

Minutes
April 28, 2004
Planning Board

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
April 28, 2004
7:00PM**

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

Absent: All Present

Meeting called to order 7:05PM.

Discussion

Acorn Way
Affordable housing

Acorn Way has requested that the discussion regarding their affordable housing be moved to the May 12th meeting because attorney Nancy McCann could not be here this evening.

The board discussed a letter from the Building Inspector to the Board of Selectmen. The building inspector might be selling his home to Elkhorn Development to be used as an affordable housing unit. The Building Inspector has requested a written declaration that the Board of Selectmen has yet to issue. The issue is whether there will be the appearance of a conflict of interest. The Planning Board will write a letter to the Board of Selectmen recommending that the building inspector not be allowed to inspect if Mr. Nixon is the builder. Also the board discussed whether this issue should be sent to the Ethics Commission.

Mr. Moultrie said that the planning board should take no action until it receives confirmation from the Board of Selectmen.

Mr. Hopkins said that selling a property is an issue that the ethics board would take an interest in. However, with renting it might be different; it's normally not much of an issue.

The board came to a consensus that the issue should be sent back to the Board of Selectmen.

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Mr. Gerraughty brought up a different point concerning the use of the building inspector's house as an affordable housing unit for Acorn Way: whether it's a problem that the unit is off site. It does not phase him that the unit is offsite because the development is small.

No one else expressed any issue with the affordable housing unit being off site.

Mr. Gerraughty mentioned that there had been talk about having a duplex in the development, but there was an issue because the development can only have the number of units provided for in the approved plan. He wonders if there is some way to amend that so the board could get more affordable units into subdivisions in the future.

Mr. Moultrie said that the board would have to submit a zoning amendment at town meeting.

Ms. Byerley said that even if the board did that, some applications would have to go to the ZBA because some zoning doesn't allow two-family houses. A duplex would be one building with two units so it would depend on whether they were talking about building or units.

Mr. Moultrie asked about building permits.

Ms. Byerley said there would be one building permit and two occupancy permits issued.

Mr. Moultrie said that the board should look into this because it might be beneficial to the town and the board.

Detention Basin Revision

Mr. Graham said that he checked all the revised calculations and there are no issues with them.

On April 26th, when he wrote his letter, the calculations had not been completed. The letter talks about three specific points

- 1) End pond one – The purpose of the revision was to reduce the size of pond one and to eliminate a length the retaining wall that is on Tenney Street, on the Acorn Way side of the basin. He sees no problem with reducing the size. But when he looked at the sidewalk and guardrail, it appears that between the head walls they want to push the grades out and into the ponds to construct the guardrail. He thinks that will subject the area to possible fluffing into the pond. Mr. Graham recommends that the three head walls be constructed as one unit and that that space be filled so there will be a flat grade.

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Mr. Moultrie said that the developer is willing to go along with Mr. Graham's recommendation concerning point number one.

2) End pond two – Mr. Graham has not received the revised sheet for the ponds. The ponds as built are only a third of the size they are going to be. Mr. Graham thinks the developer is proposing a berm to wrap around catch basin 13, which is the overflow for ponds one and two. There will be spill over a little more than a foot below the berm. Mr. Graham is uncomfortable because all it will take is a snowplow or a car pulling over to mess up the berm and the street will flood.

Mr. Moultrie said when this was approved there were going to be minor changes for aesthetic purposes.

Mr. Thomas Moore of 159 Tenney Street (Pond One is on his property) said that he doesn't think the overflow was approved.

Mr. Moultrie said the plans have always reflected the ponds.

Ms. Betty Tetreault of 161 Tenney Street (Pond Two is on her property) said that Rob Nixon told her that the pond would get smaller. She feels that she was lied to.

Mr. Moultrie said that Mr. Nixon has an approved plan which means whatever is on the plan can be built. So the ponds can and will be as large as the plans call for.

Mr. Moore said the developer laid out the limits of the easement as well as the stakes of what the pond size would be. He's not sure but he thinks that the ponds are close to the size of what they are supposed to be.

Mr. Moultrie rephrases to say that the size might mean depth. Also, he thinks the ponds performed pretty well considering they aren't yet the size they are supposed to be and we have had an unusually wet spring thus far.

Mr. Graham said to the flood line of the pond from the East Side of Tenney Street was proposed to be at about 80 feet into Ms. Tetreault's property. Now it's 65 feet, which mean it has been pulled in. For Mr. Moore's property, It was supposed to be 50 feet. Now it's 40 feet. The ponds have been pulled back on both properties from the flood line. Currently, the ponds need about a third more of the capacity.

Mr. Moore asked if the berming will make up part of the flood line.

Mr. Graham said no.

Mr. Hoover asked if this plan reflects the berm.

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Mr. Graham said yes. He suggested continuing the granite curb inlet and moving the catch basin south.

- 3) Mr. Graham has had a chance to go see if there is still water in the ponds. When he first looked at this in June of 2002, he wrote a report to the board that an overflow was necessary and that it should go across Jewett Street into the wetland. After that report, they went back to the scheme of making improvements to Tenney Street to replace the culvert pipe and carry the overflow down the leg that they are eliminating. There is merit to that particularly in replacing the culvert, but somewhere in that time this started to go to ConsCom because town filed a Notice of Intent. Mr. Graham doesn't know if ConsCom ever had a discharge of the overflow as presented. Item three of Mr. Graham's letter said that he would be more comfortable if that overflow went straight across the street.

Mr. Moultrie said that is an issue for ConsCom. The town cannot force a Notice of Intent on a neighbor to replace the pipe. With the culvert under the roadway, that pipe might alleviate that and take the water.

Mr. Moultrie said that Thad Berry told him that they would do the berm. But otherwise, they have an approved plan and planned to stick to it.

Ms. Tetreault asked the board to clarify what was meant by "the berm thing and the wall thing". She would like to keep the stone retaining wall instead of making three retaining walls.

Ms. Byerley said that the board probably should not approve these proposed changes tonight because the developer is not here to explain them. The discussion should be continued until the May 12th meeting.

Mr. Moultrie that that the developer plans to just construct everything the way it is on the plan.

Mr. Gerraughty said that he thinks we should wait and let them talk about it at the May 12th meeting.

Mr. Hopkins suggested that the developer, Mr. Moore, and Ms. Tetreault should come in with a joint proposal. The plan currently works.

Mr. Evangelista agreed.

The board came to a consensus that it would be best for the developer and the neighbors to work together if they want to make changed to the approved plan and to come back to the board together. Otherwise, the developer has an approved plan that he should abide by.

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Forest Street – Scrivener’s Error

Ms. Byerley said that currently the pavement thickness calls for three courses totaling 6 inches. The developer would like to change the pavement thickness to coincide with the subdivision regulations requirement of 4 inches.

Mr. Graham said that the Town of Rowley requires a thickness of 6 inches so perhaps the developer has done work there and simply assumed that Georgetown required the same.

Ms. Byerley said that the retaining wall called for poured concrete similar to Pillsbury Pond. The developer is willing to change the wall to modular concrete blocks, so it will be more visually pleasing. The developer has provided a picture of the modular blocks they propose to use.

Mr. Evangelista asked if the wall would be structurally just as good.

Mr. Graham said that he guesses so.

**Mr. Evangelista made a motion that the board allows Forest Street to bring the street down to the 4-inch regulation thickness and to change the retaining wall to modular concrete blocks.
Mr. Hoover seconded.**

Mr. Hoover said that there are other decorative walls available – better-looking walls.

Ms. Byerley said that this is what the developer wants. They aren’t willing to go fancier.

Mr. Graham said most of the wall won’t be seen anyway.

Mr. Gerraughty said that he agreed that this particular wall is ugly, but it’s much better than the concrete wall.

Mr. Hoover said if a different wall is the same cost and it looks better, then why not use the different wall.

Mr. Graham said that he thought there had been some sort of condition in the decision requiring the developer to make the walls “pretty.”

Mr. Hoover mentioned a supplier of modular blocks that he feels are more attractive than the ones selected by the developer.

Mr. Evangelista withdrew his motion.

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Mr. Hopkins made a motion to approve the substitution of the poured concrete wall for the proposed modular block wall (or something substantially similar) and to change the depth of roadway from 6 inches to 4 inches as per subdivision regulations.

Mr. Evangelista seconded.

There was no discussion.

The board voted 5-0 in favor of the motion.

Raymond's Creek - Roof Infiltration Substitution

Mr. Graham said that he has no issue with the proposed substitution. The proposed infiltrating units are good and easier to install.

Mr. Evangelista made a motion to approve the roof infiltration substitution at Raymond's Creek as proposed in the letter from Atlantic Engineering dated April 19, 2004.

Mr. Hoover seconded.

There was no discussion.

The board voted 5-0 in favor of approving the roof infiltration substitution.

Pillsbury Pond – Regarding a Letter from Kelly Quigley

Kelly Quigley's letter concerns the drainage in her backyard and Symes Associates approaching her to sign a release.

Mr. Graham said that Mike Symes told him that they had just gotten ConsCom approval to put the drains in.

Mr. Hopkins said that concerning her being approached to sign a release, she Cced the letter to a lawyer and she is a lawyer. The board should not give advice on this matter.

Ms. Byerley said that she would write a letter to Ms. Quigley saying that the board has agreed to the changes that Mr. Graham approved and the developer should be implementing them shortly. Also, the letter will say that the board can offer no advice regarding the release except to say that she should contact an attorney.

Georgetown Savings Bank – Sidewalks

Mr. Moultrie said that he has spoken to Doug George about the sidewalks. The sealer on the concrete was not the same color. It's peeling off and looks bad. Also they were testing for pollution, and they have found some gross things in the soil.

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Mr. Hoover asked if they have told Mr. Moultrie how they plan to protect the sidewalk.

Mr. Moultrie said that they have not yet. However, Mr. George told him that he would take care of it.

Georgetown Shopping Center – Landscaping

Ms. Byerley said that representatives of the Shopping Center came in to express concerns about the two smaller trees and one large tree near the septic. Mr. Zambouras is uncomfortable with Title V issues that might be presented. The Board of Health said they aren't recommending putting the trees there even though it's not specifically against their regulations. The developer would prefer to not put trees near the septic and instead to put in ornamental grass, shrubs, and perennials.

Mr. Hoover said that the elimination of a third tree near the septic is news to him. He would like to again strongly recommend that all three trees be part of the landscape.

Ms. Byerley said that Chris Huntress told her that there had been a mix up regarding the curb. If he had realized before, the tree would have been eliminated then.

Mr. Hoover said that the Board of Health is just trying to protect themselves. There is nothing in the regulations prohibiting those trees from being placed there. He wants to point out 1) the importance of the streetscape and 2) that the applicant created this situation. He has not heard one reason that makes sense to not plant those trees.

Mr. Evangelista agrees that the applicant has come back to the board a lot and that the board should require them to keep the trees.

Mr. Hopkins said that if something were to go wrong with the trees being near the septic, they would have to be torn up and we would be back to square on with bushes there anyway.

Mr. Gerraughty said that through Mr. Hoover's suggestions the board has required the trees to have larger diameters. The Planning Board also approved these trees pending approval from the Board of Health. He does not feel that the Board of Health saying they "don't recommend it" is the same as an approval. He thinks it more important at this point to finish the project than to bicker about the trees.

Mr. Hoover said that the applicant is willing to put the trees in and nothing is holding them up.

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Ms. Byerley said that the board would essentially be asking the applicant to put their septic system at risk.

Mr. Graham asked if Mr. Hoover was familiar with this type of septic system. He suggested that Mr. Hoover look at the relationship between the roots and the proposed system.

Mr. Hoover said that the trees are small ornamental trees. They have a very fine fibrous root system.

Mr. Moultrie is concerned with the notion of not only putting the septic system in danger, but also asking the applicant to spend an additional \$5000.00 to put in a root barrier for aesthetic landscaping.

Mr. Hoover said that it would probably cost less for a root barrier – perhaps \$1000.00 or \$500.00 per tree.

Ms. Byerley said that Linda Miggs priced the root barrier at \$5000.00.

Mr. Graham said that he doesn't know much about root barriers, but that he believes they aren't recommended around septic systems.

Mr. Hoover said that isn't true.

Mr. Gerraughty made a motion to approve the revised site plan to eliminate the three trees and approve perennial beds, shrubs, and ornamental grasses to be planted in their place.

Mr. Hopkins seconded.

There was no discussion.

The board voted 2-3 against the motion.

Mr. Hopkins and Mr. Gerraughty voted for the motion. Mr. Hoover, Mr. Moultrie, and Mr. Evangelista voted against the motion.

Mr. Graham drew the board a picture to illustrate a solution that might allow the trees to be planted and still protect the septic system from root intrusion. The design involves a solid break out wall, and the roots should go down below the system.

No one expressed an issue with removing the one larger tree.

Mr. Gerraughty made a motion to approve the removal of the honey locus tree on the radius but to include the two crab apple trees using Mr. Graham's suggested anti-root infiltration design (at the applicant's option).

Mr. Hoover said that the motion should suggest the root barrier as well.

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Mr. Moultrie said that they would already be using a solid wall if they utilize Mr. Graham's design, so why make them do more.

**Mr. Evangelista seconded.
There was no discussion.
The board voted 5-0 in favor of the motion.**

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Mr. Gerraughty made a motion to approve the minutes from the February 25, 2004 meeting as written.

**Mr. Evangelista seconded.
There was no discussion.
The board voted 5-0 in favor of approving the minutes as written.**

Mr. Gerraughty made a motion to approve the minutes from the March 10, 2004 meeting as written.

**Mr. Hoover seconded.
There was no discussion.
The board voted 3-0 in favor of accepting the minutes as written.
Mr. Hopkins and Mr. Evangelista abstained.**

Regarding the March 24th minutes, Mr. Moultrie said that Mr. Rauseo's name was repeatedly misspelled "Rossio." Each instance of misspelling should be corrected.

Mr. Gerraughty made a motion to approve the minutes from the March 24, 2004 meeting as amended.

**Mr. Hoover seconded.
There was no discussion.
The board voted 3-0 in favor of accepting the minutes as amended.
Mr. Hopkins and Mr. Evangelista abstained.**

Mr. Evangelista made a motion to accept the minutes from the April 14, 2004 meeting as written.

**Mr. Hoover seconded.
There was no discussion.
The board voted 3-0 in favor of accepting the minutes as written.
Mr. Gerraughty and Mr. Hopkins abstained.**

Board Business

Mr. Moultrie said that Mr. Hopkins will not be rerunning this year. His departure will be a great loss to the board. His legal training has helped a lot.

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The board thanked Mr. Hopkins for his seven years of service. He was wonderful to work with and he will be missed.

Vouchers

Mr. Gerraughty made a motion to approve the 12 vouchers presented totaling \$3420.42.

Mr. Hoover seconded.

There was no discussion.

The board voted 5-0 in favor of approving the vouchers.

Mr. Gerraughty made a motion to adjourn the meeting.

Mr. Hopkins seconded.

There was no discussion.

The board voted 5-0 in favor of adjourning the meeting.

The meeting adjourned 10:00 pm.