

Minutes
November 10, 2004
Planning Board

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
November 10, 2004
7:00PM**

Present: Jack Moultrie, Chairman; Tim Gerraughty, Vice Chairman;
Rob Hoover, Clerk; Tim Howard; Janet Byrne, Associate Member;
Larry Graham, Technical Review Agent & Inspector;
Jacki Byerley, Town Planner; Kristen Eaton, Administrative Assistant

Absent: Alex Evangelista, MVPC Representative

Meeting called to order at 7:04PM.

Discussion

Crescent Meadows – Bond Release

Bruce Reed was present looking for the finalization on the subdivision.

The form J has been signed off by each department and the board received a letter from ConsCom on their Order of Conditions.

Mr. Moultrie said that this will be a private way.

Mr. Chareth said that he reviewed the as-built and everything seems to be okay.

Ms. Byerley said that normally the board would hold 10% until landscaping is established, but where this is a private way the board can release all funds. If any trees failed, then the developer would have to replace them.

\$47,000 is currently being held in the tripartite bond.

Mr. Reed is willing to keep 10% in there. But he would prefer to have the whole amount back.

Mr. Gerraughty made a motion to release the \$47,000.00 in the tripartite agreement for Crescent Meadows.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of releasing the funds.

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Mr. Gerraughty made a motion that, after receiving Millennium Engineering's report dated November 10, 2004, Crescent Meadows has completed their subdivision with conditions and so the project can be closed.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of closing the project.

Nelson Woods – Covenants

Mr. Speicher and Mr. Ogden were present to continue the discussion on covenants presented at the October 27, 2004 planning board meeting..

Mr. Speicher said that he thinks that Mr. Graham confirmed that the two roads can be built independently of each other having separate drainage systems. He understands the Chairman's position on separating projects, but this is a special situation. The buyers understand the limitations.

Mr. Gerraughty said that since Mr. Graham said that there was no connection with the drainage, he doesn't have a problem. The decision requires the developers to come to the board. He thinks that the board has it covered so the work will get done. It's unique, but it's only three lots. It would be different if it was ten lots. He doesn't think it's going to get dragged out

Mr. Howard said that the separate covenanting sounds reasonable to him.

Ms. Byrne agreed.

Mr. Hoover said that he is not as comfortable with it. This opens the door to the "what ifs". You are now dealing with two of everything which has the potential for creating twice as many issues. The project wasn't presented that way, and it wasn't approved that way.

Ms. Byerley said that she has no issue with two separate covenants. The understanding would be that there would be two inspection accounts and Millennium would be there inspecting.

Mr. Speicher pointed out that the board could end up dealing with two developers anyway if the builder builds one lot and then sells the remaining two. The issue for the board is will there be accountability. You will have that here. You'll have complete control on when the two lower lots will be released.

Mr. Hoover asked "aren't there two issues though?" The second one being what happens in the future with other projects.

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Mr. Speicher said that the law understands that real estate is unique. Basically, precedence is not set. The board can easily say that Nelson St. was an unusual situation.

Mr. Moultrie said that he is more comfortable than he was before, but he feels that this needs to be looked at as an issue for the future.

Mr. Howard asked what if it turns out that there is a drainage problem in the future.

Mr. Speicher said that if there is a complaint, there will be no confusion as to who is causing the problem and whom to go to. The applicant didn't know at the time that this was going to be how they were doing it. This is the result of compromises. It would have been delayed even more if they have withdrawn and resubmitted.

Mr. Gerraughty made a motion to endorse the two covenants: one for lots one and two and the second for lot three.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of endorsing the covenants.

Mr. Moultrie advised Mr. Speicher and Mr. Ogden to make sure the buyers are aware of what is expected of them.

Mr. Hoover wanted to comment on where the project started and where it's ended up. He thinks what they've ended up with a development that is very good for the town.

Acorn Way – Final Lot Release

Mr. Howard abstained from all discussion in regards to Acorn Way as he is an abutter to the project.

Attorney Nancy McCann and developer Rob Nixon were present to request the release of the last lot for the Acorn Way subdivision, lot 1. It was being held to secure the completion of offsite improvements. They would also like to discuss a decrease in the tripartite agreement as per a report from Millennium Engineering dated 11/9/04. They would like to reduce the bond by \$106,460.00, from \$174,955.00 to \$68,495.00.

Mr. Moultrie said that everything has been completed to the satisfaction of the town for the offsite improvements.

Mr. Gerraughty made a motion to reduce the tripartite agreement for Acorn Way by \$106,460.00, retaining \$68,495.00.

Mr. Hoover seconded.

There was no discussion.

The board voted 3-0 in favor of reducing the tripartite agreement.

Mr. Howard abstained from the vote.

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Mr. Gerraughty made a motion to release lot one of the Acorn Way Subdivision after receiving Millennium Engineering's memo dated 11/9/04 stating that offsite improvements have been completed.

Mr. Hoover seconded.

There was no discussion.

The board voted 3-0 in favor of releasing the lot.

Mr. Howard abstained from the vote.

Public Hearings

The Meadows – ISH (Withdrawal without Prejudice)

Attorney Howard Speicher and applicant John Longo were present to represent the project.

Mr. Speicher made the request to withdraw without prejudice on a technicality because Mr. Evangelista is unlikely to be participating in the rest of the hearing process. He and Mr. Longo think the project needs a full board to hear it. After withdrawing, Mr. Longo would then re-file to have a full board, with Ms. Byrne as the fifth voting member. He also made the request to waive the filing fees for re-filing.

Mr. Moultrie asked if everyone understood what was being requested. He explained to the audience the rules regarding special permits and the associate member.

Mr. Gerraughty said that the board has done this a couple times before. It required the money for postage to notify the abutters.

Mr. Hoover made a motion to allow the Meadows to withdraw without prejudice and to waive all fees except postage.

Mr. Gerraughty seconded.

There was no discussion.

The board voted 4-0 in favor of allowing the Meadows to withdraw without prejudice.

Carleton Drive – Site Plan Review

Matt Brassard said that following the previous meeting he received verbal comments from Larry, which were incorporated into this plan. He went over the changes in the plan. First to the left, there were two bioretention cells. It was recommended to go back to a more standard collection system. So the fueling station area has been curbed and an extra retention cell has been added. Secondly, toward the middle of the plan, there was a single catch basin that was changed to two catch basins with a more standard configuration. Also there were modifications to the gravel storage area.

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Mr. Graham then reviewed pointed from his report. He asked if the 30 foot wide access drive could be reduced.

Mr. Brassard said that some of the heavy machinery is in excess of 13 feet wide. If two were to pass each other that quickly adds up to 30 feet.

Mr. Hoover said that he has a problem with the 30 foot wide access drive.

Ms. Byerley asked if the drive would have to be 24 or 26 feet. Would 28 feet be okay?

Mr. Hoover said that 28 feet would be okay. Anything would be better than 30.

After discussion of Mr. Graham's report, Ms. Byerley went over her report dated 11/9/04. She asked what the 60 foot easement is for on the plan.

Mr. Brassard said that the assumption is that it is an access easement to the rear lot.

Ms. Byerley said that she wants to see calculations on cubic yards of earth movement. She reminded the applicant that the town has an earth removal bylaw. She also said that she the thinks the project is limited in terms of landscaping, but that more could be added.

Both Ms. Byerley and Mr. Graham questioned why there is no dumpster shown on the plan.

Mr. Howard asked where they plan to park the construction vehicles.

Mr. Brassard said the vehicles would be parked around the perimeter of the paved area.

Mr. Hoover said that on the site plan approval application and Stormwater management report (page 3 of 5) it says "portions of the upland have been cleared." He'd like the record to accurately reflect the existing conditions. He also asked what the current status was with the conservation commission.

Mr. Brassard said that they're trying to finalize the design with the planning board to see if changes were significant enough to refile with ConsCom.

Mr. Hoover said that he has two basic concerns that go to the heart of development. One, the concept of clear cutting the site before a design is put in place lacks sensitivity. Two, the intense, maxed-out development is an issue. The built environment is a direct reflection of who we are as people. This development doesn't say a lot. He'd like it addressed in writing why the 24-inch pine in the cul-de-sac was cut down when it shouldn't have been. And why other trees were cut down that shouldn't have been. He asked that the existing conditions plan be updated to actually reflect the existing conditions. He also asked for written verification, such as a staff count, regarding the number of parking spaces.

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Mr. Hoover said that the rip rap slope in the back up to the abutting lot is not much of a neighborly gesture. Perhaps a decorative wall or something could be put in. He also said that based on the views the whole portion along 95 can be seen through.

Mr. Brassard said that there is a pretty solid pine buffer out there.

Mr. Hoover said he knows. He said he'd walk the site with Mr. Brassard when the leaves are gone and show him what he means. The pines are not enough. They probably need a double row of evergreens staggered to have an effect. The planting plan needs to be looked at in more detail. It's a great start on the planting plan, but it has a long way to go, and it needs to be coordinated with the lighting and other utilities.

The board needs clarification from the ZBA on what "one acre of bulk storage" means. A request for the minutes of that meeting will be made.

Mr. Gerraughty made a motion to accept request to extend the site plan approval hearing for Carleton Drive to March 31, 2005.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of the extension.

Mr. Gerraughty made a motion to continue the hearing on Carleton Drive to December 8, 2004.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of continuing the hearing.

Rock Pond Estates – Continuance

Mr. Gerraughty made a motion to accept the request for an extension of time to issue a decision on Rock Pond Estates to December 31, 2004.

Mr. Hoover seconded.

There was no discussion.

The board vote 4-0 in favor of the extension.

Mr. Gerraughty made a motion to continue the public hearing for Rock Pond Estates to December 8, 2004.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of continuing the public hearing.

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The Meadows

Mr. Gerraughty made a motion to authorize the town planner to sign the Meadows withdrawal without prejudice.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

Discussion

Nelson Woods – Covenants

Mr. Gerraughty made a motion to authorize the town planner to sign the form G covenants for Nelson Woods.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

Board Business

The board reviewed the proposed schedule of meetings for January through June 2005. There were no huge conflicts expressed. The board agreed that this proposed schedule of meetings would be fine.

Regarding the Deer Run subdivision and a discussion held at the October 27, 2004 planning board meeting, the developer planted the trees for which the board had raised their bond amount. The developer would like to keep the \$40,000 bond that is currently in place and release the lot that he had requested.

No one had an issue with that.

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In regards to the minutes of September 22, 2004, Mr. Howard said that on page 3 the word "I" should be deleted from the seventh paragraph and the word "to" should be added to the fifteenth paragraph between the words "going" and "direct."

Also, on page 6 the word "the" should be added to Mr. Halleran's second statement between the words "shifted" and "building."

Mr. Gerraughty made a motion to accept the minutes of September 22, 2004, as amended.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

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In regards to the minutes of October 13, 2004, Ms. Eaton pointed out that on page 4 in the second to last paragraph, the phrase should be changed from “planting plant” to “planting plan.”

Mr. Gerraughty made a motion to accept the minutes of October 13, 2004 as amended.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

Vouchers

Mr. Gerraughty made a motion to pay the 15 vouchers presented, totaling \$9,873.95.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of paying the vouchers.

Discussion

Nelson Woods – Covenants

Mr. Gerraughty made a motion to authorize the chairman, in the absence of the town planner, to sign the two form Gs for Nelson Woods.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

Adjournment

Mr. Hoover made a motion to adjourn the meeting.

Mr. Gerraughty seconded.

There was no discussion.

The board voted 4-0 in favor of adjourning.

The meeting adjourned at 10:20 pm.