

MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
September 27, 2006
7:00 P.M.

Present: Mr. Rob Hoover, Chairman; Mr. John Moultrie; Mr. Tim Howard; Mr. Harry LaCortiglia; Mr. Larry Graham, Consulting Engineer; Ms. Sarah Buck, Town Planner; Ms. Laura Replier, Recorder

Absent: Mr. Hugh Carter

MASTER PLAN DISCUSSION

Ms. Buck – The board asked Alan MacIntosh of MVPC to attend. He was one of the drafters of the Community Development Plan in 2004. This isn't a Master Plan yet, it is still missing three elements. There is a push on the board to complete it & make it a Master Plan & an active working document for the town.

Alan MacIntosh, Assistant Director, MVPC – I worked with Georgetown to help develop the Community Development Plan (CDP) using funding from various state resources. Many other towns also started their Master Plan with a CDP because state funding was available. Newbury also completed their CDP several years ago. Four of the required sections have been completed in Georgetown – the Open Space & Natural Resource element; Housing element; Transportation element; and the Economic Development element. There are three missing pieces, - Land Use & Growth Management; Public Facilities & Services (infrastructure needs); and the Implementation Plan to knit all those elements together into an Action Plan. The Action Plan defines what actions the community wants to move forward with. Once you identify the actions – short / long term – you have to narrow the field down to the most important short term items. Through the CDP process Georgetown made great strides. A volunteer committee was put together by the board. Solid work done by that group & that work is still current. The sections could be updated but probably little needs to be done. The Planning Board may be interested in moving forward to complete the missing elements. We need to define what resources, timeframe etc are required.

Ms. Buck – The board was asked to speak on this topic as Mr. Crosby asked about the future of the town. I asked him if he was interested in working on the Master Plan. Mr. Macintosh referred us to the Rowley Master Plan which is similar to Georgetown's but complete with the missing elements. I called Daylor Consulting who worked with Rowley. They looked at ours & gave an estimate of \$50- 55k to complete it & make it a full Master Plan along the lines of Rowley's. The Rowley plan defines where they are now & what action items should be taken from there.

Mr. Macintosh, MVPC – They probably looked at each element as has been done so far & found areas they would revise. There was a tight timeline for the CDP so there was not enough attention paid to the formatting which needs to be more consistent in terms of how the action items are presented, etc. It sounds like \$50k is on the high end to complete your plan.

Ms. Buck – I haven't had a chance to question why it is that high.

Mr. Hoover – What's a more reasonable guess?

Mr. Macintosh, MVPC – I would say \$20-30k, as a guess. Daylor is a very good firm. They do solid work and know their business. I know they would do a good job, it just sounds a little high. When they are costing a job they also look into the planning process. There can be many public meetings to allow the public to participate so they can have a sense that there is town support for it. They may have predicted a number of public meetings & processes that would add to the time required. A lot of that has already been done through the CDP process. There will be some additional public input for the three additional pieces, but I don't see it as a high ticket item.

Mr. Moultrie – In the past we had trouble getting financial support for the board to support planning. There was no real reason for it. Nothing is more critical than the planning of the community. Can MVPC assist us with the cost? Are there grants we could apply for?

Mr. Macintosh, MVPC – I'm not aware of grants supporting the development of a Master Plan. The state invested one shot of funds but I don't think that will come back. They are looking for towns to follow up on their CDPs on their own, supported at a local level. MVPC would be happy to provide coordinating assistance & maybe technical & planning assistance. Some elements may still need additional outside expertise. We would encourage you to bring on a planning consultant, like Daylor, who knows the area & can take the lead on forging ahead with MVPC adding support. Overall it would be advisable to ask someone on the board to take the lead. MVPC offers that support at no cost to the community. We could do it through the LTA [Local Technical Assistance] program.

Mr. Hoover – Have they used that mode in the past in other towns?

Mr. Macintosh, MVPC – Yes, Rowley consulted with Daylor too. MVPC developed components of their plan, the Transportation & Land Use portions, and they did the rest. It was a good collaborative effort. There was one lead on the project so the result was consistent throughout, which is very important.

Mr. Moultrie – It is important that if we go forward we get monetary estimates in writing & push for those funds. Many people are interested in getting this done.

Mr. Macintosh, MVPC – Daylor is good but there are also others. They may be more expensive as they offer engineering services that we may not need. The work ought to be doable between \$20-30k, especially if MVPC is working on it too.

Mr. Hoover – A ballpark figure is very important. What kind of time would it take for the three sections to be completed?

Mr. Macintosh, MVPC – Aggressively, probably 6 months. It's not difficult to do, but it depends if the firm is committed otherwise at the same time & what kind of public process the consultant recommends. Some firms hold more meetings than are necessary. As we saw with the CDP project, there is interest in the beginning but it wanes & the quality of input lessens. If it is done with people who know how to draw the public in it should take about 6 months.

Mr. Hoover – Is it voted on at Annual Meeting? Is it legal if it isn't voted on?

Mr. Macintosh, MVPC – It is legal even if not voted at Town Meeting. It would be awkward if it was voted down at town meeting & that's why many are not taken there. If it is voted in you can say it was blessed by town & maybe that gives it more weight to go forward, but that requires spending some money & an investment of personnel time. There is no running counter to public opinion.

Mr. Moultrie – People don't understand land use amendments. Presenting a comprehensive document could be too much.

Mr. Macintosh, MVPC – I can't say with certainty that it would get a positive vote at town meeting. Rowley had elaborate public involvement, even so there wasn't the sense that it would go through at town meeting. You're still bringing in only a small portion of the public & you don't know what they will make of it. It's a large subject which is hard to understand so it's hard to sell. It may be risky to take it to town meeting & there is no state requirement to do so.

Mr. Hoover – It has legal teeth anyway?

Mr. Macintosh, MVPC – It absolutely has legal teeth.

Mr. Moultrie – All the work is done in public forum in public meetings.

Mr. Macintosh, MVPC – Many other plans locally didn't go to town vote & are working plans. The Master Plan is also essential for gaining state funds to apply for grants. They accept CDPs for now but are moving towards requiring a Master Plan.

Mr. Hoover – As a short term solution, can we work on one at a time? If there is enough money for Land Use only, could we address that now because we need to?

Mr. Macintosh, MVPC – Certainly. But none of the elements are stand-alone, they're all inter-related. We like to develop them in context with the others as they often overlap. Typically a Master Plan takes a couple of years to develop. You are 75% there.

Mr. Moultrie – If you wait too long the information becomes obsolete. We need to push hard and get it done.

Mr. LaCortiglia – Now is the optimum time as we have MVPC help. The Con Comm is updating the Open Space Plan so the CDP gets that upgrade anyway and that overlaps with the Land Use Plan. It may also work with the GIS mapping plan. How does a town / board go out & find consultants? By RFQ? Does MVPC have an example of one?

Mr. Macintosh, MVPC – No we don't, but I could put one together. Before that, I advise you not to send out a formal request for proposal but just a simple letter to selected consultants saying this is what we have, this is where we want to go, we need three more elements, what would it cost if you did it & what would the timeframe be? Not a formal bidding process, just a rough statement & idea of the range of proposals. I can offer you the names of firms we have worked with & we recommend who know the North Shore & Merrimac Valley communities. There are also other good firms but we are familiar with people who have done good planning work in this area.

Mr. Hoover / Ms. Buck – I agree wholeheartedly with that approach.

Mr. Macintosh, MVPC – I will help draft the letter.

Mr. Moultrie – We will have sealed proposals at some point but this works as preliminary.

Mr. Hoover – This would work well in the spirit of finding a better match with what we want.

Mr. Macintosh, MVPC – You don't have to go with the lowest bid, you can accept a higher bid if it is in the best interests of the community. I'd be happy to draft the letter to begin that process.

Mr. Moultrie – We could make a report at Fall Town Meeting to say it is coming to Annual Town Meeting.

Mr Crosby, Mr. Nunan, Mr. Lappin – We are happy to take a leadership role in the business community to raise funds to sponsor the completion of the Master Plan. We are interested in the best use of our undeveloped land, to embrace the existing business community, and address our strangling traffic situation. We can donate \$20-25k from the business community. We would be happy to work with Ms. Buck on that.

Mr. Moultrie / Mr. Hoover – The town thanks you for that offer – all of you.

Ms. Buck – Reads letter from Robert Balletto, President & CEO, Georgetown Savings Bank stating support for the Master Plan process.

Mr. Hoover – Let's schedule this for the next meeting and work to move it forward.

BOARD BUSINESS 7:30 P.M.

APPROVALS

Minutes – Sept 13, 2006

MOTION to approve the minutes of September 13, 2006 with changes – Mr. Howard / Mr. Moultrie / Unam

ACORN WAY BOND REDUCTION

Ms. Buck – I have written a memo to the board referring a request from Rob Nixon for bond Reduction at Acorn Way. I had not acted on his request because the road acceptance was being worked out. But the bond is over \$10k, and at the required \$5 per linear ft for final road acceptance we only need to hold half that. The Board does still have concerns regarding the detention basins as discussed at the last meeting – have to drain in 72 hours.

Mr. Moultrie & Mr. Howard - Recusing from discussions re drainage.

Mr. Graham – The regulations in effect at the time of approval allowed 72 hr drainage time. The DEP regulations we adopted as standard were also 72 hrs. DEP recommended 48-72 hours for infiltration. I went through the file & copied reports from myself to the board & Millenium who were doing the inspections of this issue. I was never satisfied that the ponds weren't draining in the time, but that the overflow in this would protect Tenney St from flooding in back-to-back events. The ponds were devised to be empty. In back-to-back events the overflow would keep Tenney from having impacts. I also have copies of the soils tests outside the pond, and sketches from Millenium with tests outside Pond 2. After 1 hour the reading was 52.7. At the time of the test the water was at 54.6. Based on his test of the water table the pond shouldn't have been impacted by the high water table. They said they thought it was siltation at the bottom of the pond. They cleaned it & put stone in the bottom but the water is still there. What has been done is not conclusive as to why the water is still there.

Mr. LaCortiglia – Is it ledge at the bottom?

Mr. Graham – I asked Millenium that.

Mr. Hoover – Why can't we resolve that question today?

Mr. Graham - I wish this issue had been addressed in the past. The logical question is to find out why & go from there. If we find out it's all clay then that brings up big questions. If the test shows it is done as best as it can be then we can move on.

Mr. LaCortiglia – Are they doing a perc test or just waiting until it rains?

Mr. Graham – A perc test has already been done by Millenium. Their results were that the groundwater readings of the original design were confirmed. That was done in August 04.

Mr. LaCortiglia – The ponds do seem to hold water for a long time

Mr. Graham – They are supposed to be dry bottom ponds. The elevations of the design for the water table were done at 52.5' and 53.2' and the pond bottom is roughly 54'. And the reading done by Millenium in Aug 04 was 52.7' so even that'd give a foot or so. That was done in a pit just outside the pond. Everything else I know about it is from what Millenium did on the site. Once the groundwater was confirmed then I understood that they finished the pond and took appropriate action to rid the bottom of the pond of siltation.

Mr. Hoover – If the water tables are correct why are they still holding water? Clay?

Mr. LaCortiglia – They were designed wrong.

Mr. Graham – Even if the bottom is silty you would expect there would be some perimeter area that should get seepage out of it unless the whole bottom & the perimeter is impermeable material and very slow material.

Mr. Hoover – Is it difficult to follow up & confirm these questions?

Mr. Graham – If you want to do exploratory testing it's a time issue then we can try to draw some conclusions from it.

Ms. Buck – Will it be different from what was done before?

Mr. Graham – That's my issue.

Ms. Buck – We're just confirming that Millenium already tested it properly?

Mr. Hoover – Something's not right. We just want to find out why it's not draining.

Mr. LaCortiglia – It's dry right now.

Ms. Buck – It wouldn't be impervious if it's dry now.

Mr. Hoover – The issue is why it's so slow. We were clear that it isn't draining as it should.

Mr. Graham – If there is provision of the overflow that doesn't impact Tenney St or abutting properties we could accept it as it is, if it doesn't cause any other problems. It won't mitigate the design storm if there's already a foot or two of water in it but it won't affect anywhere else if the overflow works well.

Mr. LaCortiglia – Yes but, it discharges directly into Jackman Brook.

Mr. Hoover –If we accept what the professionals say something is going to do and we accept stamped drawings... it's not unusual to happen that something doesn't work the way it was supposed to & have to mitigate. I am uncomfortable with it. I just want to know what's going on as long as we aren't talking about a lot of time and money.

Mr. Graham – We will need a Backhoe and \$500 of our time for a technician on site.

Ms. Buck – Normally we charge it to the contractor but we have already had the reviewing engineer do a test & it's awkward to ask for another. I wish we had documented evidence of when the pond was full and for how long. I don't have that history.

Mr. Graham – It sat full for some time.

Mr. Rob Nixon, Elkhorn Development – Todd (Millenium) has that information. When it was full I was told it was groundwater. We had a lot of water last spring.

Mr. Graham - This should've been estimated for the high seasonal water table. If it is groundwater then the readings by the design engineer were not accurate.

Ms. Buck – How do you estimate that?

Mr. Graham – By markings in the soil.

Mr. Hoover – Have we confused the groundwater issue & other contractor factors?

Mr. Graham – We'll have to look inside the pond to do that. If we have equipment that's the only way we can tackle it.

Mr. LaCortiglia – That might be the only way to find out for sure or wait for it to rain & watch it. If it's a long time till rain then go for the invasive test.

Mr. Hoover – We already agree it holds longer than was designed for. Now we're figuring out why. We have to do the test pits. Do we want to do that?

Mr. Nixon – The ponds were dug out twice & filled with septic sand.

Mr. Graham – I heard that too. Siltation has been removed & it was backfilled with gravel. This may be a misreading of the groundwater.

Mr. LaCortiglia– The pond across the street is high too.

Mr. Hoover – Would that have affected the design?

Mr. Graham – Yes, they could have put in water quality devices,

Mr. LaCortiglia – Is there a 3rd pond in the back? Can it be given pre-treatment before it dumps into pond #2?

Mr. Graham – There is no connection between ponds 3 & 2.

Mr. LaCortiglia – If this is a case where the groundwater was estimated incorrectly then we're stuck with the water table where it is. Maybe the best thing is to make it a wet bottom basin?

Mr. Graham – If we assume it is a groundwater table problem then what we're looking for is provision for sediment removal upstream, a stormceptor or something for pre-treatment.

Mr. LaCortiglia – Is that a big redesign?

Mr. Hoover – We need time to think about it & we also need Hugh here as 2 members are recusing from the discussion.

MOTION to continue to October 11, 2006 – Mr. LaCortiglia / Mr. Hoover / 2 Aye, 2 Abstain (Mr. Moultrie, Mr. Howard)

Ms. Buck – It is important to know when things don't work & why.

Mr. Hoover – What are the environmental issues & what's the right thing to do & also was there a mistake in the design? I want to understand the process so it doesn't happen again. If we always let them go by then we never learn from them.

LONGO AFFORDABLE UNITS

Ms. Buck – I have had no response from him yet though he is not supposed to reply until October 11th so this will be dealt with at the next meeting. The units at Whispering Pines are not all built so building permits can be withheld if necessary.

VOUCHERS

MOTION to pay the bills on the voucher dated 9/27/06 with the exception of the Millenium vouchers which are to be removed – Mr. LaCortiglia / Mr. Howard / Unanimous

PUBLIC HEARINGS:

ZONING AMENDMENT: NATIONAL AVENUE

Reps: Bob Moriarty, Attorney; Mr. Kennedy, Applicant

Ms. Buck – Reads Notice of Public Hearing.

Bob Moriarty, Attorney – (Shows Map) On the Assessors map these lots, our petition is to move the district line between Residential B and Industrial back to the town line with Rowley. When the area was re-zoned it took place in a straight line between the edge of the highway back to industrial but didn't look to see what the impact would be to the lots. This lot ended up with a small area at the back of lot zoned residential instead of industrial. We are hoping the Planning Board agrees that this is a matter of good zoning as it was clearly intended to be industrial with tax benefits going to the town & with no impact to abutters. We don't know what will be out there yet, Mr. Kennedy owns them & wants to develop them. It will not be residential development. There are no existing signed leases with anyone. There are no plans yet. Mr. Kennedy wants to proceed with planning in a rational way with uniform zoning of the whole lot.

Mr. Graham – Who owns this parcel by Long Hill?

Mr. Moriarty – I believe it is part of Long Hill. It is significantly wetland & will not be developed.

Mr. Kennedy – It is wetland. There is a river that runs all through there. It is not a developable property next to us or at the west end.

Mr. Moriarty – That'd be green space.

Mr. Hoover – Wouldn't it make sense to leave the line as it is if it's not developable?

Mr. Moriarty – We're talking about a significant distance from the residential area.

Mr. Hoover – But that adds to your calculations as to what you can do with remaining lands?

Mr. Kennedy – That's not part of our lands, it's owned by High Tech Hose. We're just trying to move the zone lines. The usual setbacks from residential zones are all over the place in that area.

Mr. LaCortiglia – Who owns the area on the Rowley side? How is it zoned there?

Mr. Moriarty – It is residential. There are title issues in the back there which has been "owner unknown" for some time. It is currently under agricultural restriction 61A.

Mr. LaCortiglia – The Rowley side is residential? Can we be putting an industrial zone up against a residential zone?

Mr. Moriarty – The obligation of the Town of Georgetown is to the citizens of the Town of Georgetown. Zones often change between towns. The Commonwealth says towns can determine what is best for themselves without regard to neighboring towns.

Mr. LaCortiglia – I would hope they would take it into consideration.

Mr. Kennedy – It's all wet anyway, 2/3 is wetland. We're only doing this for configurations of lot sizes. The likelihood of residential development back there is not good as it is wetland.

Mr. Moriarty – Every town needs a tax base, this is the most appropriate place to do it.

Mr. Howard – Where are the rivers in there? I want to see that on the map. If it's all wetland & river I want to see that.

Mr. LaCortiglia – This ortho you're showing us is old – from 2002.

Mr. Moultrie – If this were changed we'd have a 100-200' buffer zone between residential & industrial. The burden has been placed on them by bisecting this lot. Good land use planning says we should clean this up regardless of their intentions for now. If it can't be developed, it can't be developed. We are building the Access Road down there and have had tremendous problems with the environmental permitting & that's on the upland side. If the town puts a hardship on them by slicing their lot in half it is up to the town to change it. It is 300' to the nearest house on the corner. There is also a huge stormwater facility in that area for the residential development. There is no access through there of any kind. From past development on that sub-division that area right behind there is the Mill River, and Muddy Brook behind in there. It may also be a Zone II area for Rowley. Their gravel packed wells are on the other side. There is also commercial development butting up against there in Rowley – the animal hospital. You won't get far into that area without a boat.

Mr. Hoover – Why not keep the area residential?

Mr. Kennedy – Because then I'm abutting a residential area and I have to have setbacks.

Mr. Moriarty – Then we would have to have 100' setbacks along there.

Mr. Moultrie – Who is the owner of that other parcel?

Mr. Moriarty - High Tech Hose. We've been in constant contact with them & they know what we're doing.

Mr. Moultrie – You're here representing yourself but we don't know if they're in favor of it. I'm uncomfortable with that.

Mr. Kennedy – I am buying the property from them, they will be with me & we have agreements in place.

Mr. Moriarty – If High Tech Hose objected between now & Fall Town Meeting we could choose to delete that parcel.

Mr. LaCortiglia – The purpose is for the Planning Board to vote to recommend for or against this proposal at Fall Town Meeting.

Mr. Moultrie – This is the public hearing for this proposal.

Mr. LaCortiglia – Who owns the parcel to the NW?

Ms. Buck – Long View Realty Trust, Mr. Keilty.

Mr. Moultrie – This hasn't been accepted by the Town of Georgetown yet. It's still part of the sub-division and will eventually go to the town, some of it as the drainage facilities and the rest potentially as open space.

Mr. Howard – Does the IB zone include retail?

Ms. Buck – Only as a special permit from the ZBA.

Richard Lappin, Georgetown Shopping Center – Who have you discussed this site with, regarding leases?

Mr. Moriarty – It is potentially retail. Who they are isn't relevant. We are talking to several large box retailers.

Sean Clancy, Resident – What will be the traffic impact on Rt. 133?

Mr. Hoover – That is far down the line depending on the type of development. It would have to go through the board but we don't have any idea at this point.

Mr. LaCortiglia – Do we have site review on this board?

Mr. Hoover – It goes to the ZBA for the special permit first, then this board & the Conservation Commission.

Mr. Howard – It seems like it makes sense to turn it into industrial but we have to look at the consequence of what could happen to the area.

Mr. Moultrie – I agree, but in good land use planning parcels shouldn't be split between 2 zones. Why not just grant the triangular piece, as it is a residential development, & not the other piece? If we don't want big box retailers then the town should pass a bylaw restricting them by size. I'm not saying I'm in favor. We get one shot at our long term economic development so we'd better get it right.

Mr. Hoover – I've said that before too. Nobody is against an increased tax base for the Town of Georgetown. There will be one shot at it & we'd better get it right.

Mr. Moultrie – I recommend we take it under advisement. We shouldn't decide tonight.

Mr. LaCortiglia – Should we ask Rowley what they think?

Ms. Buck – I talked to the Chairman of the Rowley Planning Board. They limit box store retailers to no more than 40k s.f. I asked if that were based on studies. In developing their Master Plan they just felt they didn't want to follow the big box store model of towns that had encouraged that. They are concerned about traffic impacts between this retailer & the east.

Mr. LaCortiglia – What do they think of us voting to change our residential zone abutting their residential area to industrial?

Mr. Hoover – It is honorable to be concerned for what they would think, but when we take into account what is out there for existing conditions – wetland, woodland, etc- it will stay regardless of what zone it goes to.

MOTION to take under advisement the zoning amendment for National Avenue – Mr. LaCortiglia / Mr. Howard / Unam

Mr. Moultrie – Will the Selectmen put it on the warrant for Fall Town Meeting? We usually only handle financial matters, not zoning.

Mr. Moriarty – We haven't talked to them about it yet. We submitted it in spring but it wasn't published in time so it wasn't voted on. We understood it would be put on another time, perhaps fall.

Mr. Moultrie – If we have taken evidence we can close the public hearing & give the vote on town meeting floor.

MOTION to continue to October 25 – Mr. LaCortiglia / Mr. Howard / Unam

Mr. Howard – I want to see the wetlands.

Mr. Moultrie – We need to see documentation of their agreements with High Tech Hose, that they have been notified & know what's happening there.

Mr. LaCortiglia – I'd like to know what's happening with Lot 51W.

Steve Flynn, Nunans – This is why the Master Plan is so important for the future. If we want or don't want big box stores. If it were determined it wouldn't matter how this is zoned. The quicker we can go forward with the Master Plan the better.

TOWER HILL OSRD CONCEPT PLAN

Reps: John Morin, Neve-Morin Group; Greg Hochmuth,

Mr. Morin – We are proposing an OSRD. The lots were created through ANR and are located north of the existing Baldpate Hospital facility. We are proposing 5 residential house lots through the construction of a lane. We originally submitted a Definitive Subdivision for this property. The Planning Board asked us to look at the possibility of OSRD which led to this filing.

The Planning Board had several questions at that time. Their comments were re:

- septic locations;
- how we will address lot development issues;
- the differences between the original plan and the OSRD regarding the total land altered and differing amounts of impervious area between the two;
- access to the abutting property;
- the road grade.

We are requesting waivers for the yield plan & OSRD plan.

If the abutting parcels are not developed we could provide an easement so others have access. We believe they could not be developed. If OSRD was more compact the easement would increase development in the area.

The site is 20.4 acres in total, according to the yield plan we are altering 5.9 acres. Under the OSRD plan we are altering 5.3 acres. This is about a 10% decrease in development or about 26k s.f. The proposed impervious surface under OSRD is a decrease of about 12%. 1.1 acres will be impervious. Any decrease is important for stormwater mitigation. The right-of-way (ROW) areas on the 2 plans are the same - .7 acres.

OSRD has 14.9 acres of open space, 73% of the total parcel of land. The original yield plan proposed no open space. The OSRD bylaw says the percentage of set aside wetland should not exceed the percentage of the total tract. We are trying to meet that. There are approximately 9.7 acres of wetland on the tract of the parcel – about 47% of the total parcel - with all wetland on site at northern side and an isolated wetland to the SW at the top of the hill. As wetland they are primary areas to be protected and set aside. Even if we add the wetland to the lots to get the percentage of wetland, we can't get it to decrease. The percentage of wetland exceeds the percentage on the total tract. The OSRD doesn't say it has to, it says "shall not normally exceed...." I contacted state rep Nathan Kelly (Horsley Witten Group, Sandwich) who was an advisor to the state of Mass for development of the original OSRD. He didn't feel it should stop a project. If you decide that's what the board wants then we probably can't put an OSRD on this site.

The board also asked for a profile of the roadway. We created a profile of two roadways – the original and the OSRD. Under the original plan we went in at 1.25% for 94' and broke it off to a 6% grade all the way up to the end of the cul-de-sac. Mr. Graham said he'd like to see 4% grade in the cul-de-sac, increasing grade coming into the development to 3% and

minimizing the cuts at the rear. It is 2-3% for the first 200' then up at 6% then back to 4%. We can keep the 4% grade in the cul-de-sac & minimize the cuts on property. We are incorporating the possibility of using an island in the center – a 20' wide pavement & maintenance around the cul-de-sac. Mr. Graham recommended increasing that radius to 26'. The change in green space in the middle is very small.

The board expressed concerns about the existing easement & access road to the water towers & TV tower. We contacted the water department about relocating the easement and other water main issues. They do not want the main touched & moved. They have no problem with an easement over it or relocating the driveway to get to it. We can go up the flat slope & go around the corner. Mr. Moultrie asked who's using the easement & what it's for. Residents use it to go to the water tower, it's used for TV tower maintenance, and the Commonwealth of Mass uses it for maintenance of electric lines to the fire tower. We would need to talk to those people as well.

From an Open Space standpoint we have to have 25' buffer around the perimeter. We don't have a 25' by the road but would maintain a 25' buffer off the limit of work line. We can't replant with trees as the water main is there but shrubs would be OK. We would plant blue spruce, winterberry along the detention pond and along Baldpate Road. There is still the 25' buffer from the road and 20' of vegetation planted beyond that where there are level areas around the retention pond. On the OSRD plan the proposed Open Space includes the stormwater management area. If the board wants that removed from the Open Space component, that area will still exceed 55% but the percentage of wetland goes up. We widened the rear strip of open space to meet the 50' minimum between contiguous parcels of open space. Regarding the ownership of OS, the applicant doesn't care. They might want to keep it in a neighborhood association who would control the maintenance of the drainage system. If the board decides they want public access to the OS, the attorneys need to decide on liability for that. Off-street parking for 4-5 vehicles is a possibility.

Density is a major issue. The yield plan, based on a subdivision plan, shows a 5 lot scheme, but we are requesting waivers. If we had to go back to the definitive with no waivers would end up with a deeper cut at the end of the roadway. The additional lot still makes sense despite the current housing market.

We also need a waiver for the road entrance & a waiver for providing access to the abutting property. Our roadway is about 600' long so have another 400' to get to the 1000'. From the end of our road to the property line is only another 280' so would have another 120' to build a roadway. That would increase the impervious surface.

We need to get clarification from the Planning Board as to whether they believe the abutting property is buildable, that tells us whether we need a waiver for the easement to the property line.

Mr. Graham – This is the preliminary plan for OSRD. 20 acres, about half, is protected anyway. If this is going to be OSRD then we should look at other resources that may be significant on site for Open Space preservation – steep wooded slopes - to protect as much as we can. 10 acres are

left, if we can preserve 50-55% of that - the steeper wooded slopes - then we should be looking at an altered area of 4.5 acres or 45%. For OSRD now, they are at 5.3 acres of altered area. When I looked at it in June 2005 I couldn't decide if Lot 5 should be considered – in my report I said if the road alignment can be changed to approach this, the cuts into the property can be minimized with a total of 4 lots vs 5. That means the board has to address their response re OSRD vs conventional yield. With respect to the wetland percentage, if it goes the way just described we have no issue with the difference in percentage unless it is for tax reasons to keep land in private ownership. Why put resources into ownership just to meet a bylaw? Regarding the public parking at the cul-de-sac, if the lane is in private ownership they probably don't want to encourage public parking there. That depends on how the open space is going to be used & who is going to use it.

Mr. LaCortiglia – Thinking of the yield plan, did the board vote on the number derived? Also the easement relocation, going to the south, I'm not eager to move easements, it looks like a very sharp corner.

Mr. Morin – That would be engineered by Larry. If it's fine now, we'd leave it where it is, the board was concerned with how close it was to Lot 1. The house can't be in the easement as you can't take the owner's right to do what they want with their property. Would it be a major hurdle with the water board in relocating that?

Mr. LaCortiglia – Doesn't Essex County Greenbelt (ECGA) have some parcels up there? They may use that to access private, non-profit parcels up there. Regarding the percentage, we are trying to keep it balanced. If you increase the amount of upland in the open space wouldn't that balance the formula more?

Mr. Morin – Yes but, how much do you need? That decreases the wetland on the total tract.

Mr. LaCortiglia – It increases the upland vs wetland. It probably means dropping one house lot & reconfiguring. That'd bring it into better balance. Are there existing trails there?

Mr. Morin – There are a lot of large trees up on the slope, so we marked trails and picked a way around them.

Mr. LaCortiglia – The stormwater detention area is very close to the road. I'm very concerned about visibility from the road. A lot aren't as attractive as they could be. You could push it further back.

Mr. Morin – Water flows down from the whole site this way. We can't push it farther towards the wetland or the whole development has to go farther back up the hill. This design is driven by topography & groundwater. We would have to grade more if we pushed it farther up.

Mr. Hoover – Unless you decreased the number of lots.

Mr. LaCortiglia – That would also decrease the impervious area & runoff so you can decrease the stormwater requirement.

Mr. Morin – We would be building the same amount of road so the only reduction in impervious surface from 5 lots to 4 is the size of the house & driveway. It won't make much difference to the detention pond size.

Ms. Buck – If the road was extended the way Larry's sketch had shown & the first two houses are to the left off that road, would you still have to re-grade the hillside?

Mr. Morin - Because Larry's plan showed a finished grade at the back of the cul-de-sac at elevation 252'. My proposed grade is 252'. So if you start there & grade up a 3:1 slope ...

Ms. Buck – But you'd have to put a retention wall right at the back corner of that house. The houses are abutting those grades. You'd have a huge retaining wall 2' off the back of the house which is very different from having a retaining wall at the back of the cul-de-sac. So you would have a retaining wall 10' behind the house? I claim that would be an unattractive solution.

Mr. Hoover – How tall would the wall be?

Mr. Morin – 10' high.

Mr. Hoover – A 10' high wall 10' from the back of the house?

Mr. Morin – It would be 10' away over here, but over here it is 6' away.

Mr. Moultrie – That will require structural approval from the Building Inspector.

Mr. LaCortiglia – What about safety fencing so kids don't fall off it.

Mr. Moultrie – Anything over 7' requires approval from the Building Inspector.

Mr. LaCortiglia – This plan isn't in the spirit of OSRD. Under OSRD you should be working with the terrain. You are trying to max it out & engineer it rather than working with the terrain. What's constraining you is the number 5 of lots.

Ms. Buck – In reviewing the deed submitted with the easement information, I ask if the applicant is not on the application properly. This deed shows that the current applicant sold this property in 1997 to a different owner.

Mr. Hoover – That's pretty fundamental.

Ms. Buck – I checked the abutters list & it confirms the discrepancy, with the owner listed as Pinkney Trust, not Lucille Batal. The only letter authorizing Neve-Morin to carry out the work is signed by Ms. Batal.

Mr. Morin – We will straighten out that paperwork with you.

Ms. Buck - I echo Mr. LaCortiglia's comment that this isn't in the spirit of OSRD. The wetlands are half of the parcel, that's why it keeps coming up. All those wetlands were used for the yield plan. Regarding the connection to the Day Sayles property in back, we need to have information on that provided to us. It's not a question of extending this road 100 more feet, but of connecting it to another road. We need to see a map of the area to see where logically someone might someday want to connect through to this proposed street. We also need a letter from the GWD saying they're OK with having their water line 10' off the edge of a house foundation. With 5 lots the applicant cannot meet the spirit of OSRD. If they need the same extensive re-grading for 4 lots as well then we have an inappropriate number of lots for this site.

Mr. Howard – Who is allowed to use the right-of-way? Just the people listed?

Mr. Morin – It is written for the inhabitants of the Town of Georgetown. The gate is locked, maybe ECGA may have a key. Based on the deeds & survey data easement are given to only three entities: Mt Vernon TV, Town of Georgetown, and the State of Mass.

Mr. Howard – If you build that house there wouldn't that be a problem with having a right-of-way so close? Wouldn't it be a hard sell?

Mr. Morin – We tell our clients the dangers of marketing a lot. They take that risk when selling.

Mr. Howard – Regarding the land beyond the potential access road, you say that may not be developable land. Why?

Mr. Morin – The slopes get steeper, the wetlands start to come back in & based on the extension of the roadway ... it could be more developed but we're looking towards a cul-de-sac. If the board feels it could be developed ... we've made a recommendation that we'd like the board to approve the OSRD. The board will eventually make a recommendation as to what they think is in the best interest of the town – the conventional sub-division, OSRD, neither one. Then we will come back and submit either a preliminary or a definitive based on the outcome of this meeting. We're still in the very preliminary stages of this.

Mr. Howard – I wouldn't be in favor of granting a waiver for the access to the back land. It's not fair to whoever owns that.

Mr. Moultrie – This is a close knit neighborhood for sure. My concerns are drainage, the quality of soils. This is a very tough site. Our job is to protect the best interests of the town. In my opinion this is not in the best interests of the town.

Mr. Hoover – If this moved forward I remind the board that we can have Mr. Graham review each individual lot. There are many challenges to this. I agree with Mr. Moultrie. The landscape plan has not been mentioned, but that's minor compared to the lack of spirit of OSRD in this plan.

Ms. Buck – There are three issues: ownership; lack of a by-right yield plan; and they haven't followed the design process.

Mr. LaCortiglia - Do we want to give the applicant another shot at the concept plan?

Mr. Morin – What’s the requirement to prove the yield plan? A subdivision that complies with the bylaw with 5 lots & no waivers?

Mr. Moultrie – That’d be very interesting, I’d love to see you do that.

Mr. LaCortiglia – We should ask for a yield plan.

Mr. Hoover – But that isn’t what the board has to grant.

Mr. LaCortiglia – We determine what the yield plan is because of the reasonableness factor. I’m not seeing 5 houses there.

Mr. Howard – We can all agree on that.

Mr. Hoover – There is consensus on that.

Mr. LaCortiglia – Read the part where it says it should fit into the landscape.

Ms. Buck – I have seen homes on hillsides built very well but these lots are flat as though they aren’t part of the hillside.

Mr. Morin – You can’t see that on the plan but it’s there in the grading.

Mr. Hoover – I disagree completely. You should advise your client what is permissible & not permissible. Having an easement with a waterline 10’ from the back of a house isn’t good planning or permissible.

Mr. Morin – My only question is whether it’s allowed.

Mr. Hoover – It may be, but the Planning Board can say no.

Mr. Moultrie – It’s a tough piece of land, there’s trapped subterranean water here as well. I can’t stress enough how difficult a place this is.

MOTION to continue to October 25, 2006 – Mr. LaCortiglia / Mr. Howard / Unam

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

Meeting adjourned at 10:30 pm.