

Minutes
August 11, 2004
Planning Board

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
August 11, 2004
7:00PM**

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

Absent: All Present

Meeting called to order 7:01PM.

Discussion

Harris Way - Bond Establishment/Lot Release

Attorney Nancy McCann was present to represent Harris Way. She said there is a covenant in place and a substantial amount of work has been done. They want to replace the covenant with a tripartite agreement. Under the Planning Board's decision, 5 lots can be release before a determination on the affordable housing has been made. They are requesting the release of lots 3, 5, 7, 9, and 11. Brad Chareth from Millennium Engineering has prepared an estimate.

Mr. Moultrie asked if this estimate is without the multiplier.

Ms. McCann said yes.

Mr. Chareth had no comments. Everything is satisfactory to him.

Ms. McCann said that the proponent had done an estimate which the board should have a copy of, and then Brad came up with his estimate which is the 63 number. The two estimates aren't off by much. The proponent is fine with Mr. Chareth's estimate. She asked if it is necessary to do a 2.5 multiplier.

Mr. Moultrie said that the board rarely deviates from that. Other developers have made the request for a waiver of the multiplier lately, which the board has not granted.

Mr. Gerraughty said that the board is always willing to reduce the amount as work goes along.

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Peter Confalone asked if the money is released at a rate of 2.5 times the portion of the work that is completed, or if the board just goes with a number that Mr. Chareth comes up with.

Mr. Moultrie said that as funds are release, they are released with the multiplier.

Mr. Hoover made a motion to accept the tripartite agreement in the amount of \$160,000.00 and to release lots 3, 5, 7, 9, and 11 of the Harris Way PUD.

Mr. Evangelista seconded.

There was no discussion.

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

Pillsbury Pond - Bond Reduction and Subdivision Sign

Sean Curry is present representing Symes.

Mr. Moultrie said that there is a sign easement on the corner lot of Bernay Way. He asked if any of the Pillsbury residents were present tonight.

Mike Quigley was present. He said that the change of location of the sign was what he had wanted so he was okay with that.

Mr. Moultrie said that moving the sign is a minor change so the board just needs a vote.

Mr. Howard made a motion to move the subdivision sign for Pillsbury Pond from lot 21 to lot 33 for which there is already an easement on record.

Mr. Evangelista seconded.

Mr. Moultrie said that this lot is owned in fee by the Williamses and there is a drainage easement there.

Mr. Evangelista said that it should be clarified that the lot is actually lot 33A not simply lot 33.

The motion was amended to state that the sign will be moved from lot 21 to lot 33A. The board voted 5-0 in favor of the motion.

Mr. Moultrie asked Mr. Chareth where the bond reduction stands.

Mr. Curry said that the board should have 4 copies of a tripartite agreement. He and Mr. Chareth walked the site 2 weeks ago. The board should have a letter from Mr. Chareth saying he concurs with the reduction.

Mr. Moultrie asked why the multiplier was 1.5 times.

Mr. Curry said that when the board started this project it was with a 1.5 multiplier.

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Mr. Chareth said that the trees are done. They started them two weeks ago and finished two days ago.

Mr. Moultrie asked Mr. Chareth if he thinks the board should hold a residual.

Mr. Chareth said that they developer has a two-year guarantee on the trees and the board is holding 50%.

Mr. Moultrie asked how far they are on repairing the retention pond.

Mr. Chareth said that it's almost done. It's hydro-seeded and all the repairs are done.

The board went over Mr. Chareth's estimate almost item by item.

Mr. Gerraughty made a motion to reduce the Pillsbury Village bond from \$390,454.00 to \$117,836.00.

Mr. Hoover seconded.

There was no discussion.

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

63 Jackman Street – Revisions to SPA

Marty Halleran is at the meeting tonight to present a formalized plan with engineer's seal that shows the parking layout and roof infiltration modifications for 63 Jackman Street.

Mr. Graham said that he had previously reviewed this plan and suggested Mr. Halleran bring it to the board. He's inspected the site and it's coming along nicely. He recommends the board accept these revisions.

Mr. Evangelista made a motion to accept the revisions to 63 Jackman Street.

Mr. Gerraughty seconded.

There was no discussion.

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

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Ms. Byerley suggested the following amendments to the Planning Board minutes for July 14, 2004:

"Mr. Sergei" should be replaced with "Mr. Speicher" at various places. (This refers to attorney Howard Speicher.)

On page 5 in paragraph 3 the word lot should be replaced with the word unit.

On page 8 in the first motion 2003 should be replaced with 2004.

In the last paragraph on page 8, "form" should be replaced with "from."

At about mid-page on page 9, "dour" should read "four."

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There were no other suggested corrections to the minutes.

**Mr. Gerraughty made a motion to accept the minutes of July 14, 2004 as amended.
Mr. Howard seconded.
There was no further discussion.
The board voted 4-0 in favor of the motion.**

Mr. Evangelista abstains from the discussion on minutes and the vote as he was not present at the July 14th meeting.

Discussion

Ms. Byerley told the board that the master plan is progressing well. She feels it is about 99% done. The board should be able to accept it at a board meeting in October. It doesn't have to be accepted at town meeting. It can just be a Planning Board document.

Regarding the affordable housing unit at 4 Molloy Road, the affordable housing task force has asked if it can use some of the money in the Little's Hill affordable housing account to facilitate a lottery consultant in the sale of the home. Ms. Byerley has received no confirmation from town accountant about how the money in that account is to be spent. The Planning Board agreed that up to \$3000 could be spent on the lottery consultant pending approval from the town accountant.

Public Hearings

114 Jewett St. – SPA Change of Use

Mr. Moultrie opened the public hearing a little past 7:30 pm.

**Mr. Evangelista made a motion to waive the reading of the legal advertisement.
Mr. Gerraughty seconded.
There was no discussion.
The board voted 5-0 in favor of the motion.**

Martin Halleran of T-Square Design, Attorney Robert Rudolph, and applicant Kenneth Kumph were at the meeting to present the project.

Mr. Rudolph said that it is a simple request for a change in use. Mr. Kumph has a cabinet fabrication shop across the street. He's buying 114 Jewett Street which has been used for woodworking. They made chairs there in the past. The building is presently used for metal fabrication. There will not be external changes to the property. They have requested waivers.

Ms. Byerley asked Mr. Kumph what he plans to do with the building across the street.

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Mr. Kumph said that he will use it as his office.

Mr. Rudolph said that they will be having a hearing with the ZBA in two weeks because of the chemicals that are used. There will be five employees, so there is more than enough parking currently on site.

Mr. Halleran said that 18 cars can very easily fit on the site as is. There are no flood zones, wetlands, or easements. He has no expectation for additional plantings. There will be no new drainage on site. They've requested a waiver on technical review because there is nothing to review.

Mr. Moultrie said that this is zoned industrial, so this is a permitted use.

Mr. Evangelista said that on requested waivers 3 and 8 (no expected topography or grade changes and no proposed new work on site) he feels that the board should make clear that that if changes do need to happen that the applicant will need to come to the board. Otherwise, Mr. Kumph could claim ignorance.

Mr. Moultrie said that the board could condition approval on that.

Mr. Hoover said that the assumption is that the existing site is operating properly as is. He questioned the existing dumpster location. It's large and in the front of the building. He pointed out that this could be an opportunity to make a few improvements to the site.

Mr. Moultrie said that the dumpster is kind of hidden in the trees

Mr. Kumph said that he wouldn't mind putting in a small fence to hide it.

Mr. Halleran said that they could push it back onto the pavement and put up a screen.

Mr. Gerraughty said that he's driven by the site and he thinks it's better hidden in the buffer of the trees. It's not really noticeable.

Mr. Moultrie said the site has been in operation for 50 years and there's never been a complaint.

Mr. Hoover said his other issue is the parking layout. He wondered if Mr. Graham was comfortable with it as is.

Ms. Byerley pointed out that one of the requested waivers is for technical review so Mr. Graham isn't reviewing the plan.

Mr. Moultrie said the parking is elevated but hidden. He's heard of no complaints regarding snow removal. He doesn't know how they could really improve on it because of the topography.

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Mr. Gerraughty said that if they were redoing the building he'd want to see the parking fixed and delineated. But since Mr. Kumph is just moving from across the street, he doesn't consider it a big deal.

Mr. Tolman from the audience said that as an abutter he thinks Mr. Kumph moving in would be a good thing.

Ms. Byerley asked Mr. Kumph to clarify that the business is not retail; it's just manufacturing.

Mr. Kumph said that was right. There will be no customers coming on the site except for an occasional one to check on work in progress.

Ms. Byerley will write up a draft decision for the next meeting.

Mr. Gerraughty made a motion to continue the public hearing on 114 Jewett Street to the August 25, 2004 planning board meeting.

Mr. Howard seconded.

There was no discussion.

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

The Meadows – ISH

Mr. Moultrie said that it was now a little past 8 pm. The board would now continue with the hearing for the Meadows. The hearing was opened on June 23, 2004; however, no testimony has been heard, no evidence has been taken, and no discussion has been held until tonight.

There was a letter sent from the residents of True Lane to the planning board concerning possible constructive approval of this project. Ms. Byerley has investigated that possibility and responded saying that the Planning board has 90 days from the close of the public hearing to issue a decision. Since the public hearing has not been closed, both town counsel and the Department of Housing and Community development agree that constructive approval is not an issue in this case.

Mr. Moultrie gave a little history about the rezoning of this property and the surrounding area. This piece of land is in the RB/RC district. True lane was a PUD from the 1990s. The road length is about 1000 feet. The town has a sliver of land through there for site distance which needs to be cut back and cleared out. The current site has a driveway that lets out onto East Main Street, but permission had been granted to construct a driveway that let out onto True Lane. This driveway was never constructed though.

John Longo, the applicant, said that unfortunately the engineer of the project could not be here tonight so he can not respond to some of the technical issues. He has reduced the number of units from 25 to 24 by changing a triplex into a duplex. He described the site and the proposed entry and exit. There will be 12 units on each side of the road and all

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units will be served by underground utilities. He is requesting a waiver as to the length of road. He brought an alternate plan which shows a proposal that complies with the requirements for length of road, but it has more impact on abutters.

Mr. Moultrie asked if the length of road was the only waiver Mr. Longo was requesting.

Mr. Longo said that he also requesting to use bituminous curbing instead of sloped granite because there are short cuts in between driveways.

Mr. Moultrie asked dif this would go before the town for acceptance.

Mr. Longo said that the road will remain private.

Mr. Moultrie said the board would take it under advisement.

Mr. Longo said that the only thing he might change is to maybe have side loading garages in some places. But that wouldn't really change the floor plan. He knows that traffic is an issue and he has done a traffic study.

Mr. Moultrie said that Jim Mulligan from the police department showed up to the last scheduled meeting and wanted to be part of this discussion. He doesn't know what his comments were to be. Mr. Moultrie said that if that concluded Mr. Longo's presentation, the board will move on to the discussion of Mr. Graham's report.

Mr. Graham then reviewed his report dated June 9, 2004. He said that if this particular piece of property were developed as single family lots, you'd probably get 6 to 8 lots in there.

Mr. Moultrie said that if it was rezoned you could probably get double that.

Mr. Graham said that the board should look at whether this is the right land for an ISH development. It does provide alternative housing. The water usage would be comparable to that of single-family homes. Police, fire, and other municipal services aren't really quantifiable but would probably be the same. Either way probably uses up all the land. He thinks that an 8 lot subdivision with single-family homes would create less traffic.

Mr. Moultrie said that more realistically you're looking at 16 homes with rezoning. It's a hypothetical situation, but you have to look at it.

Ms. Byerley said that she would like to see all the information on a plan and then she can re-comment.

Mr. Hoover echoed what Ms. Byerley said. There's a lot of information to be shown on the plans before certain comments can be made. His general response of concern has to do with the perimeter and what can be seen from East Main Street. Also how the entry road parallels the stone wall and how the grading will affect the walls. When he looks at

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the landscape plan graphically indicates woods which it's not. He'd like to see an accurate plan that will show buffering and screening. The current plan is misleading. The perimeter is very important all the way around. He's concerned with what you'll end up with for open space.

Mr. Moultrie asked Mr. Longo if he is proposing sidewalks. He's concerned with the sidewalks connecting to True Lane.

Mr. Longo said he thinks on one side.

Mr. Moultrie said that he'll reserve the rest of his comments until the engineer is present.

Mr. Howard said he would like to rebut Mr. Moultrie's hypothetical regarding the possible number of single family lots obtainable through rezoning.

Mr. Moultrie said that Mr. Longo could go to ZBA and claim a hardship created by the town because of the RB/RC zoning.

Mr. Howard said that Mr. Moultrie has more experience than he does. But as a citizen he would not vote for rezoning at town meeting, so I don't think it would be guaranteed. Also, if he lived on True Lane he'd prefer a year round buffer such as evergreens for privacy. This plan seems to crowd their backyards. He'd like to see some degree of privacy beyond what exists. Forty feet of space with nothing there doesn't help.

Mr. Gerraughty said that open space is supposed to be 35% and his quick math says it should be 3.7 acres. The board will never agree on what open space is but he never considers wetlands part of it. He considers it to be a solid track of land. So it looks as though if you don't count the wetlands, then the 35% requirement is not met. Basically, 24 units seem to maximize the number. He knows that it works on paper, but he doesn't see how the plan actually works for this site.

The traffic consultant Kim Hazarvartian presented his traffic study to the board, which is available in the Meadows file. The overall conclusion of Mr. Hazarvartian is that condos generate less average trips per unit than single-family homes.

Mr. Moultrie said that this study is pretty useless without existing traffic conditions.

Mr. Hazarvartian said he has counts that Mass Highway did. The data goes back over the past couple of years.

Mr. Moultrie said he'd like to see an independent count done there because you can't really effectively analyze the data without that count. Also he'd like the police and fire chiefs' input on this. It is a dangerous intersection and everyone's concern is for it not to become anymore dangerous.

Mr. Gerraughty said that he would like to do a site walk.

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Mr. Longo said that he'd be happy to show the board around the site.

Mr. Moultrie opened the discussion up to the audience.

Todd Stauss of 16 True Lane brought a booklet dated August 11, 2004 outlining the concerns and questions that the residents of True Lane have regarding this project. A copy will be held in the Meadows file at the planning office. Mr. Stauss, acting as representative of the True Lane Neighborhood Association, then went over the booklet with the planning board page by page.

Mr. Moultrie said that this doesn't offer any alternatives. He asked if the residents would be adverse to a Planned Unit Development.

Mr. Strauss said that they haven't seen enough information on this proposal, but they're open to see other options.

In general the concerns of the True Lane residents relate to safety, traffic, water flow and water management, protection of natural features and the environment, and proposed buffer zones. Also, they feel that this proposed project is not in harmony with the neighboring properties. The scope of this project is way too big for that size land. In terms of safety, True Lane has been a dead end for 10 years and the children feel comfortable playing there. The residents will be securing legal counsel especially for the safety of the children. The connection point of the road is in the middle of a blind bend. This connection point adds to an already dangerous location. Also water pressure is not great in the neighborhood and so the residents are concerned about fire suppression. There is no record of Conservation Commission review of this project. The residents are asking Mr. Longo to file with Conservation though they understand that they cannot force him to. Also they would like the opportunity to sit and discuss the plan with Mr. Longo. They would have preferred that he approach them first.

Mr. Longo said that he does traditionally meet with the abutters following the first public hearing to discuss their concerns and he would be happy to meet with the residents.

Mr. Moultrie said that if the project doesn't come under their purview then ConsCom won't be involved in the process.

Mr. Longo said that he is planning to file and he's working on the paperwork to file a Notice of Intent with Conservation.

Gloria Seaboyer of 246 East Main Street read a statement that she had prepared. She does not object to the land being used because she knew that something would be built there. But the property is too dense. There are too many units. She objects to the access on East Main Street. It was her understanding that the former owner was given an access road to True Lane because it's too dangerous to have access on East Main Street. The access road is directly across the street from her house. You cannot see traffic coming.

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As far as clearing the brush, she clears it herself in front of her own driveway. She doesn't know who will clear the brush on East Main Street. She doesn't know why you want to make the driveway a one way in and one way out. We have horrendous traffic problems out on East Main Street now. She has a concern about the water table. She has had a tremendous water problem at her house and putting in that many units would affect it. True Lane affected it. There was more flooding and there will be more flooding. She doesn't know the technical aspects, but she knows what she sees. Her biggest objections are the entrance on East Main Street and number of units.

Martha Endicott representing the horse farm located at 231 East Main Street read a statement from her partner Sue Freihofer who could not attend the meeting this evening. A copy of Sue Freihofer's letter will be in the Meadows file at the planning office. She is strongly opposed to this development. Georgetown is primarily a town of single-family houses. This project does not yield any harmony to the community. The project's density and the lack of buffer and the massive removal of trees is a concern. During the past 5 years traffic on Route 133 has become increasingly dense, and it very difficult turning onto 133 especially with a horse trailer in tow. She does not want to see the beauty and charm of Georgetown get swept up by land developers.

Mary Norton of 3 True Lane said that there was an alternative plan presented by Mr. Longo tonight. That is not on file and the residents are not prepared to comment on that. She considers it a substantial modification.

Mr. Moultrie said that that plan was not presented officially it was something to back up why he requested the waiver.

Ms. Norton said that if the board is going to see that other plan, the abutters would want to see a copy of it.

Mr. Moultrie explains how the process of receiving, reviewing, and voting on a plan works and what can happen. The board is working on the one proposal and it's gonna take a long time.

Ms. Norton said that everyone thought that it was going to be 6-8 houses behind True Lane. They relied to their detriment on that assumption based on current zoning.

Mr. Moultrie said that Mr. Longo does have a very strong case to get the land rezoned.

Ms. Byerley said that he is meeting current zoning because the bylaw allows Independent Senior Housing in every residential district.

Ms. Norton said that this project is not in harmony with the existing neighborhood.

Mr. Byerley asked what the harmony of the existing neighborhood is.

Ms. Norton said that it is subjective and should be determined by the neighbors.

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Mr. Longo said that he would like to have a meeting with abutters between this and the next hearing.

Mr. Gerraughty said that September 8th is four weeks. Mr. Longo is motivated. The abutters are motivated. He thinks that is enough time and it can be a productive meeting then.

**Mr. Gerraughty made a motion to continue the public hearing for The Meadows - 255 East Main Street to the September 8, 2004 planning board meeting.
Mr. Evangelista seconded.**

Mr. Moultrie said that everyone should note that the plans say 225 East Main Street but it should say 255.

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

Nelson Woods – Definitive Subdivision

Discussion on Nelson Woods was open at 10:15 pm.

Phil Christiansen said that in regards to further subdivision of the project, Parcel A will be kept by the developer. If someone did try to develop that parcel, it would have to come to the board anyway. He thinks that this issue goes beyond the purpose of the board. If someone can come up with a clever way to develop the area, then why should that be a problem?

Mr. Ogden said that the board could require a covenant that there will be no further lots added to the subdivisions.

Mr. Graham asked if the board would be granting the waiver on the overhead utilities.

The light department wants the Kinson Court utilities to be on the ground.

Mr. Graham said that he's okay with the infiltration system. There should be a culvert added under the road way.

Mr. Christiansen said that they have added the trees on the Mazzota property. They'll get those plans to the board.

Mr. Graham said that he is okay on the engineering.

Mr. Gerraughty said that he's fine with adding that there is to be no further division into the decision.

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Mr. Hoover asked about putting that requirement on the plan. Could that covenant be on the plan and in the deed?

Ms. Byerley said that it should be both noted on the plan and in the decision.

Mr. Ogden has no issue with that.

Mr. Gerraughty said that then he has no issue.

Mr. Evangelista concurred with Mr. Gerraughty, so long as courts have traditionally upheld such covenants.

Mr. Hoover said he agrees, so long as it's recorded in both places. He's glad to hear the trees have been added. He thinks the landscaping and engineering go together. The buffering and landscaping is significant for Mazzotta and the property line.

Mr. Ogden said that it seems like they have concurrence for technical aspects and this plan will be ready for a vote at the next hearing.

Ms. Byerley asked if he would be able to have the finalized plans by next week.

Mr. Ogden said that it would probably be better to come back to the board in September.

Maria Gauvain of 22 Nelson Street asked out of curiosity why the road on the upper lot extends beyond the driveway.

Mr. Ogden explained that this is a hammerhead design so emergency vehicles such as fire trucks can turn around.

Mr. Gerraughty made a motion to accept the extension of the hearing on Nelson Woods Definitive Subdivision until September 30, 2004.

Mr. Hoover seconded.

There was no discussion.

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

Mr. Gerraughty made a motion to continue the public hearing for Nelson Woods to September 22, 2004.

Mr. Evangelista seconded.

There was no discussion.

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

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Discussion

Whispering Pines – Bond Reduction

The board reviewed a letter from Millennium Engineering detailing the bond reduction.

The board will need a new tripartite agreement to sign.

Mr. Hoover made a motion to reduce the tripartite agreement of Whispering Pines to \$325,618.00, to release lots 2 through 14 (not including lot 8), and to authorize Ms. Byerley to sign the tripartite agreement.

Mr. Evangelista seconded.

There was no discussion.

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

Vouchers

Mr. Gerraughty made a motion to pay the 10 vouchers presented totaling \$11,224.83.

Mr. Evangelista seconded.

There was no discussion.

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

The board signed the vouchers.

Discussion

Returning to the discussion related to the sale of the affordable house at 4 Molloy Road. Ms. Byerley said that she doesn't know what to say except to allow the affordable housing task force to use the \$3000.00 requested from the Little's Hill affordable housing fund. It's not as though the money has been designated otherwise. The board just has to check into the legal issues associated with the granting of permission. However, Kathy Sachs wanted the board to pay for a home inspection and Ms. Byerley said no to that request.

Mr. Gerraughty doesn't have a problem with allowing the task force to use the funds, since the funds are supposed to be for affordable housing. He would like to see a new deed rider in place to have it starting from this point.

Mr. Evangelista asked if this was the first time the board has done this.

Mr. Moultrie said that it was. The affordable housing task force was not in place before. The board would usually charge the developer for these sorts of issues.

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The consensus of the board was that no one had an issue with allowing the affordable housing task force to use funds from the Little's Hill affordable housing account to pay for a lottery to effect the sale of the affordable house at 4 Molloy Road, so long as a new deed rider is put in place.

Public Hearings

118 Jewett Street - SPA

Mr. Gerraughty made a motion to continue the public hearing on 118 Jewett Street to the August 25, 2004 planning board meeting.

Mr. Howard seconded.

There was no discussion.

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

Discussion

Mr. Hoover brought up the possibility and feasibility of tape recording the meetings for the purpose of review of the minutes.

Ms. Byerley said that she thinks that the department then has to hold that tape forever as a public record.

Mr. Moultrie said that he thought a lot of boards use tapes for taking minutes and then reuse the tape.

Ms. Byerley said she's pretty sure that they aren't supposed to.

Mr. Gerraughty said that having the minutes on tape is more likely to "bite you rather than help you."

Mr. Evangelista feels along the same lines as Mr. Gerraughty.

Ms. Byerley will look into the rules regarding tape recording minutes.

Mr. Hoover made a motion to adjourn the meeting.

Mr. Evangelista seconded.

There was no discussion.

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

The meeting adjourned at 11:05 pm.