

Minutes
May 12, 2004
Planning Board

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
May 12, 2004
7:00PM**

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

Absent: All Present

Meeting called to order 7:03PM.

Discussion

Acorn Way - Affordable Housing

Nancy McCann Esq. was present to request an alternative to the affordable housing component. She said the special permit decision allows for the board to consider alternate proposals to the affordable housing component prior to the release of the fifth lot. The Planning Board has currently released four lots. The proposed alternative is to use an existing house offsite to meet the affordable housing requirement. The house is located at 20 Old Jacob's Road. It has three bedrooms and one bath. Also, it has a new roof that is in excellent condition.

Ms. McCann said that she and the applicant have met with the housing authority as requested by the board. The housing authority agreed this would be a good unit to use as an alternate to the affordable housing requirement. It would satisfy the requirement and would be available July 1, 2004. This is advantageous because the unit would be available to occupancy immediately as opposed to the 10-month waiting period associated with constructing a new unit. There is a Purchase and Sale agreement in effect and there would be a 40-year deed rider imposing the requirement that owner be qualified for affordable housing.

Ms. Byerley asked who determines who is qualified.

Ms. McCann said that is something to be discussed with the housing authority. Qualification is based on income. Usually there is a list or a lottery system in place that the housing authority uses.

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Mr. Moultrie asked if Ms. McCann was aware that the selectmen have ruled that this is a conflict of interest for the Building Inspector, who currently owns the house at 20 Old Jacob's Road.

Ms. McCann said that she was aware of that.

Mr. Moultrie said that the Board of Selectmen also might send the matter to the ethics commission. However, that issue has no bearing on tonight's discussion.

Ms. Byerley said that originally the board had asked the applicant to discuss alternatives to the affordable housing component with the affordable housing task force. The housing authority is the state regulating agency. The affordable housing task force was unaware of this new proposal, so the applicant or Ms. McCann might want to write a letter to them.

Mr. Moultrie said that he thinks the Affordable Housing Task Force will not have an issue because the housing authority doesn't. However, it would be helpful for everyone to get on the same page.

Mr. Gerraughty said he is concerned that the affordable housing task force isn't aware of this proposal and they are supposed to make the recommendation to the planning board. It takes the wind out of their sails.

Mr. Evangelista agreed.

Mr. Moultrie said that the Affordable Housing Task Force has no statutory authority though, so the board would not want to get into a situation because of that.

Ms. McCann said that the applicant would prefer that the board have a vote made subject to the recommendation of the Task Force.

Mr. Hoover agreed with Mr. Gerraughty about hearing what the Affordable Housing Task Force has to say.

Mr. Moultrie said that he wants to make sure this will be done in a timely manner.

Mr. Gerraughty said that this should be put back on the agenda for two weeks.

Mr. Evangelista agreed, adding that the matter should not be continued beyond that.

Mr. Moultrie said that the board should let the applicant know its decision on the matter in two weeks with or without the recommendation of the Affordable Housing Task Force.

The Planning Board came to a consensus that Acorn Way affordable housing component alternative would be discussed again at the May 26, 2004 Planning Board meeting so the Affordable Housing Task Force can have the opportunity to comment.

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Ms. Byerley asked Ms. McCann when the closing date would be.

Ms. McCann said June 25th.

Mr. Moultrie asked Ms. McCann to clarify that the closing date would be June 25th but the unit would be available July 1st.

Ms. McCann said that was correct.

Pillsbury Pond - Bond Reduction

Sean Curry from Symes Associates is at the meeting to discuss the possible further reduction of Pillsbury Pond's Bond.

Mr. Curry said that Symes Associates had come to the meeting on April 14th to request a bond reduction. Symes representatives had walked site with Brad Chareth from Millennium Engineering and the representatives and the subdivision inspector agreed the reduction was a good amount. However, Symes did not have a letter to verify this from Mr. Chareth at the meeting. Tonight, Mr. Curry brought a new tripartite agreement with a letter from Mr. Chareth agreeing that the work has been completed. He said that it is his understanding that that is what the board is looking for.

Ms. Byerley said that she has some concerns with the amounts. The new spreadsheet says that wetland replication is 100% complete, but you haven't received confirmation from ConsCom about that.

Mr. Curry said that Mr. Chareth said the wetland replication was complete.

Ms. Byerley said that he would still need the order of conditions from ConsCom.

Mr. Moultrie said that Mr. Curry would need a certificate of compliance. The Planning Board can not approve the roadway until it has all the certificates.

Ms. Byerley said that he would need to get the certificate of compliance from the commission, not the agent. She wouldn't recommend releasing any of the funds for wetland compliance until Symes gets that from ConsCom. She also questions the amount of funds for drainage. The spreadsheet says that drainage is 100% complete. She asked Mr. Curry if it was true that work on drainage was necessary on lot 21.

Mr. Curry said that he was pretty confident that that only effects that one lot.

Mr. Graham said that it does only effects the one lot, but it's in an easement.

Mr. Gerraughty said that on line 20 of the spreadsheet it looks as though somebody dropped a zero.

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Mr. Moultrie said that he thinks that with situations like this someone should come to the meeting from Millennium to answer questions for the board.

Ms. Byerley said that she thinks that the board can still vote tonight to partially reduce the bond.

Mr. Moultrie said that there is time, so the board should run through each item one at a time now.

Item 1 will remain at \$8361.00.

Item 2 - the safety fence. The work has been completed. The amount can be reduced to zero.

The cuts and fills are done.

Item 7 - Rip rap slopes. The board will hold on to the redistributed amount of \$3395.00.

Item 8 - gravel at roads. That is 100% complete.

Wetland replication will be left at \$8820.00.

The sidewalks are not completed, so the board would like to hold \$9420.00.

Driveway aprons are not done. However, the gravel can be brought down to zero.

The trenching is 100% complete.

The concrete retaining wall needs to be discussed with the building inspector. The board will hold \$28,979.00.

The road paving is 65% complete. The board will hold \$67,029.00.

Access road paving is 60% complete.

Holding \$36,036.00 for sidewalk paving is okay.

The board is requiring \$3479.00 and \$ 3431.00 for items 18 and 19 respectively.

Sloped granite curbing is 70% complete. Mr. Chareth had issues related to something being broken, so the board will hold \$57,949.00.

Item 21 is 75% complete. \$816.00 will be held.

For screen and spread topsoil, \$9858.00 will be held.

Export topsoil is 100% complete.

Hydroseeding will hold \$10,095.00.

Landscape planting will remain at the original amount.

The water mains are 100% complete.

\$31,632.00 will be held for drainage.

The critter tunnel is complete.

For guardrails \$23,005.00 will be held.

Traffic signage is 70% complete. However, it is unclear of that includes offsite marking, so the board will hold \$4420.00.

The board would like to leave \$500.00 in traffic control and detail just in case it is needed.

\$20,864.00 will be held for stone and concrete bounds combined.

The total amount left for the bond will be \$390,454.00.

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Mr. Gerraughty made a motion to approve the bond reduction for Pillsbury Pond from \$500,000.00 to \$390,454.00 pending a new tripartite agreement and to authorize Ms. Byerley to sign the new tripartite agreement.

Mr. Hoover seconded.

There was no discussion.

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

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In regards to the minutes of the planning board meeting held April 28, 2004:

Mr. Moultrie questioned in the last paragraph on page two whether “offsite” is one word of two. It spell checks fine as one word.

Mr. Gerraughty said that on page 2 in paragraph 3 he would like it to be clear that his question regarding getting more affordable units into developments by way of duplexes related to projects in the future, not to Acorn Way specifically.

Mr. Moultrie said that on page 3 in paragraph 7 the phrase should read “Whatever is on the plan *can* be built” not “whatever is on the plan *has to* be built.”

Mr. Hoover said that on page 8 in the second paragraph he thinks Mr. Graham was trying to point out the type of septic used near the trees.

Mr. Gerraughty said that on page 8 paragraph 10 should read “*a* picture” instead of “*of* picture.”

Mr. Hoover questioned the sentence on page eight, “No one expressed as issue with removing the one larger tree.” While no one just before the vote had expressed any concerns with removing the tree, Mr. Hoover had expressed concerns prior in the discussion related to the removal of the larger tree and the three ornamental located near the septic system. The sentence “He would strongly recommend that all three trees be part of the landscape” will be added to paragraph 4 of page 7.

Mr. Evangelista made a motion to accept the minutes of April 28, 2004 as amended.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of accepting the minutes.

Mr. Howard abstained.

Correspondence

In regards to the correspondence related to Lufkin Brooks, Mr. Moultrie said that he has asked a surveyor to go survey the lines.

Ms. Byerley asked him if he got a letter of authorization from selectmen to do that.

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Mr. Moultrie said yes.

Mr. Gerraughty asked who would be paying for the survey.

Mr. Moultrie said he assumed the Selectmen would since they would be the ones who signed the contract.

Mr. Moultrie asked if the planning board should ask Symes Associates to come in to discuss the shut down on Forest Street.

Ms. Byerley said that she got an email on the subject that the board could discuss later.

Rock Pond Preliminary Subdivision

There is no legal notice to read for Rock Pond because this is a preliminary subdivision application.

Mr. Moultrie said that it is 8 pm and the board has a preliminary plan before it for Rock Pond Estate at 172 West Main Street. The applicant will give a presentation of the proposed preliminary subdivision, followed by comments from the board, then discussion will be opened to the audience for comments.

William Holt from PLS said that they are asking for two waivers: a) to not have a sidewalk through the project and b) to have cape cod berm in lieu of granite curbing. The applicant is proposing two drainage areas to handle the runoff associated with the roadway. All run off from roadway and will be collected in two detention ponds located near the house at 172 West Main Street. Mr. Holt said that lots one and two have no wetlands. Lots 3 through 5 have only a small area of wetlands: about 500 square feet each. Parcel A is not a buildable lot. Parcel B will be retained by Mr. Jim Bussing. Parcel C will provide drainage for the development. It will not be a public access area. He is aware that the town planner does not recommend allowing the waiver related to sidewalks.

Mr. Bussing said that he is flexible on that point. He just feels that aesthetically it would be better not to have sidewalks.

Mr. Holt said that the word Groveland would be changed to Georgetown on the plan. Parcel C will not be for public use. In regards to the fire hydrant, the applicant will contact the fire department to be sure that it is in a good location.

Mr. Bussing said ConsCom will have a restriction on cutting that varies a bit on each lot. There will be buffers. The hill can't be moved, and the land conveyed to him will be buffer.

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Mr. Holt said that they are certainly willing to work with board about trees species and such.

Lot 109 will require a 21E. Mr. Bussing said there was a diesel spill there. The previous owner let it go. He's had water testing done, and now the water is "almost drinkable." Soil tests results are pending.

Mr. Moultrie asked, where that land was used as industrial for years, could the applicant provide the board with results of the soil tests when they are done.

Mr. Bussing said yes.

Mr. Graham said that he has not been to the site, but he did review the plans. He believes the plan meets zoning requirements as relate to a lane. Lot 3 is at the minimum frontage requirement. He would recommend adding a little extra frontage. He thinks there may be more waivers that might come up. He feels that no sidewalks would be a bad idea. This would not be a country road, so sidewalks are appropriate. Regarding the second requested waiver, Mr. Graham said that he always recommends sloped granite curb.

Mr. Graham said that it would be helpful to have the soil test information in a general sense. Plus it'd be good for the detention basins. He would recommend including a condition of witnessing the test. The turnaround is sufficient, but the board should get a comment on it from the fire department. Mr. Graham thinks that the area is too flat to get the drainage to the catch basins at the intersections. Look at a 3% grade at West Main Street into the site. A vertical realignment consideration would be a much better roadway for the intersection. It's only going to be five lots, but it's a busy street. The site distance given on the plans is adequate, but he thinks that the applicant could do better. As it is, on a slippery road someone might go out into the busy street.

Mr. Graham also commented on the spacing of the fire hydrant. Subject to fire department's comments, he might suggest adding another hydrant. The plan should show the existing water main. Mr. Graham is also a little concerned about the detention basin as proposed. In the event that it was blocked or surcharged, there would be over flow to properties to the west. He's not too excited about that. He would rather see an emergency overflow back to their own property.

Mr. Graham said that it appears that there is a proposal for infiltration piping to the detention basin. The board would want to make sure there is no conflict with the septic system. The rest of Mr. Graham's comments are "minor housekeeping" items. The plan proposes 6-inch frames and grates, and Mr. Moultrie generally prefers 8-inch. Parcel A is in the potential grading area to Richardson's property. There may be a need for an easement back to town for grading. Mr. Graham questions why Parcel B would be conveyed to Mr. Bussing. Is there potential of further development?

Mr. Bussing said that he understands that the lane will be private.

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Mr. Moultrie said that the engineer said that Mr. Bussing would like it to be a town street though, so he'd have to adhere to subdivision regulations.

Mr. Graham said that he thought when the board developed lane and court standards that it was meant to be a lesser standard for a smaller subdivision but that the lane or court would not necessarily have to be a private way.

Mr. Moultrie said that it has to meet certain design standards. Otherwise, the town can't receive state aid for it.

Bill Pelich said that they would prefer to turn the road over to the town.

Mr. Moultrie said that the board would go on the premise that the applicant wants this to be an accepted street in the end.

Mr. Graham said that the applicant should remove the docks from the plan. Also, the street sign and stop sign should be on separate poles on separate sides of the road. He would recommend the board approve an extension if the applicant asks for one.

Mr. Gerraughty passes on his turn to comment because he would like to hear from the audience.

Mr. Howard had no comment.

Mr. Moultrie said that most of his issues have been addressed. He will have questions on frontage because there seems to be very little. He feels that perhaps he should go on a site walk with Mr. Graham.

Mr. Evangelista said that he has no comments for the preliminary plan.

Mr. Hoover said that he has been out to the site. It looks like it's a beautiful piece of property. His general concern is that the applicant is in danger of losing what he wants to work with. He's interested in:

- 1) How the alignment of the subdivision responds to the building across the street. How will the traffic and headlights affect them?
- 2) The horizontal alignment totally disregards the landform that is there. It slices through it. That doesn't work with the land. To slightly realign that would fix some of Mr. Graham's comments.
- 3) Responding to the general public that would see it. Now the area is heavily wooded. He's concerned with the way the detention basin has been designed. There is a beautiful stone wall and vegetation there now. There must be a way to just pull that back to keep the wall and landscape.

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- 4) On lot one, there's an oak tree that the applicant should try to save.
- 5) He highly recommends drafting a plan showing where the abutting homes are so there can be dialogue between the developer and the neighbors and the planning board.
- 6) He's concerned about stripping all the vegetation and concurs with the planner's comments on cutting.
- 7) He feels it would be helpful to see an existing conditions plan.
- 8) He strongly recommends that the developer start looking at the planting plan now to see how it will work with utility lines and driveways.

Ms. Byerley said that she doesn't agree with Mr. Graham's recommendation to remove the docks from the plans. They should be aware of why the parcel is being deeded. Many of her other concerns were addressed.

Mr. Moultrie now opened the discussion to the audience and asked that each speaker state their name and address for the record.

Gerry Nadeau of 174 West Main Street said the development abuts the west side of his property. He's interested in whether there will be a buffer zone. There are trees on the property line that may die later on. He said the plan looks nice so long as all set backs are met. Overall, he would just like to see the trees stay on the lot line. He said that it's hard for him to understand what was said about the drainage. He just wants to be sure that drainage issues will be taken care of.

Mr. Bussing said there will be a berm sloping down to keep the water from flowing onto Mr. Nadeau's property.

Mr. Nadeau asked if that would be where the detention basin would be.

Mr. Holt said that that might change with Mr. Graham's comments.

Louise Richardson of 170 West Main Street said that she was happily surprised by the high regard for the existing structures and the vegetation. Her great-great grandfather built the stone wall. If it can be relocated, she'd be willing to have it on her property. She's unclear about the drainage on her property. If the slope has to be more of a slope that would be more drainage?

Mr. Moultrie pointed out that this plan is very preliminary.

Tom McGrane of 8 Rock Pond Avenue asked what the proposal to get that drainage to West Main Street is.

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Mr. Moultrie said that they are proposing to cut a pipe across Main Street. But there are some issues with that.

Ms. Byerley said that where this is a preliminary plan the board has 45 days to act. She is unsure if the board would like to have the applicant continue to redesign a preliminary plan.

Mr. Moultrie asked if Mr. Graham was recommending an extension.

Mr. Graham said yes. He feels it would be less expensive and more allow for more input from the board if the applicant was allowed to redesign the preliminary plan before proceeding with a definitive subdivision plan.

Mr. Hoover agreed with Mr. Graham. It's more cost effective and the board would get a better plan.

Mr. Evangelista said that he just doesn't want to get stuck on a preliminary plan.

Mr. Holt asked what the time frame would be.

Mr. Graham said that the applicant could meet with himself and Ms. Byerley and Mr. Moultrie during the next week.

Mr. Moultrie said that the board will need the applicant to request an extension of time.

Mr. Pelich asked if they could possibly meet on site about vegetation.

Mr. Bussing said that he would like to meet with Mr. Hoover.

Mr. Moultrie said that that was fine so long as he understood that walking with one member of the board and hearing his concerns would not be reflective of the feelings of the rest of the board.

The applicant filled out a request for an extension of time.

Mr. Gerraughty made a motion to accept the request to extend the decision of Rock Pond preliminary subdivision to June 30, 2004.

Mr. Evangelista seconded.

There was no discussion.

The board voted 5-0 in favor of the time extension.

Mr. Evangelista made a motion to continue the hearing for Rock Pond preliminary subdivision to June 9, 2004.

Mr. Gerraughty seconded.

There was no discussion.

The board voted 5-0 in favor of continuing the hearing.

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Mr. Gerraughty and the applicant signed the extension.

The hearing ended at 9:08 pm.

Vouchers

Mr. Gerraughty made a motion to approve the 11 vouchers presented totaling \$8920.39.

Mr. Hoover seconded.

There was no discussion.

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

The board signed the vouchers.

Business

Forest Street – Cease and Desist Order

Alan Bennett, the Conservation Agent, went out to Forest Street because of a phone call from an abutter. The developer didn't put their culvert or critter tunnel in before the roadbed was put in place, which then adjusted the wetlands. A Cease and Desist order was put on. ConsCom will decide at a meeting tomorrow when they'll let the developer reopen the project for roadwork. As of now, they can do grubbing but not the road work.

Mr. Moultrie said that he saw the memo from Brad Chareth. This issue is 100% ConsCom's responsibility. The subdivision inspector will notice things but it is not his job to check into Conservation's order of conditions. It would be too much for him to do in addition to normal inspections.

Mr. Evangelista said that ConsCom could have caught this problem in the beginning if they had their own inspector.

Mr. Gerraughty said that ConsCom should hire an inspector and that it should not be Millennium. Their responsibility is planning board issues.

Warrant Articles

The proposed warrant article for discussion tonight is changing the term of planning board members from five years to three.

Mr. Gerraughty is concerned with what will happen in the event that two people are up for reelection and there's a project that requires a super majority vote. Would the applicant then have to reapply if two new members we elected?

Ms. Byerley said that a five-year term scares people away. No one wants to commit to five years.

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Mr. Gerraughty pointed out that Mr. Evangelista has been on the board for 10 years.

Mr. Moultrie said that this year the board was lucky that Mr. Howard volunteered to run, but that when he was debating whether to run, his main concern was the five-year term.

Mr. Moultrie asked if we could look around to see what other cities and towns do.

Ms. Byerley said that five years is just a long time and that she would prefer to put this article on the fall town meeting warrant if we have one. Otherwise, it might be confusing during the spring elections.

Mr. Gerraughty said that he feels it will put undo strain on the applicants because two members could think about leaving the board at the same time.

The planner and assistant will continue to look into this article.

Building Permits

Ms. Byerley found two building permits on the inspector's report that she has issues with. The first is 35 Library Street. She asked what that is.

Mr. Moultrie said that it is a commercial pool shop.

Ms. Byerley said that the application did not get the required signatures.

Mr. Moultrie said that the issue with building permits is getting out of control. This one should have had to go to site plan review.

Ms. Byerley also had an issue because the Shopping Center was issued a building permit. The board was aware of the project.

Mr. Moultrie said that the board had told the applicant that it didn't require a site plan review.

Ms. Byerley said that the Building Inspector obviously knew the lot came from a site plan review and he didn't ask for a signature.

Mr. Moultrie said that he wasn't going to skirt the issue. Obviously, illegal things have been going on. It's not sinking in with the Building Inspector. The Board of Selectmen, which is his appointing authority, set up these sign off sheets, so he should go to them if he has an issue with that. The board should write a letter to the Board of Selectmen saying we want to be included in this process.

Mr. Gerraughty said that maybe first the planning board should send a letter directly to the building inspector giving him a chance to explain.

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Mr. Moultrie said that he might step aside and let Mr. Gerraughty handle the situation. He questioned how many times the board was going to go through with this.

Mr. Gerraughty said that last time the Planning Board had requested this list of building permits. He has provided us with this, so now we can say there are issues.

Mr. Howard asked if the planning board was supposed to just be involved in commercial building permits.

Ms. Byerley said that she should sign off on commercial projects at least. The Building Inspector is aware of what requires site plan review.

Mr. Moultrie said that he will let Mr. Gerraughty handle it.

Mr. Gerraughty said that the problem is not going away.

Mr. Hoover thinks that the end result is the same. Getting the report was moving forward, so the board should give the building inspector one more shot at another step forward. Maybe there is a way to make it clear that if this doesn't work then things will have to change.

Mr. Gerraughty said that he will make clear that any commercial project must go to Ms. Byerley for a sign off. If there continue to be problems, then the Planning Board will go to the Board of Selectmen.

The board came to a consensus to let Mr. Gerraughty speak to the building inspector.

Ms. Byerley wanted to clarify that she should see any commercially zoned building permits as well as any permits that involves a structure for industrial or commercial use in a residential zone.

Mr. Moultrie said that there is another situation on Tenney Street. A preexisting, nonconforming use building is going to put up a 3000 square foot metal building in an industrial zoned area. They've started stripping lot already.

Ms. Byerley said that they should have gone for a finding from ZBA to do that. She offered to sit in on the meeting between Mr. Gerraughty and the Building Inspector if Mr. Gerraughty would like.

Mr. Gerraughty said that the matter will be resolved two weeks from now. If not, then the Planning Board will send a letter to the Board of Selectmen on the matter.

Executive session

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Mr. Gerraughty made a motion to enter executive session to discuss current litigation.

**Mr. Evangelista seconded.
There was no discussion.**

**Mr. Hoover voted yes.
Mr. Evangelista voted yes.
Mr. Moultrie voted yes.
Mr. Howard voted yes.
Mr. Gerraughty voted yes.**

The board entered executive session.

**Mr. Evangelista made a motion to exit executive session.
Mr. Gerraughty seconded.
There was no discussion.**

**Mr. Gerraughty voted yes.
Mr. Howard voted yes.
Mr. Moultrie voted yes.
Mr. Evangelista voted yes.
Mr. Hoover voted yes.**

The board exited executive session.

**Mr. Evangelista made a motion to adjourn the meeting.
Mr. Gerraughty seconded.
There was no discussion.
The board voted 5-0 in favor of adjourning.**

The meeting adjourned at 10:08 pm