

**MEETING  
GEORGETOWN PLANNING BOARD  
MEETING MINUTES  
November 8, 2006  
7:00P.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. Michele Kottcamp, Assistant.

**Absent:** None

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

Minutes – August 9, 2006 and August 23, 2006 – No discussion of August 23<sup>rd</sup> meeting notes.

Motion to accept the minutes of August 9, 2006 with the appropriate revisions.  
Mr. Moultrie/Mr. Howard, 5-0 in favor.

**Harris Way: request for lot release**

Ms. Buck – We have a request to release Lot 4. The applicant is not here. I don't know if the Board wants to wait until the end of business to discuss this.

Mr. Moultrie- Is there a covenant on this lot?

Ms. Buck- Not yet. Although we released 5 lots we're still holding 5 others. He's asked just to release one more. We don't require the developer to post a bond generally until all the lots are released, but we do already have a bond as well.

We also have the issue with Harris Way that has an affordable housing component which doesn't have a schedule tied to it. I would like to have a discussion about when that affordable house gets built. If the developer isn't here, I'd recommend that we wait until next meeting.

Mr. Moultrie- Those affordable units should be built in the middle of the project vs. the end.

Mr. Hoover- I agree with Jack. I would like a timetable on the affordable unit. That concludes Harris Way.

**Second Presentation of Harris Way (applicant present at end of meeting):**

Peter Confalone, owner of Harris Way - I want to get Lot 4 released to start a new house. On 8/11/04, the Board released the first five lots but now I want to do one on the other

side of the street. Lot 3 is available for sale. There are two completed homes. Everything is vacant except Lot 3 and 5. It's a 10 Lot subdivision.

Ms. Buck- Affordable housing is designated on Lot 10 which is now Lot 1. Has the open space been deeded to the town?

Mr. Confalone- Yes

Ms. Buck- Subject to that being verified, would we be in any harm if we release this lot? We are also holding a \$160,000 bond. I have been out to subdivision many times.

Mr. Moultrie- Motion to release Lot 4 in accordance with the approval of verification of deeded land to Georgetown – Question on affordable housing. Where is it?

Mr. LaCortiglia- When will you build it on Lot 1?

Mr. Confalone- I would like to ask to be on the schedule to finish building on all the other lots.

Ms. Buck- Can we set a timetable to discuss when the affordable house will be built?

Mr. LaCortiglia- It makes sense that when 1/3 is built, the affordable house is to be scheduled.

Mr. Hoover- Sarah, make a schedule to meet with Peter.

Mr. Moultrie- Motion to release Lot 4 contingent upon verification of deeded land to Georgetown and discussion with owner to establish affordable housing schedule.

Mr. Carter- Second

4 in favor, 1 abstention (Mr. LaCortiglia)

**Street Acceptances: Forest Street, Acorn Way:**

Ms. Buck-We have received as-built plans on both Forest Street and Acorn Way, and have final items complete. The plans have been reviewed by Millenium Engineering. On both, we have received street acceptance plans reviewed by Larry Graham. We have completed Form J sign-offs from all town departments on both streets. The Selectmen have voted and have recorded the plan with the Town Clerk. I think everything is in order to accept these plans. We have here tonight Gavin Symes for Forest Street and Rob Nixon for Acorn Way

Mr. Hoover- It sounds like it is all there.

Mr. LaCortiglia- I am not seeing the Conservation Commission sign-off for Forest Street.

Ms. Buck- The Commission voted at the last meeting to approve it but it just hasn't been signed yet. You have to decide how to make a recommendation for town meeting.

Mr. Hoover- Can I get a motion?

Mr. Moultrie- I have to recuse myself from Acorn Way.

Mr. Carter- I'd like to make a motion to accept Acorn way street acceptance at fall town meeting.

Motion to accept Acorn Way at fall town meeting. Mr. Carter/Mr. LaCortiglia – 3 in favor, 2 recusals (Mr. Moultrie and Mr. Howard)

Motion to accept Forest Street at fall town meeting. Mr. Carter/Mr. Howard – 5 in favor.

### **Update on Master Plan:**

Ms. Buck- I sent out request for proposal to 4 firms and so far we received replies from two of them and they are within our budget. I asked each for a completion of the three missing sections which are land use, implementation and public facilities. We only asked for three public meetings. We received in funds close to \$20,000 from the public supporters of the plan. Mr. Delaney had me set up a gift account through the Town Treasurer for the purpose of the Master Plan.

Mr. Moultrie- Is that something that legally has to be accepted at town meeting? Usually gifts do.

Ms. Buck- I have never heard of that. I will look into it.

Mr. Hoover- I just wanted to say to those watching at home that this master plan is very important. In the previous discussions, three of the Board members were basing their vote on the National Avenue re-zoning on the idea that this Master Plan will help them make a more informed decision. It looks like this Master Plan is really going to happen. I wanted to go on record about that.

### **Other Business:**

Mr. Moultrie- Mr. Chairman, I've been asked to attend a MVPC meeting. Sarah can't attend the meeting tomorrow evening. I've been asked to represent the Planning Board to vote for a new Executive Director. I'll need a vote to attend the meeting.

Motion to authorize Jack to attend the MVPC meeting tomorrow night to act as a temporary alternate to the commissioner for this single meeting. Mr. LaCortiglia/Mr. Carter; 5-0 in favor.

### **Vouchers:**

Ms. Buck- I am uncertain how to proceed with Millenium invoices the Board held from a previous meeting.

Mr. Moultrie- We were questioning the charges about why the subdivisions were being inspected even though there had been no activity for months at a time. That's my recollection. We asked Millenium at the time for explanations on the charges from September.

Ms. Buck- You know Millenium has resigned the end of the year. For this month, only Blueberry Lane was active.

Mr. Moultrie- Did this trigger their resignation?

Ms. Buck- Perhaps it did. It's been a mutual parting. I put out an advertisement for a new inspector. I do think that these 4 invoices that are here are not unreasonable.

Mr. Moultrie- I have issues with several charges. Even though the town is not paying for this, we're holding other people's money for inspections. I have a problem with administration fees of \$60 for 15-20 minutes. There is close to \$1,000 per month in some cases.

Ms. Buck- I will make copies of them for your packets at the next meeting for you to review.

Ms. Buck- We need to move these vouchers into separate accounts so there is no motion on these.

### **Correspondence:**

Ms. Buck - Nothing significant to note. Most are notices of Public hearings from other towns.

### **Continued other business:**

We hope to re-reschedule the next Planning Board meeting from December 13<sup>th</sup> to December 6<sup>th</sup>. How about the 20<sup>th</sup>?

Motion to re-schedule the Planning Board Meeting from December 13<sup>th</sup> to be held on December 20<sup>th</sup>. Mr. LaCortiglia/Mr. Carter; 5-0 in favor.

Mr. Moultrie- Is that it? Where are we with Parker River Landing with the revised entrance?

Ms. Buck- It's as much on HOLD as everything else. It's poorly designed. Larry Graham assisted residents drawing a revised sketch which was not expensive for Pulte

Homes to complete. The homeowners met with Pulte and Pulte agreed to share the cost. They have since pulled out and temporarily put project on hold. There are still foundation problems. I received a thank you from one of the residents. They have covered the material and put a cap on the re-bar. They don't have any workmen on the site.

Mr. LaCortiglia- What is the issue?

Mr. Hoover- You can hit the curb if you're not paying attention to it.

Mr. Moultrie- We shouldn't leave residents hanging. We should send them an update. Have we sent them a letter?

Ms. Buck- We sent a letter to the residents and also received a response from Pulte Homes.

Mr. Hoover- Pulte hasn't said when they will do anything. Can we send a memo from the Planning Board asking when something is going to happen?

Mr. Moultrie- It could be something that a technical change could happen out in the field there. How much money are we holding?

Ms. Buck- I don't know. I can check the expiration of the permit.

Mr. Moultrie- I am concerned about where this is going.

Mr. Hoover- Is that trailer going to sit there for the duration? Add this to the list. I agree with Jack.

Mr. LaCortiglia-What do we hold as far as money?

Ms. Buck- We hold the cost to complete plus a 2.5 multiplier as a standard.

Mr. Moultrie- Should we call them in to get an update for a face to face discussion?

Mr. Hoover- Yes or we can send a letter.

Mr. Howard- Deck without cover - kids could fall off. They should have to build a deck.

Mr. Moultrie- Did one of your associates go back out there? Should we have you go back out there to check for erosion?

Ms. Buck- There's a new guy watching it. There's a lot a turnover. There's two incomplete foundations with one hole excavated next to a house.

Mr. Hoover- I'd like to suggest that Larry Graham go out there to verify what's up with the site.

Mr. Graham- I will take the 2 correspondences and go out there.

Mr. Moultrie- See if we need to take any action.

Mr. Graham- Another thing I don't think they have responded on the whole driveway thing Pulte said is who will pay for it? Our suggestion was Pulte should, as they are part of the homeowners association.

Mr. Hoover- I understand the town approved it. They bear some of the responsibility.

**Public Hearing 8:00 p.m.**  
**Parish Road ISH**

Mr. Hoover- it's 5 minutes past 8 o'clock and we are going to open Public Hearings. I'd like to try to set some basic ground rules. We will hold to one hour for the public hearing. We will then go to public comments which will be 5 minutes maximum. Then we will bring it back to the Board for discussion.

Paul Dilorenzo- Mr. Dilorenzo gives presentation to Board.

David Dilorenzo. Our family has owned for 47 yrs. This is the best scenario for the use of the land except a cookie cutter approach. We want to do this right. We don't want to run out of money and the infrastructure was so costly.

Matt Brassard - Engineers for the Dilorenzo family. The Board and people here are relatively familiar. There are two phases connected by a roadway with 14 units in front and 30 clusters in the back. We have other materials that will show more clearly on site. That is really the benefit - we consider this be valuable open space. There are two major streams and a tributary that bisects the site. It abuts the property to the east. We've made an effort to develop the site to come up with a design and research the property that presents a good response to the area. I know it under review. Turn over for questions.

Mr. Hoover- Let's go to the public first.

Susan Campbell, 79 Larkin Rd. – Traffic will be a problem. I am concerned about the environment. Parker River is at the back of my property. The well is very close to the road. How will it affect me? I am concerned about the traffic. When they widen the road, how will it affect me? There is a lot of individual concerns. This was my dream to live on 4 ½ acres. I purchased at a time when this wasn't happening. This was not part of my dream. Those affected directly our concerns.

Don Bade – President of Parker River Clean Water Association. He summarizes a letter to the Board. The Parker River is a stressed basin. Wheeler Brook runs through here. A large portion of it lies in the watershed. Strict controls must be adhered to if building is conducted in the interest of the drinking water supply. Building in the area must not exacerbate the stress on the basin as it feeds into the waterway down stream.

Sergio, 17 Parish Rd- I have the same concerns as my neighbors. I was thinking I would live in a quiet neighborhood. I believe this will be a cut through street. I have not attended previous meetings. Was a study done on the traffic that may impact this area?

Laurene Polignone, 28 Parish Road- I am an abutter. I now have a brook front property. Before anyone could consider approving this, they must straighten out the brook conditions. Someone needs to do a cost benefit analysis – the grading and holes are ridiculous. You're trying to put 40 more homes there. The road can't handle it. They need to come down and see what happens when water flows on this road. Someone will have a problem on this road.

Mr. Moultrie- We have gone to Town Meeting to fix that bridge. You leave our hands tied. I am aware of the conditions of the road. How can they put this many homes on this property?

Annette Olsen, 24 Parish Rd- I have 5 kids that walk to the bus stop with no sidewalk. I know properties pump uphill to put in septic systems. This will drain into my yard. I have lost half my yard to wetlands already. What will this do to my property? We were initially excited when it was a small development. Now it will just be a lot of people in and out every day.

Paul Hurdle – We're opposed. Besides environmental issues, it will change the character of the neighborhood. I have a concern with safety due to the access to roads. This will put a large strain on the community.

37 Larkin Road resident on the Newbury side- I don't know why the town of Newbury needs to be burdened with the project. I don't see 80 year olds walking there. I don't see directional drilling under the river without impact to Parish Road. Larkin Rd will be the primary entrance and exit. They will not go to Exit 54 to go around the corner. They will go to Exit 55 and around the corner. The study presented by the DiLorenzos is skewed – 44 houses on the plan mean they are anticipating a lot of traffic. Our Fire Dept. in Newbury will be first the responders. I have also sent a letter to the Board.

Michael Garcia, Parish Road- I commented at length. I asked that the proposal conform to all regulations. I hope this hearing is continued. There are inconsistencies to the drainage pattern. If you do a site walk, you will see the water flows in two directions. This development will have an impact. There has been 14 inches of rain there in 2 hours. What is the time frame for 9 houses vs. 40?

Mr. Hoover- Here is what I want to do because there's a lot for the Board to consider. I want to ask Larry Graham to summarize his report. Sarah will summarize hers.

Mr. Graham- My report is rather lengthy. There are a couple things that stand out.

- 1.) 165-112 limits independent senior housing projects to 25 units with a bonus for additional units if there is an affordable component with that.
- 2.) There are a number of impacts to consider in a single family 11 lot proposal vs. a 44 lot ISH proposal and this is what the numbers are.  
Sanitary design loading  
Traffic Volume
- 3.) The next two items are more subjective. Units 1 –12 are clusters of three separated by 25 ft. presenting over 500 ft. of bldg front. One of the things the Board has to look at is the harmony with neighboring properties. The other concern is the layout is very tight for two car garages. They look like single doors. The spacing is very tight, and the applicant needs to look at that.
- 4.) Regarding the traffic study, Mr. Kelley estimated 25% trips east and 75% west on Larkin Road. I found that reversed. The existing distribution is 25% in the other direction. Board needs to look at that more closely. If this does move forward, it may well be the obligation of the developer to look at off site improvements. An independent traffic study should be commissioned.
- 5.) We looked at the proposed sanitary waste system. The leach field is within the Byfield wellhead district. I have spoken to Claire Gordon who concurs that question that I had is it appears that a portion of the property is not in Zone 2. The solid absorption system could be entirely out of Zone 2.
- 6.) With respect to the drainage, it's fairly new low impact design with bio-retention basins, shallow swales longitudinally to the road system taking the drainage off and the objective is to recharge it to the soil where it falls. Our concern is 1) we need to see soils test and ground water to verify. Also concerned with longer duration storms - it takes time for recharge to concur.

Mr. Hoover- Is there something you have, Sarah, that is in addition to Larry Graham's report?

Ms. Buck- I would briefly summarize our requirements for approving the higher density ISH. Three of the required findings for a Special Permit are especially relevant here. These findings are that I would highlight especially three of the concerns specified under special permit requirements: that the requested use is essential or desirable for public welfare, that the use will not overload any municipal system and that the use will not impair the integrity of the area. The leaching area for the combined septic system is in a zone 2 wellhead area, and several streams run through the property to the Parker River, already a threatened environmental system. The ISH proposal is calling for great amounts of fill – over 4' on the entire front field and up to 10-14' in the rear portion of the property. The bio-retention systems are in the wetland buffer zones, at times abutting the wetlands. Finally, what I hear tonight, is the project's lack of compliance with the final requirement, neighborhood character, and the integrity of the area.



Mr. Hoover- What I'd like to do is go around the Board.

Mr. Carter- Has conservation weighed in on this?

Ms. Buck- He said he has all the same concerns as previously.

Mr. Moultrie- Mr. Chairman, I'm perplexed. We gave this applicant a clear direction about density and the effect on the neighbors and Newbury. I am really of the opinion there are so many problems it can't be overcome. The Board recommended this property be re-zoned to 2 acre parcels. The Town didn't agree and re-zoned for one acre. Many issues affect their quality of life in that neighborhood.

Mr. Howard- At Town meeting it was originally proposed for 5-6 houses to be built there. This is clearly not the direction they chose to go in. Even 11 houses would be difficult to permit.

Mr. LaCortiglia- This is what you get when you re-zone. When you change the zoning, this happens. I agree entirely with Jack. This requires a 4 out of 5 vote to pass because it's a Special Permit.

Mr. Hoover- I was saddened to see the number of units. From day one the density issue has not had any give and take. The special permit standards are really important for an ISH. I want to read them, there are 4.

1. Requested use is essential or desirable to the public use or welfare.
2. Requested use will not overload any public water or municipal system so as to unduly subject any area to hazards affecting health, safety or the general welfare.
3. Requested use will not impair the integrity of the district or adjoining district.
4. Requested use will not cause an excess of that particular use which would be detrimental to the character of the neighborhood.

We talked about the density, relocating the septic out of the wellhead, the basements and the amount of fill associated with the basements, public improvements for the common land ie. parking. The autocourts don't function as designed. I don't think they work. The 510 ft length that Larry Graham is talking about, the waivers in front of us that are more than 25 units, and the dead end road of 800 feet all need to be considered. I am not prepared to grant waivers for this special permit. I would ask the applicant to consider withdrawing without prejudice. Otherwise, I am forced to vote "no" for those reasons.

Mr. LaCortiglia- I move to deny the special permit for parish Road Independent Senior Housing.

Mr. Moultrie- I would ask the applicant to reply why it is in the best interest of the town for this project?

Mr. Sterio- I think the way it was viewed by the team it is a potential single family home property. As a general basis and in the opinion of the owner, it represents a certain

benefit to the town with lesser impacts than an OSRD project. That yield plan could be the development of an OSRD project.

Mr. Moultrie- How many by-right Form A lots do you have by law?

Mr. Sterio- I would hope that this Board would allow us time to respond. I do think there are some benefits and the Board should take them into consideration. I think terminating this is not fair.

Mr. Moultrie- We sent you away the last time with clear direction.

Mr. Sterio- You had comment about density last time. Density has been adjusted and we should be given an opportunity to respond.

Mr. Hoover- I don't think there has been a lot of response. If there is a report you have not had a chance to respond to, then in fairness you could respond. It's your right to respond even though the information has been out there. With that kind of caveat, that is how I would respond.

Mr. LaCortiglia- If I may, the bylaw says a maximum of 25 units. I want to move to deny the special permit.

Mr. Carter- Second to deny.

Mr. Hoover- Is there any discussion?

All in favor? 2-3; Motion fails.

Mr. Moultrie – I make a motion to allow the applicant to withdraw ISH without prejudice

Mr. Howard- Second

5-0 in favor/Unam

Mr. Sterio— The Board has made its position known. We would like to have until next meeting to respond without prejudice. I need to discuss with the client.

Ms. Buck- You could close the public hearing.

Mr. Moultrie- Then we have to decide in 45 days.

Mr. Sterio – We would file a written request.

Motion to close Parish Road ISH Public Hearing.

Mr. LaCortiglia/Moultrie; 5-0 in favor

Mr. Hoover- We have a certain time frame where we render our decision in either 45 or 90 days. If they withdraw, there is no decision to be made.

Mr. Moultrie- We will post a meeting and take a vote.

Mr. Hoover- The Public Hearing is closed. No more new information will be taken at the next meeting. By law, the decision has to be made within 45 or 90 days. This gives them an opportunity to think about this. If information does come in, we will decide then how to handle it.

Mr. Howard- If we do have another meeting, will they be notified?

Sarah- Next meeting is December 20<sup>th</sup>. We will have to make this decision then.

Mr. Sterio- If we have to withdraw, then we will notify by one week prior to meeting.

### **Stone Row OSRD 9- 10pm**

(Mr. George Agganis present with Mr. T.J. Conte and Ms. Cyndy O'Connell with Beals Associates

Mr. George Agganis(Applicant)- We are at a point with the OSRD where we believe we have done what the Board is seeking.

Ms. O'Connell- Shows an aerial view of the proposed site location on Stone Row Lane.

Ms. O'Connell- The site is approximately 30 acres. There are wetlands associated with Wheeler Brook. There's also a central wetland area which she points out on the map. We have been in front of the Conservation Board. They closed their Hearing a week ago so this wetland boundary is a good boundary for the OSRD. We are proposing an extension of Stone Row Lane beyond the existing cul-de-sac to provide frontage for a group of reduced size lots. Each of the lots is significantly larger than the minimum lot size of 10,000 sq. ft. One additional lot includes a large portion of the central wetland solely to provide the same ratio of wetlands to upland that is required by the regulations. The applicant is willing to include the Conservation restriction on this wetland portion of the lot. The intent is not to build on this portion of the lot or to build within the 100 ft. buffer of the wetland. Rather, it is to utilize the area outside the conservation areas. In addition, we've had conversations with Ms. Buck regarding alternatives. As we are requesting a waiver for an extension of Stone Row Lane, we considered an alternative that would be a conventional cul-de-sac. We feel it has advantages over the loop road in the original design. It's a reduction in the amount pavement. It allows the houses to be clustered further away from the more sensitive environmental areas on the site. It also allows the drainage system to be designed in a way that it takes advantage of the slope of the land to create a retention area outside the 100 ft. buffer. Both of the plans before you show a reduction in the total number of lots from 10 to 6 lots. We did receive a copy of

Mr. Graham's letter and agree with many of his comments. Our preference would be to design in keeping with this second proposed alternative.

Mr. Agganis- I agree that the second alternative plan lends itself to the open space better which is exactly what the Board is seeking. This would be to the benefit of the town. We are trying to maximize the upland and take care of the drainage there as you indicated last time.

Ms. O'Connell- This entire corner of the upland is outside the buffer zone.

Mr. Agganis- This area is as far away from the wetlands as possible. The street drains here, the drain pipe drains here and we will correct it adequately.

Mr. Hoover- Anything else? Public comment?

6 Stone Row Lane resident – What is the benefit of this project that will allow extension of the road?

Ms. O'Connell- We will be providing open space to the Town. There are trails in various locations.

Mr. Agganis- The drainage situation would be corrected.

6 Stone Row Lane resident- The remaining drainage goes to a pond. Any correction is only helping about 1/3 of the street.

Tim, 8 Stone Row Lane- I am concerned with Lot 14. Sound planning and orderly growth should be in place as a resident of this town. We have done the research and we read the April 12 minutes. When the current owner wanted to build 3 houses, the rest would be given to the town. We were told, at most, 2 houses would be built on this property. We believe the development has a potential impact of a 10% reduction in value to our home. We do not believe the 6 lots meet the requirements. We would like you to work with the developer and not build 6 houses. We would support 3-5 houses.

9 Stone Row Lane resident- I noticed the developer did not address the noise issue and will that increase with the development? I am concerned about property values being decreased. Six houses will increase traffic by 50%. What will the town do with this property? I want to know if we can ask for a conveyance? What is the average lot size of the proposed houses?

Ms. O'Connell- The smallest lot is 37,000 sq. ft. There is no proposal to build in the buffer zone.

11 Stone Row resident- I heard they would donate a parcel to the town. What will they do with the land? It impacts everyone in this room. I want to voice my concerns too.

Ms. Buck- Reads letter of public comment.

5 Stone Row resident- I reviewed the plans. One concern I have was how you would close the cul-de-sac? There is a sidewalk there not proposed to be continued or with a curb. If you square it off, that is a concern. If the sidewalk is extended, it is beyond where it needs to be. If the property is used for public good, where will the public park?

2 Stone Row resident- We thought only one more house would be built. I have a concern regarding the sidewalks and there being a lot of trucks on the road during development.

Mr. Hoover- Larry Graham to review.

Mr. Graham- I submitted a letter to the Board dated Nov. 1. The question is number of lots that are permissible. As presented there is no yield possible. Given that, I would suggest that this not be treated as an OSRD subdivision. You have to do it in accordance with rules and regulations. Open space could be an amenity and might offset his request for an extension. What Board can't do is you can't grant him variances. What you're asking for is a waiver for lot frontage. If ZBA application is made and they deny the waiver. If you look at their plans, the combination of these 6 lots to 3 lots, it will conform to the bylaws for frontage. If the Board is inclined to support it, I would suggest that conventional cul-de-sac, Lots 1,2,3 are for a total of 5 lots as a maximum number. It can't be an OSRD because it can't comply with a yield plan. The decision is to support the decision for the amenity of the open space and the drainage solution.

Ms. Buck- My concern is the noise from the highway that comes in. It's a judgment call.

Mr. Hoover- I want to clarify. So what you're saying, Larry, is that this has to fall under traditional subdivision for lots which is 3?

Mr. Graham- What could go there on the upland? Could you make a park there?

Ms. Buck- Not on a dead end street.

Mr. LaCortiglia- It doesn't seem that landowners are willing to sell their properties for park land or soccer fields. Kids need a place to go. I would consider granting a public waiver for that.

Mr. Moultrie- One of the benefits of being here is that when this was built, it was highly controversial. As land got developed, people didn't want it developed. We have to be sensitive. Martin wanted to develop and it was denied in 1995. There are expensive homes there and we have to look at that. I would have issue with the traffic and noise. By right, you are entitled to build one house there.

Mr. Agganis- We did engineer it. We were told from the Planner that there are things that could be done. There is a significant drainage issue there, we will pick that up. We would adhere to neighbor's covenant. We would live up to those. It is one of those

situations. This is how those transpired. Everything said at the last meeting, we have been trying to do.

Mr. Moultrie- The longest road ever allowed was 1,600 ft. Now we're being asked to extend way beyond that. However, that was in an area that didn't affect existing homes.

Mr. Agganis- With any of the issues, sidewalks would be done.

Mr. Moultrie-Those would be safeguards to be put in place. I do have a problem with the density.

Mr. Agganis- One of the things to consider, we have to get to a point ...what Larry Graham said about the conventional subdivision. We may be able to get it down to four in keeping with the square footage of the lots. Is it possible that 4 would fit? That's not off the table.

Mr. Carter- Is the only access to that piece of property down Stone Row?

Mr. Agganis- That was in the spirit of the OSRD. I sympathize with what the neighbors are saying and what Larry is saying.

Mr. Hoover- I think a couple of things. I agree with the need for fields but you don't put that kind of higher use here. This is not appropriate. Passive is legitimate. The trail system would be used by the people in this neighborhood. That would need to be thought out and worked out. The density is an issue. If we were to grant this waiver for drainage improvements that was for the community there, a proper cul-de-sac could go forward for public benefit. I know that I told the public that I would go back so I am asking for new comments.

Tony, 11 Stone Row resident- If you grant a special waiver, then you set a precedent.

Tim, stone Row Lane resident- It's a dead end street and you're talking 60 cars per hour for any kind of ball field. I have concerns, per Harry's comments. 50 -60 cars per hour - this is not good planning practice. You don't take a dead end street and put soccer fields on it.

12 Stone Row Lane resident- Mr. Moultrie, you made a comment. Didn't you do a feasibility study? If the board decides that there are too many negatives, it seems there is a waiver here and there. There are laws to protect Stone Row Lane. Does someone have to go to the ZBA for parking?

Eric, Stone Row resident- When you live in a neighborhood, why do we have laws if they can be changed?

Mr. Hoover-We are not changing any laws. We are working within the waiver.

Tracy, 2 Stone Row Lane- What is the drainage issue to us?

Mr. Graham- It is not affecting the town. It is running into the wetlands. It is not hazardous. It's not a huge value to the town. The advantage is more environmental.

Mr. LaCortiglia- Would it be out of order to motion to continue this?

Mr. Hoover- It's not about being against development.

Mr. Agganis- Can we go back and work on what's been said?

Mr. Hoover- How does the Board feel?

Ms. Buck- The meeting on the 20<sup>th</sup> of December would be appropriate to cover it. We usually ask for the plan 2 weeks before the meeting.

Mr. LaCortiglia- Motion to continue Public Hearing for Stone Row on Dec. 20<sup>th</sup>

Mr. Carter- Second the motion

5-0/Unam

### **Continued Public Hearing** **34 Thurlow Street**

Attorney Mitchell Kroner – Update on Bill Simmons who Sarah has met before. I have a copy of the letter from Bill. There was a concern that the Board was dissatisfied.

Mr. Simmons- I have to apologize as I have just been able to get back to the Board. Based upon discussions, one of the things to talk about with Jay is that we would also like to involve the neighborhood group for a public participation. We would like to get their input. Our objective is to find problems if they are out there. We have used this approach successfully and it worked well in Danvers. With that, I will respond to any questions from the Board.

Mr. LaCortiglia- Motion for a continuance to the Public Hearing on January 10<sup>th</sup>.

Mr. Carter- Second the motion for 1/10/2007

5-0/Unam

### **Whistlestop Estates**

William Paulitz of Apple Associates- Speaks about applicant's process of attempting to purchase a neighbor's property.

Mr. Hoover- Public discussion.

Mr. Frank Tolman- What I would like to know is where is the boundary marker? The road curves down to Central Street. The Board asked for an instrument survey. After conducting an actual survey of Brook Street, we would then come back with an instrument survey at the next Board meeting. I can tell you now that the boundary marker is right in the middle of Brook Street.

Mr. Hoover- This reminds me that we are going to have to have a stamped survey.

Mr. Moultrie- The town has deeds – a road layout of 33ft which is the width.

Mr. Hoover-We should hold on that issue. I think it won't get resolved until we get the property line survey. We don't have an answer for that right now.

Daughter of Mr. Tolman - My father would get nothing. We are being taxed on a buildable house lot. You should tell the board what the terms are.

Mr. Hoover- There is one more issue about the access. I don't know who owns it now.

Daughter of Mr. Tolman-The widest spot on Brook is 30ft. There's a brook on my father's property. There is not even 20 ft from door frame to Brook Street. How far can you move the road over?

Mr. Hoover- It would just have to meet the bylaw.

Mr. Moultrie- That was once called Moores Court and the town did the road. It could be a variable width but the actual layout of the pavement is deceptive. They can not build in the wetland.

Mr. Hoover- Anything else?

David Massey, Chaplin Hill Road resident- What is the plan with the power lines? Has a traffic study been done?

Mr. Paulitz- The proposal is to take them from the cul-de-sac to the through-street. In regards to National Grid's property on Central Street, my client has purchased the land from National Grid.

Mr. LaCortiglia- To when can I make a motion to continue?

Ms. Buck- It has to go further out to February.



David Massey, Chaplin Hill Road resident- I heard that this thing doesn't have a chance because of conservation issues. If they won't sign off, can't they just pull the plug on it?

Mr. Hoover- Only Conservation can turn it down.

Ms. Buck- Next meeting would be Feb 28<sup>th</sup> 2007

Mr. LaCortiglia- Motion to continue on February 28<sup>th</sup>, 2007.

Mr. Carter- Second

5-0/ Unam.