

Minutes  
September 22, 2004  
Planning Board

**MEETING  
GEORGETOWN PLANNING BOARD  
Memorial Town Hall  
Third Floor Meeting Room  
September 22, 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

**Meeting called to order 7:05PM.**

**Discussion**

**Little's Hill - Street Sweeping**

Mr. Craig Spear was present to represent the Little's Hill project.

Mr. Moultrie said that the board has received repeated reports from the subdivision inspector regarding the road conditions on site.

Mr. Spear said that the street has been swept now. There has been one builder building one house at a time. But he has been in the hospital for 4 weeks. The superintendent said that he would do it, but he hasn't. So Mr. Spear took it over about a week and a half ago.

Mr. Moultrie asked if the board could get a schedule as to when the sweeping will be done.

Mr. Spear said that he has hired a gentleman to do the sweeping at least 4 times in the next couple months and the agreement will be extended as needed.

Mr. Moultrie said that he would think it would need to be done once a week.

Mr. Spear said that it depends on the work that is being done. He has no control over the house being built.

Mr. Moultrie said that Mr. Spear is the responsible party. It's his responsibility to police them. He also said that the project is in violation of silt runoff. People shouldn't have to be living in that mess. People have been complaining. It must be kept under control. He doesn't want this to turn into something more serious. If there's a lot of activity up there,

Minutes  
September 22, 2004  
Planning Board

it needs to be swept more often. Mr. Chareth has said that whoever is responsible has been very unresponsive.

Mr. Moultrie then asked what the issue with the sign was. The planning board referred all questions to the Building Inspector.

Mr. Spear said that the abutter who is complaining won't talk to him. It's basically the same wall plan that he presented last year. They're still using the two granite end pieces but they bought stone. They've checked the site lines several times and there is visibility all the way down to Andover St.

Mr. Moultrie said that when the board discussed it in November the Building Inspector determined the wall wasn't a structure. So it is entirely under the Building Inspector's jurisdiction. The planning board is essentially out of that issue.

Mr. Spear said that he's planning to start the granite on Hillside this fall and would like to get the curbing, the sidewalk, and the topcoat on this fall.

Mr. Moultrie reminded Mr. Spear that there's a condition in his decision that states he can not use Canterbury Drive for construction vehicle access.

#### ANR Plan – 95 Elm St. Map 10A Lot 32

Martin Halleran presented the ANR plan for 95 Elm St. The property is owned by Bill Roy, who wants to split the lot. There's appropriate frontage and no conservation issues to speak of.

Mr. Moultrie said that it's land subject to flooding. The board has to endorse the plan because it meets the regulations. He'll have to deal with the flooding issues if he wants to develop the lot.

Ms. Byerley said that the plan seems to be meeting all the setback requirements.

**Mr. Gerraughty made a motion to approve the ANR plan for 95 Elm Street.**

**Mr. Hoover seconded.**

**There was no discussion.**

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

#### Public Hearings

##### Nelson Woods

Phil Christiansen, Larry Ogden, and Harold Speicher were present to represent the project.

Minutes

September 22, 2004

Planning Board

Mr. Moultrie said that the town planner has written up a draft decision on this project and Mr. Graham has also written some comments on it.

Mr. Graham said that he thinks the note about no further subdivision would settle some of his concerns. There is some discrepancy on the plan in regards to parcel A. He thinks the wording on page 4 and 5 referencing “not a buildable lot” is preferable.

The board has received no comments from the fire department.

Mr. Ogden said that he had a letter from the fire department, which he then gave copies to the board to be placed on file.

Mr. Graham said that if the board accepts the letter, it looks like it takes care of those concerns related to the fire department. Mr. Graham said that there should be two changes on page two of his report: 115 should be changed to 105 and 114 should be changed to 104.

Mr. Christiansen said that he understands Mr. Graham’s concerns related to “ponding” but he doesn’t think that it will be a problem.

Mr. Graham said that he made that comment for the notation of the board. Normally there is a culvert there.

Mr. Christiansen said that there the depth of the culvert wouldn’t work.

Mr. Graham said that what he’s going to have is the edge of the pavement on Nelson Street being the gutter flow.

Mr. Moultrie said that all that water goes onto lot one so you can’t disturb it. Otherwise the water will go to the Mazzottas’ lot.

Mr. Christiansen said that he thinks that the swale will save some trouble for the Mazzottas from flooding.

Mr. Hoover expressed concern about the 105 low point.

Mr. Moultrie said that it also concerned him.

Mr. Graham said that he doesn’t think that anyone will want a culvert at Kinson Court.

Mr. Moultrie asked how they are going to direct the water into the swale.

Mr. Christiansen explained that it will grade down along the swale to the detention basin in the back and have a low point of 103.

Mr. Moultrie said that he thinks a lot of the water diverts before it gets there.

Minutes  
September 22, 2004  
Planning Board

Mr. Graham said that he thinks it's going to come down to the corner.

Mr. Moultrie said that he has no issue with a swale across the apron so long as it performs the right way. He thinks before the project is finalized it will have to be seen under field conditions. It'll just be something for Mr. Graham to watch.

Mr. Howard said that he wants to make sure that the conditions of no further subdivision be recorded in the deeds as well as the plans.

Mr. Moultrie asked if he means the deeds to the individual lots.

Mr. Speicher said that he has a couple of problems with condition 9 of the draft decision. The developer has no problem with the condition that no more than 3 single family homes will be built and that there is to be no further subdivision. There is more language to strengthen that Parcel A is not to be a buildable lot. As a zoning matter, you can never get anymore frontage on this property. The town is unlikely to change the zoning. He recommended ending the condition after the second sentence. End after the phrase "on the approved plans."

Mr. Moultrie said that he doesn't have an issue with that, but it has to be obvious in the file.

Mr. Hoover said that he sees no problem with having the covenant on the plans and the deeds. There's no reason not to put the language on the plan.

Mr. Speicher said that it's in the chain of title already.

Mr. Hoover asked what the reason not to is.

Mr. Speicher said that you don't want to put an additional condition on the deed.

Mr. Hoover asked why not.

Mr. Gerraughty said that it raises a flag. It's more marketable to not have deed restrictions.

Mr. Speicher said that it's sloppy conveyancing. They'd have to come back to the board and do a modification. Why don't we have a requirement that we certify to the board that we've informed those who buy the new homes that parcel A is not a buildable lot.

Mr. Howard said that then the new owners wouldn't mind having it on their deeds.

Ms. Byerley said that they need to know that they can't even subdivide their lots.

Minutes

September 22, 2004

Planning Board

Mr. Speicher said that he has no problem with providing the buyers with a copy of the plan and the decision. He worries that lawyers in the future will see a condition like that and think that it's an additional restriction. There's a principle in law that if there's language in a contract or deed the courts will not assume that it is superfluous. Someone will argue that it means something else, because it's unnecessary, because it's already on the plan and in the decision. It can just make it more confusing in the future.

Mr. Graham suggested making the deeds "subject to" the notice of decision and the plan.

The members of the board and the developers prefer that language.

Mr. Moultrie asked if the decision will reference the stone wall agreement.

Ms. Byerley said that she thinks the decision should just reference the scenic roads decision.

Mr. Speicher said if you're going to reference the decision then attach it.

Mr. Hoover is concerned about how the future drainage of the culvert will affect the Gauvains property once the new earth work takes place. He also made a minor suggestion regarding the plantings: if the developers would like berries to be produced they should make sure to have male and female trees. He wouldn't leave that up to the landscaper. He'd put that on the plan.

Mr. Moultrie then opened the discussion to the audience.

Bob Gauvain asked for a sum up of what was decided.

Mr. Graham said that he wants to be sure that Mr. Gauvain knows that the grading and the location of the houses are not necessarily final on the plans.

Mr. Moultrie said that that will fall under the auspice of the Building Inspector.

Mr. Ogden said that it has to meet zoning setbacks.

Mr. Hoover said that the notes on the plan state that all maintenance will be the responsibility of the owners of those particular lots. He wants to make sure that the evergreens on the side near the Mazzotta lot will be taken care of. So it should be added in that plantings are included in that.

Ms. Byerley said that she also wants it added in the decision and on the plan that items 3h and 4h of Mr. Graham's report will be done.

Mr. Christiansen asked to have condition 9 faxed to him, and he'll put it right on the plan.

Minutes  
September 22, 2004  
Planning Board

**Mr. Gerraughty made a motion to close the public hearing for Nelson Woods definitive subdivision.**

**Mr. Howard seconded.**

**There was no discussion.**

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

**Mr. Hoover made a motion to approve the definitive subdivision plan for Nelson Woods based on plans revised 9/23/04 and including the notice of decision with conditions as amended.**

**Mr. Howard seconded.**

**There was no discussion.**

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

### 118 Jewett Street

Mr. Halleran presented a new revised plan dated 8/30/04. He has revised the parking and driveway. Now there's a one way entrance across from Clean Line.

Mr. Graham said that he thinks that improved the site distance. He has no report. He reviewed the plan quickly because it came to him late. He made a suggestion to Mr. Halleran for changing the handicap parking spaces. He'd get one more space. He also suggested grading changes and possibly angling the parking.

Mr. Moultrie made a note of correction, stating that Mr. Halleran has Warren Street kind of in the wrong place on the locus map.

Mr. Hoover asked what the difference was between this plan and the previous one.

Mr. Halleran said that he widened an area, shifted the building a bit because it was in the 50 foot setback, eliminated inward parking and made parallel spots on the side, and changed the wall to riprap with plantings.

Mr. Hoover said that he thinks a decorative wall would be appropriate at the street wall. He also said that regarding the lighting on the building, it would be desirable for the passing public to see no direct light sources.

Ms. Byerley pointed out that the handicap parking space in the rear of the building doesn't really work with any sidewalk.

Mr. Halleran said that he will check on ADA compliance. There's only one entrance there.

Ms. Byerley asked if he would put up a fence round the dumpster.

Mr. Halleran said yes.

Minutes

September 22, 2004

Planning Board

Ms. Byerley said that parking spaces 14, 15, and 16 will have issues looking around to see if someone is coming in the one way. Also there is a tree in parking space 11.

Mr. Halleran said that that was just left over from the old plan.

Ms. Byerley asked if Mr. Halleran could work with the fire department on the turn around on the back of the building.

Mr. Halleran said he would.

Ms. Byerley asked how people will be directed with one way traffic and the two way area.

Mr. Halleran responded signage.

Ms. Byerley pointed out that if the parking in the rear of the building will be for employees only, there are sidewalks if they have to walk to the front of the building.

Mr. Halleran said that the planter on side of the building will have to be the sidewalk.

Mr. Graham said that if the board is generally happy then he'll do a full report on the next revision.

The Conservation Commission hearing will be Thursday.

Mr. Hoover said that when he thinks about the traffic, it's going to be confusing. He'd like to see how Mr. Halleran is going to get the service vehicles to turnaround. There's a lot being forced on the site, and he feels that a lot of the issues need to be worked out.

**Mr. Gerraughty made a motion to continue the public hearing on 118 Jewett St. to October 27, 2004.**

**Mr. Hoover seconded.**

**There was no discussion.**

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

**Minutes**

Mr. Howard made the following corrections to the minutes of August 25, 2004.

On the bottom of page two in Mr. Hoover's comments the word "hopefully" should be changed to "Hopes".

On page four at the start to the 118 Jewett Street discussion in Mr. Halleran's comments the word is should be deleted from the phrase "the plan is meets."

There were no further comments.

Minutes  
September 22, 2004  
Planning Board

**Mr. Gerraughty made a motion to approve the minutes of August 25, 2004 as amended.**

**Mr. Howard seconded.**

**There was no discussion.**

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

### **Vouchers**

**Mr. Gerraughty made a motion to pay the 10 vouchers presented.**

**Mr. Hoover seconded.**

Mr. Howard asked if there was still an issue with the Savings Bank sidewalk.

Mr. Moultrie said there was not.

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

The board signed the vouchers.

### **Board Business**

Mr. Moultrie asked Mr. Graham to give the board a quick overview of the issues with the Shopping Center aprons. They are not ADA compliant. Also there is a step down on the access to the front of the bank building. The ramp is not compliant either.

The striping of the islands is longer than it needs to be.

### **Adjournment**

**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 10:15 pm.**