedule business meetings to discuss it.

Mr. Moultrie – Any other discussions as well can be added.

## **STREET ACCEPTANCES**

Ms. Buck – We have talked about street acceptances. Some sub-divisions are completely done, like Acorn Way, and have asked us to refund their bond but we can't until we accept the street. On Forest St, the GCC is close to acceptance. Pillsbury Lane is too far away. We could have a hearing for Acorn Way & Forest Street. Maybe also Long View Way. A citizen has been petitioning for acceptance of Long View Way for a year. There is a \$20k bond on that street. I would like to request the advice of counsel about taking the bond to finish what needs to be done to accept it. This is a fairness issue.

Mr. LaCortiglia – The bond is for just that, to complete outstanding issues.

Mr. Moultrie – Is this a bond or tri-party agreement?

Ms. Buck – They posted cash at the end. It was a tri-party originally. We have \$20k sitting in the town's account to finish the sub-division.

Mr. LaCortiglia – Are there problems?

Ms. Buck – There are a number of problems. Larry Graham did a review and identified the outstanding issues. For example, the island makes water overflow onto the street which causes icing. The catch basin is too high. These are all things that are in our ability to rectify. We could hold a hearing in October to accept Acorn Way, Forest Street, and Long View Way. If we set up a public hearing we could move forward.

Mr. Moultrie – Are we returning money?

Ms. Buck – Only after street acceptance. We are moving forward one step at a time. I have a letter requesting the return of money for Acorn Way. Would you like to hold a public hearing on those streets?

Mr. Howard – The Acorn residents came in to talk to us about the detention ponds.

Ms. Buck – They need to come see us and explain what their concerns are.

Mr. Moultrie – I am recusing myself from conversations re. drainage.

Mr. Hoover – What is the inspector's role?

Ms. Buck – The road used to flood but it doesn't now & didn't in the May storms. I haven't seen anything in writing as a complaint. I don't want to move forward unless I have that.

Mr. Larry Graham – I have gone by a number of times & seen water in the basins long after the rain but haven't seen any overflow. I can't say how long the water stays.

Mr. Hoover – Do you have any suggestions or guidance on this matter?

Mr. Larry Graham – If they are not working as advertised but are not causing flooding across the road then the objective would be to see if it is causing other problems like safety, mosquitoes, standing water too deep. If the board desires you could make a record of the modifications needed for acceptance. Back in the record you will find that I took issue with this – the soil tests were done but I wasn't there & did not witness it.

Mr. Hoover – Let's move on. Let's get information about the 48-hour standing water issue. Is it working as it was designed? If the answer is yes then there is no reason not to accept them in October.

Mr. LaCortiglia – That makes sense. We can't make a decision now.

Ms. Buck – I just need an idea if you want to hold public hearings on October 11<sup>th</sup>.

Mr. Hoover – There is nothing to be hurt going forward like that if the board is comfortable with that & any changes that might need to be made.

Mr. Larry Graham – Do you want me to revisit the street acceptance plans?

Ms. Buck – Yes.

Mr. LaCortiglia – A lot of these streets were permitted prior to my being on the board so it would help if items of non-compliance, incompleteness were outlined.

Ms. Buck – I won't bring them to the board until all items are compliant, and it has all sign-offs with all boards.

### **34 THURLOW STREET**

Reps: Charles Ogden, Design Engineer; Mitch Kroner, Attorney

Ms. Buck – Reads public hearing notice.

Mr. Hoover – We will start with a presentation from the applicant and our Technical Review Agent.

Mr. Mitch Kroner –Phillips Avenue is a proper road, done back in the 1950s with smaller lots than would be allowed today, less than ½ acre. We are looking into issues re. prior use of the property. We are not saying we won't do a 21E - we don't want to build houses on contaminated soil. This point is a preliminary stage, we have not engaged a 21E consultant. As far as we know from the owner at the closing, who owned the property since 1978, they did not store cars there, it was the prior owner, Kneeland. Chief Spencer said he did not recollect any burning of cars. There were some cars stored there, it was not a junkyard as far as Chief Spencer remembered, just a place where people would bring cars and work on them.

Mr. Charles Ogden – This site is located 300’ from the intersection with North Street. There is an existing 4-bedroom house on the property which consists of 4.6 acres. There are 2 pieces - a lot at the front & another lot at the back in contiguous ownership – at 2.2 acres and 2.4 acres each. The front is the front yard for the dwelling, the back is wooded. There is wetland located there with an intermittent stream. The back piece is 60% wetland. There is no Zone II on property, the floodplain is at the wetland line at 70’. The floodplain is marked on the plan. The site drains from the front towards Thurlow & some towards the Eaton property at the east. Most drainage goes towards the wetland. The soils are sandy – testing for septic shows they are very sandy. The perc rate was less than 2 minutes, though some longer in back. The USDA classifies the site as sandy. The utilities include overhead wires at the street, a 6” water main at the opposite side of Thurlow. The project we’re proposing is construction of a court to support 2 lots – one is the existing dwelling (at 46k sf), and another for a new dwelling (46k sf), and a 3<sup>road</sup> lot with frontage on Thurlow (about 44k sf). There is also a non-buildable parcel, Parcel A, and another smaller one, Parcel B – which will involve the easement for the neighbor’s driveway. The lots have been laid out to comply with zoning. There will be 18’ pavement of roadway, with a wide turnaround at the end, and a 34’ pavement radius for emergency vehicles. The entrance to the roadway has a 15’ turning radius, per regulations. There is a 30’ property line rounding on one side, we are asking for a waiver on the eastern side for that property line rounding. The location requires the removal of 2 trees. The sight distance for utilities is 245’ of sight distance for visibility. Drainage for the roadway consists of stone trenches on the shoulder and a stone trench within the drainage easement. The dwellings would have infiltration chambers as well as dry wells to infiltrate the new roofs & existing roofs. The watershed for the proposed development is 2.6 acres discharging to Thurlow, the Eaton property & the wetland. The pre vs post conditions we are proposing gives a net decrease in runoff to those 3 points.

Mr. LaCortiglia – A net decrease? You are infiltrating more from roofs, etc. Why?

Mr. Charles Ogden – Because we’re using infiltrators, percentage-wise makes a big change. We are asking for 4 waivers – Waiver 1) The property line radius at the intersection – providing a 30’ radius on one side but not on the other. We have seen this on other sub-divisions lately. The property line radius would have no design value as the road is so far from the property line. Vehicles will be not turning onto the property as it is so far from the property line. We are looking at another configuration to meet the 30’ on both sides – with the road coming further to the north. That is more dense vegetation-wise. Only 2 trees currently would have to be removed, more if other configuration.

Mr. LaCortiglia – Would an alternative provide more separation between the 2 driveways? Will the end result look like a wide road?

Mr. Charles Ogden – No, it will have a wide grassy strip in the middle that could be landscaped. The abutter property’s driveway is gravel. Waiver 2) To not have a modified Cape Cod berm at the intersection.

Mr. LaCortiglia – Would you have a vertical curb?



Mr. Charles Ogden – There would be no curb. Waiver 3) No hydrant. There is one 320' from the proposed roadway. Waiver 4) No water main as the main would only serve 1 house in the back. We would put in water service to back lot. The 3<sup>rd</sup> lot is not on the road so we would have water service going to the existing main.

Mr. Larry Graham – Reviewed this in the end of July, about the 24th. Not in detail, a cursory review. I will go into more comprehensive review after tonight. My concerns are due to the lot configurations. The lot configurations are non-conventional. This meets zoning requirements though they are contorted. The area / acreage of the lots are all at or slightly over 1 acre. The area up front where the homes are is closer to ½ acre.

Mr. Charles Ogden – Lot 3 & 1 are 15k sf of contiguous buildable area. The front one by zoning definition is 26-27k, Lot 3 is 23k – they are both over 15k sf.

Mr. Larry Graham – By letter of definition in the bylaw I can't find anything contrary – just to make note of non-conventional layout. I want more information re Parcel A and what is happening to it. That parcel might be combined with an abutting property in the future with more convoluted lot configurations? It could meet up with a lot on Phillips Ave – or would it be open space? If you dig deeply into the regulations they suggest that the applicant should disclose proposals for all the land. I don't know if Mr Eaton is agreeable to moving his driveway. The driveway is right next to the proposed road. It could be more appropriate to include Mr. Eaton's driveway as part of the proposed court? It would then become a lane rather than a court as it would be over 2 lots. It would be of benefit to Thurlow Street to take that driveway off. The board could look at considering additional waivers for a lane in return for that. Engineering seems to be quite thorough except for Station 1.10 looks like a low point – is it a sump area without an outlet? I don't like to see that even with good soils that may be there. Didn't see any GCC issues but we have had a letter from the GCC Agent since then.

Mr. LaCortiglia – Can I ask for more information about the drain area you pointed out before?

Mr. Larry Graham - The theory is that it would go in the ground as fast as it comes in but it may drain more slowly.

Mr. Charles Ogden – Re. Parcel A, the original intent was to have the surveyor do this for a another sub-division. But there is no chance of that due to the wetland & intermittent stream separating this lot from ours. The 10' strip is the access to that area, not frontage for a buildable lot. The owners want to sell 1 or 2 lots – whichever one is left would be bought by the brothers & joined with Parcel A. Not adding any development potential. Re. joining the Eaton's driveway to this one to become a lane, if the concern is that the driveways are too close, Lot 1, the existing dwelling, has existing access. We could use that and change the other rather than adding other driveways to the properties. Re. the low points, it is very sandy material there which should infiltrate though we could put in perforated pipes to connect to the trenches for drainage.

Ms. Buck – As Mr. Ogden explained, we're looking at this piece of land, it is 2 parcels next to each other. The rear parcel is simply to provide acreage so the parcels up front can meet zoning,

which is 40k sf. Even though Phillips Avenue is less, zoning has changed to nearly 3 times as big since that time. It is hard as a planner to see the contortions to make these lots conform to zoning. We have dumbbell-shaped lots. Both Lots 3 & 1 have front and rear portions connected by a 10' strip, 160 – 180' long. The residents would have problems identifying the boundaries of their own property in this manner. As a planner I find this is a contrivance of a plan.

Mr. LaCortiglia – This never would have been allowed the under old regulations.

Ms. Buck – No one wanted this to happen with lot frontage. The reason I discouraged the waiver on the property line radius is that it does have a value. That's what keeps you from putting your road exactly on the property line and preventing a buffer along that property line. You already have a court which is only a 30' right-of-way and 18' paved width when normally we require a 50' right-of-way and 24' width. This court is already the very narrowest we ever allow. If I was the board I would vote it down on principle. The Planning Board was enacted in the 1960s to allow lots to be laid out in pleasing & harmonious ways for the town. There's a note that says you would relocate trees to the property line. When I look at the road profile I see you only have about 2' extra on that side of the road and it has gravel drainage plus the trees would be right over the water line. That wouldn't be allowed. The Georgetown Water Department (GWD) has written that they won't allow the water line you propose – they want a full one. I have received reviews from GWD, GCC, and our Technical Agent. The Conservation Agent indicates that the site needs a 21E environmental survey. The configurations of the lots are so bad, if went from 3 to 2 you would have semi-normal lots.

Mr. LaCortiglia – This is not a Zone II property? GCC says it is. The 21E issue seems very important. You don't have an LSP on staff?

Mr. Mitch Kroner – Not yet. The GCC letter was the first that came up. We will pursue that.

Mr. LaCortiglia – Will you have the LSP report at the next meeting?

Mr. Mitch Kroner – Yes.

Mr. LaCortiglia – Why should we grant waivers? What benefit is there to the town if waive our bylaws & regulations? I could understand if the town were benefiting, but I don't see the benefit.

Mr. Charles Ogden – The property line wouldn't help the turning radius on/off site. We can drop the waiver for water line. We were asking as there is a hydrant 320' from the roadway. The town has granted similar waivers in the past.

Mr. Howard – I have a question as to where the roadway is going and if the trees could be impacted. That's not on the plan.

Mr. Charles Ogden – Two trees at the entrance could be impacted & 4-5 at the boundary with Mr. Eaton. He wants them to go. We can replace them with something more colorful.

Mr. Howard – If he has no objection then that is OK.

Mr. Mitch Kroner – They want to work with Mr Eaton. This would benefit an abutter. We can ask for a waiver but not necessarily get them.

Mr. Howard – If you didn't get a waiver for the radius on the East side that would push the roadway into the sub-division.

Mr. Charles Ogden –Yes, into Lot 1. The lots could still be met, the lot in back would go closer to the buffer.

Mr. Howard – You would lose more street trees then.

Mr. Moultrie – With all due respect, this is one of the worst proposals I've seen in my time. We have a letter from the GCC re. salvage issues on the property. I disagree with Chief Spencer. Burning of automobiles did go on at that site. There is documentation of that. There was significant auto activity there for many years as there also was down the street – 34 Thurlow, 66 Thurlow & Tidds all had the same activities. My recommendation is that if this goes forward we should hire our own consultant. There could be contamination. This is an example of how to ruin a neighborhood.

Mr. Hoover – I absolutely agree with how forced these property lines are to derive total benefit to the applicant rather than the town. I have a fundamentally different philosophy of always asking for waivers to just see “how much we can get”. Due to that approach & the gyrations of this plan I completely echo Mr. LaCortiglia's concerns & Mr. Moultrie's concerns & Ms. Buck's concerns. Abutter comments?

Don Chick, Abutter, 388 North Street – I have abutted that property for 44 years. They definitely had a junkyard for 100's of cars. Car were stripped, gas tanks poked & drained, oil tanks drained. There are still auto parts coming out of the ground everywhere. Barry Dole pushed it all into the swamp with a front loader. Regarding the issue of drainage – when the ground is frozen it runs across Eaton's. It comes across Thurlow, into this property, creates a river & a pond to the left of our driveway and goes through our culvert. It almost overflowed the pipe & would if you put anymore through there. It goes eventually into the Parker River, flowing through parts, oil, gas, batteries that have been dumped in there for over 20 years. It needs a big cleanup to put even one house in there. It's leaching into the Parker River. I have concerns on my property too. They dug a test pit within 6' of my property line. What happened to the tree roots? There's a lot of concerns with the property lines on this project and I really don't want to see it go through.

Barb Fontaine, Abutter, Phillips Avenue – I have lived at Phillips Avenue since 1976. My objections are to the contaminated land. I was part of the hearing with the Board of Selectmen. Chief Spencer was here then, to clean it up. The owner was cited several times. I'm sure the land must be very contaminated. I'm against it for that reason.

L. Kimball, Abutter, 2 Phillips Avenue – I wondering about access to this strip here for the people on Phillips Avenue. Who would I speak to?

Mr. Charles Ogden – That is owned by Tom Ogden.

L. Kimball, Abutter, 2 Phillips Avenue – What is the distance between the home & the stone wall?

Mr. Charles Ogden – 21’.

L. Kimball, Abutter, 2 Phillips Avenue – Would the stone wall be disturbed in any way?

Mr. Charles Ogden – No.

L. Kimball, Abutter, 2 Phillips Avenue – I have lived there for 42 years, there was always a junk yard there. My parents started the Phillips Avenue Association to protest it. My grandmother’s laundry was ruined by smoke from burning tires a number of times. Beware.

Helen Mutch, Abutter, 374 North Street – What is the plan for Parcel A?

Mr. Charles Ogden – There is no plan. We don’t own anything surrounding it, it has no access.

Helen Mutch, Abutter, 374 North Street – That is part of the Dole land.

Mr. Charles Ogden – Lot 3 or 2 will be sold. The other one will take ownership of that. Parcel A is not developable.

Helen Mutch, Abutter, 374 North Street – Seems funny to see Lot 1 & 3 way over there.

Mr. Hoover – As noted by various Planning Board members.

Linda Fitzpatrick, Abutter, 5 Phillips Avenue– Lot A is the wetland behind Phillips Avenue? That wetland is already under a lot of strain as there is a lot of debris & water in there. What will happen with added stress?

Mr. Charles Ogden – There will be no added stress.

Helen Mutch, Abutter, 374 North Street – You’re not adding extra flow in there?

Claveau, Abutter, 5 Phillips Avenue – You’re adding two additional houses & keeping the existing house?

Mr. Charles Ogden – Yes.

Rob Eaton, Abutter, 32 Thurlow Street – My driveway is partly on their land. You haven't addressed that yet. There will be more water on my yard? The Chick's yard? It already comes off Thurlow Street. I don't need more water in my yard.

Mr. Charles Ogden – We can't do anything about water from Thurlow Street.

Rob Eaton, Abutter, 32 Thurlow Street – What about the extra amount of hot top?

Mr. Charles Ogden – This design is decreasing the runoff.

Dave Chick, Abutter, 388 North Street - It isn't water flow, it's groundwater from the swamps. Our basement gets flooded now, so it will start coming in more & more as there's a lot of ledge.

Gary Evans, Attorney – Re. Waivers.

Mr. Hoover – Waivers are granted only when it benefits the town.

Dave Chick, Abutter, 388 North Street – What about the septic setback? If that's too close to my lot line it will kill some of my trees.

Mr. Moultrie – They can go to within 10'. They could go closer but would need a waiver from the Board of Health.

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Dave Chick, Abutter, 388 North Street – If it kills trees on my property would I have recourse? I have some very large pines & I would sorely hate to lose them.

James Ogden, Owner – I spoke with Mass DEP, they have no record of complaints against this property.

Mr. Moultrie – I wouldn't feel comfortable going forward without addressing the contamination issues. Regardless of the design, there is no question there is a dubious history that needs to be investigated. We should hire a consultant at the applicant's expense. Let's put it out for quotes.

Mr. LaCortiglia – Would we be looking for the lowest bidder?

Mr. Moultrie – No, it's our call who to hire but the applicant knows that the quote is within reason if we have gathered a number to compare.

Mr. Mitch Kroner – It is more appropriate for the applicant to hire an LSP to prepare a report. The board can hire a review consultant.

Mr. Moultrie – That'll cost you twice as much but if you want to go that way ...

Mr. LaCortiglia – That's double the testing – fine by me.

Mr. Mitch Kroner – I don't think the town consultant would have to do it all again.

Mr. LaCortiglia – I did a few of these with GCC & know this from the field. We would want a review of it anyway.

Mr. Howard – I think we should hire an LSP at their expense.

Mr. Hoover – What about the waiver requests? How does the board feel about discussing that now? I have concerns about the waivers. The 21E is something we will have to deal with.

Mr. Moultrie – How do we and they know if they have a viable project if the land isn't clean enough to be developed?

Mr. Hoover – I'm trying to save them money. I don't see any of these waivers being in the interest of Georgetown. I don't see this getting out of the gate. Regarding the property line radius .... I'm not convinced of the waiver for that.

Mr. LaCortiglia –If the board chose not to grant that they could come back with a redesign as well as the LSP report.

Mr. Moultrie – I thought the consensus was to hire an LSP?

Mr. Howard – Railroad Avenue was a similar situation & we let that go through. If we let that go though why not this?

Mr. Larry Graham – That was a pre-existing right of way.

Mr. Howard – There was undue hardship to gain access to the property.

Mr. Moultrie – There is no precedence. That was a pre-existing private roadway for 100 years. They weren't altering much there.

Mr. Howard – We asked him to change it but they said it would be economically unfeasible.

MOTION to deny the 4 requested waivers – Mr. LaCortiglia / Mr. Hoover / 2 Aye, 2 Nay

Mr. Hoover – So we're back to the 21E. Should the applicant come in first with the 21E?

Ms. Buck – Yes, that saves us a lot of time.

Mr. Larry Graham – Would the board hire a wetland specialist to flag wetlands or an engineer to design? The applicant should carry it out & have it reviewed by the board's own consultant.

Mr. Moultrie – Should we approve who they hire?

MOTION to allow the applicant to provide a 21E at the next continuation of this public hearing including full soil & groundwater analysis on all of the subject property. The board to review the scope of the project – Mr. Moultrie / Mr. Hoover / Unam

MOTION to continue to November 8 – Mr. LaCortiglia / Mr. Howard / Unam

Mr. Mitch Kroner – We agree to extend the decision date to Dec 30, 2006.

MOTION to extend the decision date to Dec 30, 2006 – Mr. Moultrie / Mr. Hoover / Unam

### **WHISTLESTOP ESTATES**

William Paulitz, Apple Associates

William Paulitz, Apple Associates – I was asked to come back with a plan showing Brook Street, the roadway from Whistlestop to Central Street. We are asking for waivers as we can't make Brook Street comply with the requirements under the sub-division control law. Those waivers are listed.

Mr. LaCortiglia – You want to discuss these at the next meeting?

William Paulitz, Apple Associates – Yes, that is to get you the information now. Brook Street is 11' wide currently. We propose to widen it to 22' of pavement travelway with a 5' sidewalk. We propose a grass strip between the roadway & the sidewalk to maximize the road width, bearing in mind that there is a BVW on property as well. We are moving the low point of the street to provide a catchbasin. The water now flows from Brook Street to the wetland, it will go to the catchbasin, to the culvert then to the wetland. We need to take stormwater management into account. We are raising Brook Street to fit in & have drainage pipes under the road to the wetland. We are looking to use ductile iron as it is stronger, to minimize how much we need to bring Brook Street up. Retaining walls are higher than the roadway by 2'9" so there will also be a guardrail. The sidewalk is up as well with a retaining wall there & a fence. There is also a three-way stop with Whistlestop & Brook Street. We need to control the traffic flow & slow traffic for the turn to Brook Street. The radius for Brook Street normally would be 150'. If it were larger it would encroach more on the BVW so we are proposing 100' to shift the middle of the street away from the wetland.

Mr. Larry Graham – My main question is the right of way. How was it established? Is it accurate on the plan?

William Paulitz, Apple Associates – The property is shown (displays plan) with variances & distances from multiple plans – including the land court plans. This shows the right of way of Brook Street & the valuation plan for the railroad. The applicant now owns a portion of the National Grid property. The leftover portion of development on Chaplin Hills Rd – that's the bearing reference used.

Mr. Moultrie – Want to check it ... it was once called Moore's Court. I don't think this right-of-way could be any wider, it goes down through the Tolman property to the Morrison property at 33'. I would have to consult other plans. Is this plan stamped? Is this a deed survey or ground survey?

William Paulitz, Apple Associates – This is based on other plans and some ground survey. I can't say specifically.

Mr. Moultrie – Was there not an instrument survey done to complete this?

William Paulitz, Apple Associates – No there was not. We can't find the plan for Moore's Court. These are the only plans we can find recorded at the Registry in Salem.

Mr. Moultrie – What do you plan to do with this inadequate culvert under the roadway?

William Paulitz, Apple Associates – We will be able to assess that at a later date when we have a better idea of the water flow from our property into what is now a pond over here. It may need to be repaired or replaced.

Mr. Moultrie – You also have a problem with the reciprocal culvert under the Tolman property.

William Paulitz, Apple Associates – We will have to also take account of the watershed coming down from the hill.

Mr. Moultrie – How far are you from the front of the Morrison property?

William Paulitz, Apple Associates – 11-12' off the property line. The paved edge of the roadway is 17' away.

Mr. Moultrie – How far is it from the edge of the paved road now?

Mr. Morrison, Abutter, Brook Street – We are currently about 15' from the road.

Mr. Moultrie – Are you aware of the conservation letter received last week?

William Paulitz, Apple Associates – No.

Mr. LaCortiglia – I would like to raise some issues from the conservation letter. Is this an OSRD or definitive sub-division plan?

Ms. Buck – It is both ISH & a definitive sub-division plan.

Mr. LaCortiglia – I'm concerned about all the widening from what's existing out there. I haven't walked along there but it seems as though the GCC will have issues with changes to these areas. I don't want to give my blessing until we hear from the GCC. When we hear their response I will have more to say.



Mr. Howard – I am concerned for the Morrison property.

Ms. Buck – The buffer is going from 22’ to 10’ with all the trees removed from the front of their house.

Mr. Morrison, Abutter, Brook Street – The sidewalk is going to run by my dining room table.

Mr. Moultrie – I’m not in favor of this alignment as shown. With all this traffic and all the homes up there, this will be a nightmare.

Mr. Howard – I understand he’s going to keep it away from the BVW but at what expense? This roadway is not meant to be widened.

Mr. LaCortiglia – Has the wetland delineation been locked down?

William Paulitz, Apple Associates – No.

Mr. LaCortiglia – So we don’t even know if we’re moving the road away from the wetland, the whole thing might be wetland.

Mr. Moultrie – The edge of the road drops off to a sharp shoulder with the wetland right the other side. The alignment is terrible. How much traffic can this withstand?

Mr. LaCortiglia – I don’t know how much it can withstand but it’s going to get a lot. Everyone backed up in traffic on Central is going to turn up through here as an escape.

Mr. Moultrie – This is not a good alignment from an engineering point of view.

Mr. Howard – I am very concerned about the Morrison house. An option might be to buy it but it certainly wouldn’t be worth much after this goes in.

Ms. Buck – I have been talking this over with Larry Graham. There are so many things going on with this. The right-of-way has access issues at either end. Chaplin Hills hasn’t been accepted – it’s not a complete sub-division. There are issues at the top of Chaplin Hills regarding ownership of the detention pond. At the other end, where did the public end of Brook Street end? Is this even a public street? Also, inside the property how will they deal with the multitude of conservation commission issues? The GCC letter says to remember how many issues are still unresolved. Mr. Morrison says the development behind there at Littles Hill changed the drainage into his property. This whole area is so hummocky & wet. We need more understanding of the hydrology.

Mr. Moultrie – Do you have any agreement with the owner of Chaplin Hills to access through their road? If you can’t get out that way I don’t know how you’d get out onto Baldpate Road.

Mr. Hoover – Until I see this with a stamp on it I can't look at it & not have questions. I support what Mr. Moultrie said, the horizontal alignment is challenging. There are also the issues of the traffic circulation, and Mr. Morrison's property.

John Morrison, Abutter, 29 Brook St – On drainage, I own 20' the other side of the brook. When the pond gets filled up my property & the one next door fill up with water & Brook Street is closed due to water. It looks like they're putting a wall up here. The water will back up further & come closer to my house.

William Paulitz, Apple Associates – We're working on that.

John Morrison, Abutter, 29 Brook St – You show my shed on your property. It isn't.

Mr. Hoover – That's part of what a stamped survey will clear up.

Frank Tolman, Abutter, Brook Street- One of the reasons they made Brook Street one-way was because of a number of accidents there. I have owned my house there since 1960.

Holly Tolman, Abutter, Brook Street – Our house flooded up to the peak in 1996 and it floods much more now since the development at Littles Hill.

Mr. Howard – That was a 100-yr flood.

Holly Tolman, Abutter, Brook Street – Will there be more flooding? It's a one car road there.

Jim, 9 Chaplin Hills – I drove down to Brook Street just to see it. It would be a travesty if the town does this to these people. Why are we in the business of granting waivers? If you look the other way & don't follow the letter of the law ... you owe it to the people of the town who have lived here & paid taxes for years.

MOTION to extend the decision deadline to Dec 30, 2006 – Mr. LaCortiglia /

Mr. Moultrie – Are we encouraging this alignment or what?

Mr. Hoover – I'm going to have a hard time accepting this as it is. I'm not convinced that this connection of Whistlestop & Central Street will fly.

Mr. Moultrie – If we encourage him to go do more work then we imply that it might be acceptable and that wouldn't be accurate.

Mr. Hoover – I agree.

Mr. Howard – Is it worth waiting for a stamped plan?

Mr. Moultrie – If you consider that the GCC says it won't fly & the alignment is terrible, I don't want to send him away thinking this might be acceptable. The GCC says they won't allow a wetland filling at all.

Mr. LaCortiglia – I don't see where they could replicate a wetland either.

Mr. Paulitz – I would like an extension to confer with my client.

MOTION to extend the decision to December 30, 2006 – Mr. LaCortiglia / Mr. Moultrie / Unam

MOTION to continue to November 8, 2006 – Mr. LaCortiglia / Mr. Howard / 3 Aye, 1 No (Mr. Moultrie)

### **WHISPERING PINES / RAYMONDS COURT**

Mr. LaCortiglia - The developer of Whispering Pines / Raymonds Court (John Longo) promised plans for affordable housing. We have not received them.

Mr. Howard – He said he would build a duplex & provide us with plans. We tried to put on a time limit & he said he didn't have to comply with that.

Mr. Moultrie – How much money are we holding there?

Ms. Buck – I don't recall. It is still substantial. In the future we should require the affordable housing to be built once a certain number of lots have been released.

Mr. LaCortiglia – The Affordable Housing Task Force has given a recommended timetable for completion.

Mr. Moultrie – Let's get a hold of that & use it. If he's in defiance of any order of the town I believe the town is enabled to use whatever means to rectify. We should send a letter saying that if we don't get information within a reasonable period of time – 1 week prior to the October 11 meeting – the board will take whatever action it deems appropriate.

### **KINSON COURT**

Mr. Moultrie – Many things have been left undone at Kinson Court. Should we get them in for a report?

Ms. Buck – I am unable to contact them.

Mr. Moultrie – We should send a letter to the Building Inspector saying no occupancy permit can be issued until money is resolved.

MOTION to ask the Building Inspector to withhold occupancy permits from houses on Kinson Court - Mr. LaCortiglia / Mr. Howard / Unam

**SCHEDULING**

Ms. Buck – We have received the new Parish Road application. Do we want to wait for a full engineering review before scheduling a hearing or let them come in earlier just to introduce the project?

Mr. Hoover / Mr. Moultrie / Mr. Howard / Mr. LaCortiglia – Let’s wait until we get all the information in.

September 13, 2006 Planning Board meeting adjourned at 10:40 pm.