

Minutes
July 14, 2004
Planning Board

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
July 14, 2004
7:00PM**

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

Absent: Alex Evangelista, MVPC Representative

Meeting called to order 7:03PM.

Discussion

Master Plan Draft Document

Alan MacIntosh of MVPC said the master plan committee has been working hard since last November on the master plan. Since then they've assembled a lot of information on the town. This plan is a draft but substantial progress has been made and there are parts of the master plan that are substantially complete. Mr. MacIntosh then went through the draft master plan with the planning board. He said that none of the maps referenced are contained therein because it's a draft, but in the end it will have the maps.

Section 5 regarding housing needs and characteristics will include an economic development map. Currently, Georgetown is in "a better place" than other Merrimack Valley towns in terms of 40B projects.

Overall, this document is a work in progress. The Master Plan Committee plans to address the missing pieces and come back with a completed document at the end of September. The bulk of the funding came from a state funding program, which requires that the plan must be substantially complete and submitted by July 30. What Mr. MacIntosh wants is for the board to accept the draft plan as a work in progress so it can be submitted to the state by the end of the month and the invoices can be paid. He feels that given the challenges from the outset that is fairly good progress.

Mr. Moultrie asked if the board will have a completed document by the next town meeting.

Mr. MacIntosh said that if that is what the board would prefer, then yes. Some towns have chosen not take the Master Plan to town meeting because it puts the Planning Board in an awkward position of possibly having a document without town approval. The other

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option is to just use the master plan as a Planning Board document instead of a town document.

Mr. Moultrie questioned the statutory requirements of having the plan in place. As an example he mentioned the project presented by Mr. Mirra. If the Master Plan were a town document, could the Planning Board have rejected that without repercussions?

Mr. MacIntosh said that he doesn't think it has to be a town document, but he could look into that. He thinks that acceptance and approval by the planning board counts as acceptance of the plan.

Mr. Hoover asked how the plan was designed to be used. Is it a guidance document rather than law?

Mr. MacIntosh said that where this is a plan rather than law, the goal is for there to be a concerted attempt to follow it but there is no requirement to follow it. But it is a very powerful document, sort of like the open space plan. For example, the state won't fund acquisitions if the town doesn't have a plan in place. This is the same kind of document. The state will be looking for the town to have a master plan.

Mr. Hoover asked if in a perfect world the zoning ordinance would reference the master plan to give it more teeth.

Mr. MacIntosh said that was right. Tonight he is looking for the blessing of the board to submit the document as a work in progress having substantially met the requirements of the state's granting authority.

Mr. Gerraughty made a motion that the draft community development plan, having been substantially completed, be accepted as a work in progress to be submitted to the state by the July 30, 2004 deadline date.

Mr. Howard seconded.

There was no discussion.

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

Pillsbury Pond Sign

Mike Symes is present to discuss the possibility of not including the subdivision sign that was approved for Pillsbury Pond. Currently the sign is supposed to be place at lot 21. The owner of lot 21, the Quigleys, would prefer that the sign be placed elsewhere. Mr. Symes approached Mr. Pelagi, who owns the lot that has the bus shelter on it, about possibly putting the sign there. However, Mr. Pelagi said he would be against setting up an easement for the sign because he already has the bus shelter easement. So the options that Mr. Symes see as available are to either eliminate the sign or put it on lot 21.

Mr. Moultrie asked if the sign was going into the area of the town drainage easement.

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Mr. Symes said it is in the right of way but not in the easement. It would be on property to be conveyed to the town. The sign is large. It is a granite sign encased in boulders/rocks and will be about 8 feet by 4 feet.

Mr. Gerraughty said he would like to see the original decision that says who will maintain the sign, whether it will be the town or the home owner's association.

Ms. Byerley said that it's in the right of way so probably the town.

Mr. Moultrie said that if the streets will be known as their names then it probably won't be an issue to eliminate the sign. But if there is a safety issue created by removing the sign that will be different. The board should find out how the development is designated in the 911 system.

Mr. Moultrie opened the discussion to the audience.

Mike McKay of 19 Pillsbury Lane said he is worried about backing out of his driveway. Will the sign affect his visibility?

Ron Holman of 25 Pillsbury Lane said there are a lot of children that gather around that area. He'd like to see no sign or have it moved.

Mike Quigley of 21 Pillsbury Lane said he and his wife did a survey of the neighborhood. They spoke to the residents of 15 houses and all of them were sensitive to their needs. Most people they talked to wanted to see the sign put in another location. He can understand the people that want it in the original location. But when you put his 2 year old next to the sign he will be invisible to the traffic. People race around the corner and they aren't ready for a stop sign there. He's pretty sure most of the other 16 homes would agree that it is a safety issue. And they'd say if you can't move the sign then don't put it up. Put the money that would be used for the sign in the home owner's association's reserve fund. Overall, people want to see the sign, but not where it is a safety issue.

Mr. Moultrie asked Mr. Symes if there is enough room on the corner of Bernay Way and Pillsbury Lane to put the sign there.

Ms. Byerley asked if the area where the temporary sign is might be a viable option.

Mr. Moultrie suggested that perhaps the sign could be reduced in size to fit in that area.

Mr. Symes said that it looks like that is owned by lot 33. There is a sidewalk in there and a grass strip. The base of the sign will probably be about 2 feet. He would prefer to eliminate it. Symes Associates has already spent time trying to secure an easement on another lot. There isn't any other common land to put it on.

Mr. Moultrie asked how much the sign will cost.

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Mr. Symes said it will be about \$4000.

Mr. Graham said he wasn't sure if the location suggested by Mr. Moultrie and the town planner was the best place to put it either. If this is for the subdivision, then you'd be putting it halfway into the subdivision.

Mr. Moultrie asked if this would this be considered a substantial change to the plan.

Trishia Muller of 37 Pillsbury Lane asked if the sign could be altered to accommodate it in another area.

Mr. Moultrie said that the sign is kind of big.

Mr. Symes said they have already bought the granite oval which is about 4'x 3'.

Mr. Moultrie asked if the sign could work that small. If it isn't any higher than 3 feet, then that is considered standard for automobile vision.

Mr. Quigley asked if this meant that the sign was not simply being eliminated.

Mr. Moultrie asked Mr. Quigley if it didn't matter how Mr. Symes is willing to compromise, Mr. Quigley just doesn't want the sign there at all.

Mr. Quigley said that is correct.

Mr. McKay said he still thinks the sign would be a safety issue even if it was made smaller.

Mr. Moultrie pointed out that this is an approved plan, so Mr. Symes has the right to just go ahead and build the sign where it is on the plan.

Mr. Gerraughty suggested letting the neighborhood get together and discuss the options.

Mike Muller of 37 Pillsbury Lane said he wants a sign but not there. He would like to know what would have to happen to explore the possibility of putting the sign in the Bernay area. Can the board give the residents the resources to look into that option?

Sonia Mitchell of 6 Bernay Way asked if there was an easement for the temporary sign.

Mr. Symes said no, that was on lot 33 and Symes Associates owned that at the time.

Mr. Hoover thinks the best compromise would be a smaller sign.

Mr. Quigley said the ideal would be to make a smaller sign on the corner of Pillsbury Lane and Bernay Way.

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Mr. Moultrie said the board will take this under advisement and they'll keep everyone in the loop. It sounds like the rest of the neighborhood wants the sign but to move it because they are sensitive to the Quigleys concerns.

North Street - Bond establishment

Ms. Byerley said that the Planning Board won't be able to finalize the bond amount tonight, but Mr. Cohen wants the board to let him work with Mr. Graham and have the board authorize Mr. Graham's amount as the final amount. She thinks the contingency amount would be the largest part of the discussion.

Mr. Gerraughty said that while he usually prefers to stick to the 2.5 multiplier, for this 20+ unit Independent Senior Housing project that seems exorbitant. So long as the board can give Mr. Graham some guidance, he has no issue.

Mr. Moultrie said that with this sort of project he thinks the board usually requires a 10% contingency.

Mr. Graham said that he usually would recommend 20%.

Mr. Cohen said that they're closing on the property in the next couple days and they'd just like to get to work.

Ms. Byerley asked what type of agreement Mr. Cohen would like to do. His options are letter of credit, tripartite agreement, or cash.

Mr. Graham suggested that the vote could require a number such as not to exceed 3 million dollars. That would give him some leeway in the calculations.

Mr. Gerraughty made a motion to authorize Mr. Graham to do the calculations to set the estimate for the security agreement for Parker River Landing in an amount not to exceed three million dollars and to authorize Ms. Byerley to sign the security agreement on behalf of the Planning Board.

Mr. Hoover seconded.

Mr. Hoover asked why Mr. Graham prefers 20%.

Mr. Graham said that it's just what he does.

Mr. Gerraughty said that the board does revisit these agreements and releases funds accordingly.

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

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Mr. Cohen said that there is an issue that the Site Plan Approval will be deemed to have lapsed since it has been six months since the ISH was approved and substantial work has not commenced. Parker River Landing just got its Order of Conditions from ConsCom and they consider that good cause for the delay.

Mr. Gerraughty made a motion for the planning board to draft a letter for the project file stating that good cause has been shown as to why Parker River landing (aka North Street) could not commence construction within the 6 month period following approval.

Mr. Howard seconded.

There was no discussion.

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

Mr. Moultrie asked if the previous occupant (the Pybuses) had vacated the property yet.

Mr. Cohen said there are only a few items still remaining to be removed.

Mr. Moultrie asked if Mr. Graham would be overseeing this project.

He will be.

Mr. Cohen hopes to start the project within a few weeks. Part of the agreement is to have the Pybuses demolish everything prior to closing.

Mr. Moultrie said that the Planning Board didn't know that they were part of this process. Before anybody starts doing anything there, the board and Mr. Graham should know what is going on. He asked if there was any waste under the building.

Mr. Cohen said no.

Mr. Moultrie expressed his concerns about protecting the public and the street while tearing down the building.

Board Business

63 Jackman Street – Revised Plans

Mr. Graham said that he is okay with the changes that were made. But he doesn't think the board can take a vote on it until they get the stamped plans.

Mr. Moultrie said that he thinks the board last left the discussion with the understanding that the plan would be finalized by Mr. Graham and Marty Halloran would stamp it and bring it in and Mr. Graham would go over it then.

Mr. Gerraughty said that the board should take it under advisement until they get a new set of drawings.

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Proposed Warrant Articles

Mr. Moultrie said he wanted to make a note on a zoning issue. He'd like to look into whether Georgetown has an accessory structure bylaw or if the board could work on one stating that any structure proposed to be built that exceeds a certain size to be determined would come to the planning board.

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The following comments were made related to the minutes of June 23, 2004:

Mr. Hoover said that on page 2 in his comments in the ninth paragraph the word "system" should be replaced with the phrase "10 foot zone" and follow that with "and so there would not be a board of health issue." In the same paragraph the phrase "looks they'll be okay" should be replaced with "they can guarantee no roots." In the eleventh paragraph, the sentence "Mr. Hoover suggested putting a small curve in the retaining wall" should be added.

Mr. Hoover said that he also remembered things said by the engineer that he feels should be in the public record. Mr. Graham said that he also remembered the engineer discussing Title V. However, other members of the board did not recall such comments from two weeks prior. These comments will not be included in the amended minutes.

Mr. Hoover said that Mr. Zambouras said that Title V does not allow trees within 10 feet of the system and that Title V does not allow retaining walls within 10 feet of the system. Mr. Hoover said that he has asked the civil engineer about their wall design within 10 feet of the system and the civil engineer said that they had redesigned the system to accommodate that. Also Mr. Hoover said that he had asked the civil engineer about the use of crab apple trees near a retaining wall and the civil engineer did not have that information. These comments related to what Mr. Zambouras the engineer said will not be included in the amended minutes of June 23, 2004.

Mr. Moultrie said that the word "to" on page 11 in the seventh paragraph should be replaced with the word "the." The word "he" in the first paragraph on page 15 should be replaced with "his." On the same page in the seventh paragraph the word "decision" should be "decisions."

**Mr. Gerraughty made a motion to accept the minutes of June 23, 2004 as amended.
Mr. Howard seconded.
There was no discussion.
The board voted 4-0 in favor of the motion.**

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There were no changes proposed for the executive session minutes of June 23, 2004.

Mr. Gerraughty made a motion to accept the executive session minutes of June 23, 2004 as written.

Mr. Howard seconded.

There was no discussion.

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

Public Hearings

The Meadows

Mr. Longo has requested that the hearing for The Meadows be continued again due to the fact that there are only four members of the planning board present at the meeting.

Mr. Moultrie asked if anyone in the audience was present for The Meadows hearing and announced that it would be continued until the August 11th meeting.

Nelson Woods – Scenic Roads, Public Shade, and Definitive Subdivision

Mr. Moultrie read his decision as tree warden in relation to the request for removal of five trees. This is an approval with conditions. A copy of the decision will be available in the Nelson Woods project folder at the planning board office.

Ms. Byerley went over the draft decision of the planning board regarding the scenic roads portion of the project.

Mr. Gerraughty made a motion to close the scenic roads and public shade hearing for Nelson Woods.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of closing the scenic roads and public shade hearing for Nelson Woods.

Mr. Gerraughty made a motion to approve the certificate of vote on Nelson Woods scenic road application dated July 15, 2004 as written by Ms. Byerley.

Mr. Howard seconded.

There was no discussion.

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

The board opened the hearing on the definitive subdivision aspect of Nelson Woods.

Philip Christiansen said that they have made changes that were the result of the last meeting. The plan has been changed from five lots to three. The lower lots had two roadways; now there is one. They have reconfigured the court. On Dennison they had three lots. Now they have a court and one lot. That house would be served by a well.

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They have proposed above ground utilities. Mr. Graham has given them comments, which they would go along with except for the storm water management issues.

Mr. Graham said that generally speaking he supports the concept that was presented and granting of some of the waivers. His concern with reducing the number of lots was that once the board acts on this a form A could be created off of them. One way to avoid that is to do smaller lots.

Mr. Christiansen said that it's more attractive to sell a larger lot. The developers wouldn't mind restrictions on the lots but larger lots would be easier to sell.

Mr. Ogden said that they could reduce the Dennison lot to be about 155,000 square feet. Then there wouldn't be enough to break off an additional lot.

Mr. Graham said that restrictions for further subdivision can and are often challenged. Mr. Graham then reviewed his report on the project. He recommended reducing the pavement on Kinson Court down to 14 feet subject to fire department approval. He questioned why the developers were putting a T-type turn around on lot 2. He takes no exception to waiver request related to the water main because the nearest fire hydrant is within 500 feet of the houses. So long as the water department and fire department are okay with this, he is. He had no objection to reducing Dennison from 18 feet to 12 feet. Subject to fire department approval, he thinks the turnaround can be improved. Having no hydrant is okay because there's another hydrant within 500 feet. He suggested the road be pitched to the high side and have an infiltration culvert under the road.

Mr. Gerraughty said that a four inch thickness on the road that is essentially a long driveway seems like a lot for a driveway.

Mr. Graham said that he doesn't feel so.

Mr. Gerraughty asked the developer if he knew if this new plan saves any of the trees that are currently onsite and that were planned to be eliminated.

Mr. Christiansen said yes. They won't have to cut down all five, but there's some grading that needs to be done.

Mr. Howard said that he would have liked to have seen where the existing houses are. It's helpful to visualize the project.

Mr. Christiansen said that they had approximated where the other houses are in past plans. They can add them in but the previous plans are on file with the board.

Mr. Howard asked what the difference is for cost between underground utilities and above ground ones.

Mr. Christiansen said that the difference is huge.

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Mr. Moultrie said that he concurs with Mr. Graham's concern about the water on site.

Mr. Christiansen said that he'll take care of it, but he thinks it can be done without the stormwater management.

Mr. Hoover asked about the possibility of further subdivision. Could that just be restricted with a note on the plan?

Mr. Graham said that restrictions have been challenged and further subdivision has occurred. He would suggest both putting a note on the plan and reducing size of the lots.

Mr. Speicher said that the board can place a condition in the subdivision decision to have no further subdivision.

Mr. Moultrie said that if the appeal period goes by then no one can appeal that decision.

Mr. Ogden said that they will reduce the top lot and the lower lots are not practical to divide more.

Mr. Hoover said that in regard to the overhead utility lines, he would like to request a tree planting plan, which he had requested at the last meeting. It's important to him to show the areas of disturbance. On the grading, he questioned, between this plan and the one presented at the last meeting, which disturbs less.

Mr. Graham said that this design probably disturbs less. There is essentially little or no leveling.

Ms. Byerley asked what would be the ownership of parcel A.

Mr. Howard Speicher said that maybe a donation. They are looking into the possibilities.

Ms. Byerley asked if they have talked to the light department about the overhead utilities.

Mr. Ogden said they have not yet.

The discussion was then opened up to the audience.

Ted Mazzotta of 18 Nelson Street asked what if roots are disturbed on his property.

Mr. Ogden said there aren't very big cuts. There would be a no disturbance zone so the contractor wouldn't go into that zone.

Mr. Moultrie said that the board will make a note of that and Mr. Graham can look it over as we get closer to final plan. There is a possibility that there will be a boundary dispute regarding those trees in the future because they seem to be right on the property line.

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Bob Gauvain of 22 Nelson Street is curious about the drainage.

Mr. Ogden said that no water would run toward his property.

Mr. Hoover said that in terms of Mr. Mazzotta's concern about the roots on the property line, maybe the way to respond to that is to offer evergreen trees for buffer. They're inexpensive and a way to deal with the situation.

Mr. Moultrie said that with this new plan, the board will need to have the engineer work with Mr. Graham. The planning board needs to make a decision about the land area to ensure it can't be subdivided over again.

Ms. Byerley asked the developer if this is the plan that he is choosing to go forward with.

Mr. Ogden said that he'd like some response from the board that this plan is going in the right direction.

Mr. Moultrie said that he thinks it's going in the right way, but the parcel in the back and further subdivision are concerns. His concerns surround that top driveway. But he thinks this is better than the plan that was first submitted.

Mr. Speicher said that they would ask for some sort of vote on the waiver issues: the utilities, thickness pavement, and grading.

Ms. Byerley said that she doesn't think that the board should vote on the waivers tonight.

However, the developer will accept a consensus from the board so they know what direction to move in.

In regards to the above ground utilities:

Mr. Gerraughty said that he has no issue so long as Wayne Snow has no issue.

Mr. Howard agreed.

Mr. Moultrie agreed.

Mr. Hoover said that he was just worried about how the abutters, tree planting, and such would be affected. But in general he has no problem.

With lot size:

Mr. Gerraughty said he doesn't think the developer will get a consensus in this issue. But he has no issue with the lot sizes. He thinks anything can be challenged and adding a note saying no further subdivision will be allowed would do.

Mr. Hoover echoed what Mr. Gerraughty said. Anything can get challenged. But in the whole scheme of things a note on the plan and in the deed would satisfy him.

Mr. Howard said he has no issue with the lot sizes if they reduce the top lot to 155,000 square feet and have the note about further subdivision. He thinks this is a better plan than what the board saw before.

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For pavement thickness:

Mr. Gerraughty deferred to Mr. Graham because he doesn't know much about that.

Mr. Moultrie said that he hasn't really had time to look at the plan. But he has a tendency to go along with Mr. Graham.

Mr. Hoover said that he feels less is more. If you have the proper existing conditions and the proper base, then less thickness is typically okay.

Mr. Moultrie asked Mr. Christiansen if he was going to submit a definitive plan to Mr. Graham.

Mr. Christiansen said that he was.

Mr. Graham said that the developer should meet with him on the drainage.

Ms. Byerley requests that copies of the plans and reductions be forwarded to the planning office as well.

Mr. Gerraughty made a motion to continue the hearing for Nelson Woods definitive subdivision to the August 11, 2004 planning board meeting.

Mr. Howard seconded.

There was no discussion.

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

Rock Pond Estates – Preliminary Subdivision

Ms. Byerley went over the drafted Certificate of Approval.

Mr. Hoover talked about the sidewalk. He asked whether the sidewalks need to be approved now.

There will be a sidewalk with an esplanade on the west side of the road and a retaining wall on the east side of the entry road.

Mr. Graham said that he hasn't reviewed anything since the first plan.

Mr. Moultrie asked why the board was looking at this tonight then.

Mr. Graham said that this is preliminary plan, so the board isn't really approving anything. He would however like to warn the board about page three that says "the board grants the following waivers".

Ms. Byerley said that she can note in the certificate of approval that no waivers have been granted.

Mr. Moultrie asked Mr. Graham if he was making a recommendation.

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Mr. Graham said he sees no reason not to approve it. The board was going to approve the preliminary plan at the first meeting. All the board would be approving would be the concept of 5 lots.

Mr. Hoover asked Mr. Bussing if there was the possibility of further subdivision.

Mr. Bussing said that this represents all that he plans to do.

Mr. Gerraughty said that the possibility of further subdivision isn't really a huge concern for a preliminary plan but it should be a concern when the plan is presented as a definitive subdivision.

Mr. Moultrie said that the decision on a preliminary plan is not binding anyway. The board could vote not to approve the preliminary plan and the developer could file a definitive subdivision plan.

Mr. Howard asked about the possibility of this being a town accepted road.

Mr. Moultrie explained the problems associated with the state not granting funds to maintain this roadway if it were a town accepted road. He would not want to recommend a street that he could not get state aid for.

The certificate of approval will be amended to include as conditions/modifications that the plans reflect a sidewalk with an esplanade on the west side of the roadway, a low retaining wall on the east side of the roadway, and the possible elimination of the detention basin to save the existing stone wall and existing vegetation. The decision will reference the report from H. L. Graham Associates dated May 12, 2004 and the report of the town planner dated May 6, 2004.

Mr. Gerraughty made a motion to approve the certificate of approval of the preliminary plan for Rock Pond Estates with amendments.

Mr. Howard seconded.

There was no discussion.

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

Discussion

Berry Street – ANR Lot Line Adjustment

Mr. Anderson presented the ANR plan for the Nutters who live at 3 Berry Lane. The other property affected is owned by Ms. Michaud and Mr. Wing who live on Warren Street.

This is just a lot line adjustment. The acreage for both lots will remain the same. The frontage of lot one will not be affected. And the Berry Lane lot will get more frontage.

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Mr. Moultrie said that this is just an even land swap with a change in the lot line.

Mr. Anderson said that was right.

Mr. Graham said the existing condition of the lot would allow another division of the lot.

Ms. Byerley said that if it's a one lot subdivision though there is already the condition that it can't be re-divided.

Mr. Hoover made a motion to accept the lot line adjustment plan for Warren Street and Berry Lane as submitted.

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 vouchers presented.

Mr. Hoover seconded.

There was no discussion.

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

Public Hearings

118 Jewett Street – Site Plan Approval

A continuance and extension have been requested for 118 Jewett Street.

Mr. Gerraughty made a motion to continue the public hearing for 118 Jewett Street to the August 11 planning board meeting.

Mr. Howard seconded.

There was no discussion.

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

Mr. Gerraughty made a motion to grant an extension for 118 Jewett Street until September 30, 2004.

Mr. Howard seconded.

There was no discussion.

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

Mr. Gerraughty made a motion to adjourn the meeting.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of adjourning.

The meeting adjourned at 10:30 pm.