

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Basement Meeting Room
February 11, 2004
7:00PM**

Present: Jack Moultrie, Chairman; Chris Hopkins, Vice Chairman; Tim Gerraughty; Rob Hoover; Alex Evangelista; Larry Graham, Planning Board Technical Review Agent & Inspector; Jacki Byerley, Town Planner; Kristen Eaton, Administrative Assistant

Absent: All Present

Meeting called to order 7:01PM.

Discussion

Georgetown Shopping Center – Parking layout 2/26/03 revised

Marty Halloran, Richard Lappin, and Bonnie Lappin were present for a discussion of revisions at the Georgetown Shopping Center.

Mr. Halloran said that the layout of the septic is different and the retaining wall that is 1-1.5 feet high will be extended. They will be putting in a ramp from the parking lot down to the bank, which will meet the requirements of the ADA.

There is a possibility of widening the ramp behind bank to two through lanes, which makes it necessary to move the curbing back two feet. This allows 3 feet for a vacuum tube system if the bank decides to add such a system in the future.

Because the layout of two lanes changed, the bank asked to allow an additional exit lane so people won't have to go through the bank drive-thru to exit.

There will be a spare conduit system so the lot will not have to be dug up in the future.

The lighting plan has been revised. The previous lighting had some "bad spots" which are cleaned up under the new plan.

The pipe from catch basin was too high to get the inlet septer to work, so a three-chamber catch basin will be used instead. Mr. Halloran said Mr. Graham had approved of this.

Minutes
February 11, 2004
Planning Board

The bank drive-thru is 4-6 inches lower than originally so the manhole and catch basin were dropped to account for that. That's why it looks "weird" out there right now.

The parking lot is 4 inches higher than the plan original plan called for because the drain structure was installed 4 inches too high. The four-inch error occurred because the site superintendent quit and the developers were trying to get the job done before holidays. Unfortunately, that did not happen.

Due to grade behind the building, the landscape wall needs to be extended. The owners have obtained an easement in writing from the Citco gas station to facilitate this.

Mr. Halloran brought one copy of the landscape plan that has a few changes on it.

Mr. Lappin said he had concerns about people being able to see the building. He doesn't want it hidden by landscaping. He asked Mr. Hoover to explain the items being added to the landscaping.

Mr. Hoover said that there were two trees in the islands that have been reduced to one tree because of size of the islands. The trees would have been too crowded. They've changed the tree species to honey locus because honey locuses are great trees for parking lots. Three other trees have been spaced and relocated. There is concern about the tripping hazard that comes with fruit trees. A tree with small fruit should be chosen to minimize the risk of tripping.

Mr. Moultrie asked if perhaps a flowering pear tree would be a good idea.

Mr. Hoover said that the fruit on such a tree would be really big.

Mr. Hoover said that they could always use trees that don't produce fruit.

Mr. Moultrie said it was okay to put in a tree with fruit so long as the fruit is small.

Mr. Moultrie asked if the new landscaping would effect snow removal.

Mr. Hoover said that it won't. The plan has not changed that much, and actually there might be more room now. He thinks this is a big improvement and it will look nice from the street.

Mr. Moultrie asked about the wall. It looks as though it goes right up to the property line.

Mr. Halloran said yes and that it's supposed to be on the line.

Mr. Moultrie said that he doesn't really have an issue with it being there because it is not in the way. However, the owner and developer need to be aware that the wall is on town property.

Mr. Lappin said the wall will be moved off town property.

Mr. Moultrie expressed concern regarding a pothole in the sidewalk that has opened up again. It's a trip hazard.

Ms. Lappin said that the pothole was supposed to be fixed and it should be repaired by Monday.

Also, BankNorth wants to expand their building, the property is owned by the Lappins but the building is leased to BankNorth. They will add to both ends of the building for a total of 380 square feet. The bank is aware that they will have to submit a site plan. But the Lappin's would have to actually file the application because they own the property.

The project to expand the building will follow construction the work on the shopping center but the Lappins would like to accomplish the site work now if possible.

Mr. Hoover said he has never seen a plan with 21 revisions that did not have to come back to the planning board. Each change by itself may not constitute major revisions but this many changes are outrageous. The planning board needs to do something so this doesn't happen again. There are so many grading changes and the light pole is now the focal point when someone enters the parking lot. It's a liability waiting to happen. The shopping center is a huge improvement and it's a landmark for the town. He is just really disappointed. He feels that if there are any further changes the project should come back before the Planning Board.

Mr. Moultrie said that he agrees with Mr. Hoover on several points. The planning board does need to clear things up regarding when a project needs to come back to the board and what constitutes major vs. minor revisions.

Mr. Hopkins said that the board needs to be able to rely on the person they employ to use his discretion to decide if decisions are major. If Mr. Graham feels that these revisions were not major, the board should trust his discretion. He does not want to see this plan back in front of the board for minor changes.

Mr. Halloran said that every change that was made was brought back to planning, maybe not to the whole board, but the changes were brought back.

Mr. Moultrie agrees with Mr. Hopkins that the board should not have to micro-manage and that the board should have faith in the consulting engineer.

However, there is obviously room for improvement in this sort of situation. Perhaps the board needs a boilerplate list of things that would be major or significant. That would give guidance to the developers and Mr. Graham for when a plan needs to come back.

Nelson Street – Informal Discussion

Myron Dubina showed the board the plan for Nelson Street.

Mr. Dubina said that he was trying to show revisions. ConsCom has been receptive to their changes. They agreed with where the building was. This plan tries to avoid a lot of excavation and tree clearing. Mr. Dubina met with Ms. Byerley and Mr. Bennett, the conservation agent, and they both had suggestions. He worked on those suggestions with the engineers and he is unsure that all the changes can be made. He would prefer to do just one lot with a driveway and not a full court.

Mr. Moultrie said that there is more than enough land there to do a one-lot subdivision. He also asked if any of the land was wet.

Mr. Dubina said that there is a vernal pool.

Mr. Moultrie said that the regulations allow Mr. Dubina to do what he has on the plan, so he wonders why Mr. Dubina is even mentioning the possibility of a court.

Mr. Dubina said that Ms. Byerley had suggested that it would be nice if there were more space between the houses, so he flipped the building and made them a bit smaller and put it closer to the wetlands. He will have to go back to ConsCom to see if they approve that. If they don't, he'll move the buildings and spacing will be 32 feet versus the 39 feet with the move closer to the wetlands.

Mr. Dubina has reduced the number of units on the original plan from 24 to 14. Also, he has shortened the cul-de-sac which should conform to the new method of measuring road length.

Mr. Moultrie said that the character of the neighborhood and traffic issues need to be looked at. He asked if Mr. Dubina has approached the neighbors about these changes.

Mr. Dubina said that he hasn't. The changes were made on Thursday.

Mr. Bennett said that there is to be no filling of the wetlands under any circumstances. There is evidence that the wetlands have vernal pool functions but ORAD didn't call them that.

Minutes
February 11, 2004
Planning Board

Mr. Moultrie question why ConsCom would prefer that the developer cut down trees and cut into a hill and cause erosion instead of filling the wetland.

Mr. Bennett said that there this is the compromised plan that ConsCom agreed to. Based on what ConsCom told him, a minimum setback must be met. For this type of proposal, this plan has the least impact on wetlands and hillside. It has an impact on both but minimum.

Mr. Dubina has a meeting with ConsCom on March 14, 2004.

Mr. Graham and Mr. Moultrie disagree with ConsCom.

Mr. Hoover said that he would appreciate seeing a landscape plan.

Mr. Dubina said that he will get a full landscaping plan to the board.

Mr. Bennett said that ConsCom has given oral approval to location grades. This project was started the night that the commission developed the setback requirements, and ConsCom has granted exceptions. He has suggested no exceptions to these requirements for new construction except to access developable land.

Mr. Dubina asked if he has an "okay to go ahead."

No board member wants to comment until there is a formal hearing.

North Street ISH revisions

Scott Cohen showed the original plan. He reviewed the history of issues with ConsCom and the planning board meeting of January 21, 2004.

Mr. Cohen showed the new plan with changes highlighted in red. The new plan has 3 and a quarter moves. Two units were moved, one unit turned, and one unit was moved up a bit. They're still in the buffer zone, outside 25 ft but in the 50 ft. ConsCom is okay with this. Mr. Cohen said that Mr. Graham had put in minor changes including more parking. Mr. Cohen is hopeful that ConsCom will move forward and construction can begin in spring.

Also, because the plan lost the clubhouse, the developers have added a small "pull in" section for mailboxes. The mailboxes will be near the septic area. Plus, lots of landscaping has been added.

Mr. Graham sent a letter saying that the 3 changes aren't significant to open a public hearing. He questions the 35-40 concrete markers along the do not disturb zone.

Minutes
February 11, 2004
Planning Board

Mr. Bennett said that the current regulations require those markers spaced 30 feet apart.

Mr. Graham said that with a straight line like this putting a concrete marker every thirty feet is a bit much.

Mr. Bennett said that the commissioners like that they can see the markers from a public way and see if things have changed.

Mr. Graham said that the same objective could be accomplished with an open wooden fence or something similar instead of the markers.

Mr. Bennett said that ConsCom would eventually have the use of pictometry and won't need the markers anymore.

Mr. Evangelista said that the board was always wary of the 51 units and that he had always stressed the need to "get the job done" with ConsCom. He voted for the plan because of the clubhouse and the spacing that gave the people things to do. The clubhouse was a good gathering point – a meeting place. He doesn't see how the condo association will be able to get together without a place on site. The board granted it knowing that it would have to come back after it was brought to ConsCom. He feels that everything should have all been done and then the planning board would vote on the final plan. He does not feel that these are minor changes. The site is going to look like a barren wasteland with no trees.

Mr. Cohen said that there will be a lot of tree which can be seen on the landscaping plan. In addition, he wishes that they could have proceeded with the original plan. In the future, they hope to add a clubhouse, possibly near the septic area.

Mr. Moultrie said that where this development is supposed to be designed as an active senior community, they wouldn't really need parking if they put a clubhouse near the septic area because there would be sidewalks. At this point, any change at all in this plan must go back to ConsCom, so really ConsCom should get the plans before planning. All the bouncing back and forth is unfair to everyone: the boards, the town, and the applicant.

Ms. Byerley said that she thinks that these changes are minor and that the future clubhouse needs to be mentioned in the condo documents. She also wanted to make clear that they would have been able to build as the plan was under the ConsCom regulations that were originally in place. The plan was denied and they had to reapply. In the meantime, ConsCom changed its regulations. Compromising and resubmitting was more convenient and pleasing than going through litigation.

Minutes
February 11, 2004
Planning Board

Mr. Evangelista said that ConsCom has stricter restrictions than planning, so he thinks applicants should see ConsCom first. Planning should be last.

Mr. Gerraughty asked what would happen if the applicant goes through the process and then Mr. Graham says that the grading is unacceptable and the project has to go back to ConsCom.

Mr. Moultrie said that they wouldn't have to go back to ConsCom so long as they were outside the buffer zone.

Mr. Gerraughty made a motion that the changes in the plan are not significant enough to open a public hearing.

Mr. Hopkins seconded.

No discussion.

The vote was 4-1 in favor of the motion. Mr. Evangelista voted no because of reason stated above.

Georgetown Savings Bank

Ms. Byerley told the board that she had informed the Savings Bank that their funds will not be released until they comply with the board. However, she will sign off on their occupancy permit.

Georgetown Shopping Center

Ms. Byerley asked why there would be a need for a site plan approval if the bank is only expanding 365 square feet. It's less than 500 square feet.

Mr. Evangelista said that he thinks the Lappins are sending the bank to the Planning Board as a precaution.

Mr. Moultrie suggested that the board wait to see what the bank actually plans to do before they say they don't need a public hearing. Likely the changes will be a major modification to a plan because the bank is part of the whole site.

Mr. Hopkins said that the board should see what the plan says. If it effects traffic or open space, then it has to come before the board.

Minutes

In regards to the minutes of January 21, 2004, the following changes are to be made:

Peter Obrin is should read Peter Ogren. Also, Mr. Ogren is an engineer representing Rizzo Associates.

Minutes
February 11, 2004
Planning Board

On page 2, in the sixth paragraph it should read “illusionary” not “an illusion”.

On page 4, in the tenth paragraph there is a space missing in the phrase “build in space”.

Mr. Gerraughty made a motion to accept the minutes of January 21, 2004. Mr. Hopkins seconded. The vote was 4-0 in favor of accepting the minutes. Mr. Evangelista abstained from the vote because he was not present at the January 21, 2003 meeting.

Discussion

Warrant articles

The board has proposed four warrant articles total.

Ms. Byerley told the board that she submitted two zoning warrant articles. She gave the board copies of the suggested changes to site plan review landscaping. She also told the board that they still have the option to withdraw the articles if no one wants to do the changes.

Mr. Gerraughty asked if these articles could be submitted for the fall town meeting instead.

Mr. Moultrie said that the selectmen prefer to have as many people present as possible, so they prefer to do these sort of articles in the spring rather than the fall.

Ms. Byerley suggests that the board withdraw the article related to the intensity of use/continuous buildable area. The reason she recommends the withdrawal is that Georgetown currently requires 50%. Ipswich requires 30% and North Andover does 75%. She was going to work with MVPC to look at the vacant land in town to compare how much would be eliminated based on percentages. However, the board ran out of LTA time. The board should withdraw the article until they have better numbers to support the article.

Mr. Moultrie said that based on that reasoning the article should be withdrawn.

The third warrant article will be the Master Plan.

The fourth warrant article will be changes to the zoning map. The area around route 95 should be the only area affected. The board would need to make a presentation at the town meeting.

Minutes
February 11, 2004
Planning Board

The warrant articles will be discussed at the Planning Board meeting on March 24, 2004. The board will have until March 3, 2004 to look over the articles and email suggestions or questions to the planner. After that the board will have to advertise for the public hearing to discuss all the warrant articles they will be submitting formally.

Mr. Hoover explained how he would like the definition of building height to read. The height would be measured from the existing grade and the height requirement would be 35 ft. So, if a builder brings in 4 ft of fill they can only build up 31 feet.

Currently the zoning regulations do not have a definition of "building height." What is mentioned about building height is included in the definition of "building."

Mr. Gerraughty said that he would attempt to write a definition of building height.

Public Hearings

Carleton Drive – Site Plan Approval Map 15 Lot 46, 63

Mr. Moultrie opened the public hearing for Carleton Drive Site Plan Approval Map 15 Lot 46, 63.

No one was present from either Mirra Co. or Beals Associates.

Mr. Graham mentioned that while some of his men were doing soil tests at the site today they ran into Todd Lobo who expressed that he was unaware of the public hearing tonight.

The board looked to the minutes of January 21, 2004 in which Carleton Drive requested a continuance and the recommendation of Ms. Byerley that the plan be denied if the required information was not in by February 4, 2004

The revised plans were submitted on February 3, 2004.

Mr. Hoover said that he considers the presence of the developers and/or owners at the public hearing to be part of the required information.

Ms. Eaton informed the board that Dan Duval from Mirra Co. had called to confirm that the board had received copies of the plans on time. During this conversation she and he confirmed that the meeting was on February 11th.

Mr. Moultrie expressed his concerns regarding the lack of preparedness that the Mirra Co. has displayed.

Minutes
February 11, 2004
Planning Board

Mr. Gerraughty said that he would like to have the Carleton Drive project come in for the March 10, 2004 Planning Board meeting and if at that point they are unprepared, the board should deny the application.

Mr. Moultrie said that this project has already been extended and the applicants have made several requests to continue the public hearing. Now, tonight they did not show up to their public hearing. It's out of hand and he would like to deny the application.

Mr. Gerraughty made a motion to continue the public hearing for Carleton Drive Site Plan Approval Map 15 Lot 46, 63 until the planning board meeting on March 10, 2004.

Mr. Hopkins seconded.

Mr. Moultrie again expressed his desire to deny the SPA.

Mr. Evangelista said that he agreed with Mr. Moultrie.

The vote was 2-3, the motion failed to pass. Mr. Moultrie, Mr. Hoover and Mr. Evangelista voted against the motion for reasons stated above.

Mr. Evangelista made a motion to deny Carleton Drive Site Plan Approval Map 15 Lot 46, 63 because they have not supplied proper information at the last three meetings and failed to show up for their public hearing tonight. (reasoning otherwise stated as being due to lack of participation and preparation.)

Mr. Hoover seconded.

No discussion.

The vote was 3-2 in favor of denying Carleton Drive SPA. Mr. Gerraughty and Mr. Hopkins voted against the motion.

The public hearing for Carleton Drive Site Plan Approval Map 15 Lot 46, 63 was closed.

Vouchers

Mr. Gerraughty made a motion to pay the 24 vouchers presented to the board: 7 to HL Graham Associates, 2 to Kopelman & Paige, 14 to Millennium Engineering, and one transfer regarding the Georgetown Savings Bank.

Mr. Evangelista seconded.

No discussion

The vote was 5-0 in favor of signing the vouchers.

The board signed the vouchers.

Minutes
February 11, 2004
Planning Board
Carleton Drive - Denial

Mr. Evangelista made a motion to authorize Mr. Moultrie to sign the denial of Carleton Drive site plan approval Map 15 Lot 46, 63.

Mr. Hoover seconded.

No discussion.

The vote was 5-0 in favor of the motion.

Board Business

Mr. Moultrie asked if the planner could get a letter to Symes Associates, Carullo Construction, and John Longo regarding snow and ice clearing. The board has gotten complaints from Brad Chareth the inspector from Millennium and from residents. The ice is a safety issue.

Ms. Byerley told the board that the estimated cost to move the planning office across the hall at Town Hall will be between \$1000 and \$1500. This would include moving the telephone line, moving the computer network, and purchasing desks.

Ms. Byerley told the board that Mr. Delaney had approved the proposed Planning Board budget for FY-05. Now, FinCom must approve it.

Mr. Hopkins made a motion to adjourn the meeting.

Mr. Gerraughty seconded.

No discussion

The vote was 5-0 in favor of adjourning.

Meeting adjourned 10:25 pm