

Minutes
Georgetown Planning Board
July 23, 2003

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Basement Meeting Room
July 23, 2003
7:00PM**

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

Absent: Christopher Hopkins, Vice-Chairman

Meeting called to order 7:00PM.

Board Business/Cuffee Dole's

Attorney DiMento stated that he is representing Mr. Archer. He stated that shrubs and signs would be installed in two weeks and that they are arranging for financing for the lighting and would have the lighting in by August 29th.

Ms. Byerley stated that there is also a Technical Review bill of \$1,055 to be paid.

Mr. DiMento stated that the bill would be paid in two weeks.

Mr. Moultrie asked about other items on list to be finished.

Ms. Byerley stated that she and Mr. Graham would go out to the site after the shrubs were put in.

Mr. Evangelista asked what is the date in two weeks.

Mr. DiMento stated that they would have these done by August 7th.

Mr. Moultrie stated that they would discuss the parking lot issue after these items are finished.

Mr. DiMento stated that they are asking to have the funds the board is holding released and to have Mr. Graham review whether the parking lot requires paving.

Mr. Gerraughty stated that they should not deal with the parking lot now.

Mr. DiMento stated that he is asking for Mr. Graham to go out and look at the parking lot. He stated that there is a double standard of the board. He stated that his client is doing the best he can. He stated that they are asking for cooperation and not a lecture.

Mr. Moultrie stated that they are working for the best interest of the town. He stated that they would see them in two weeks time.

Master Plan Committee

Ms. Byerley stated that only three residents have responded. She asked if they want to ask anymore residents.

Mr. Evangelista stated that those who have not responded were not active on the Committee.

Mr. Hoover asked for an explanation of Master Plan and the Planning Board.

Minutes
Georgetown Planning Board
July 23, 2003

Ms. Byerley explained

Mr. Evangelista stated that they should go forward with the three that have responded.

Mr. Moultrie stated do they know their charge.

Ms. Byerley stated that the letter explained what the board was looking for and that they would meet with Alan MacIntosh of MVPC in September.

Mr. Moultrie stated that they should have members come in to a meeting.

Ms. Byerley stated that they could ask them to come to the September 10, 2003 meeting.

Appointments

Mr. Gerraughty made a motion to appoint Alex Evangelista as the Planning Board Representative to the MVPC. Second by Mr. Hoover. All in favor 4-0.

Mr. Hoover made a motion to appoint Alex Evangelista to the Community Preservation Committee. Second by Mr. Gerraughty. All in favor 4-0.

Vouchers/Technical Review

H. L. Graham

- North Street-----ISH-----\$1,777.50
- Acorn Way-----\$4,197.50
- CMR Realty-----SPA-----\$45.00
- Emma Harris Way-----\$630.00
- Georgetown Savings Bank-----SPA-----\$135.00
- 197 Jewett Street-----\$135.00
- Whispering Pines-----\$180.00
- Pillsbury Pond-----\$1850.00
- Planning Board General-----\$180.00
- Aspen Publishers-----\$152.23

Mr. Gerraughty made a motion to pay. Second by Mr. Hoover. All in favor 4-0.

Raymond's Creek-ISH

Board signed the mylars for Raymond's Creek-ISH.

Board talked about receiving smaller plans to review.

Mr. Hoover stated that they should ask for a 50% reduction in size.

Mr. Moultrie announced that 192 North Street ISH and 65 Jackman Street SPA would be continued to August 13, 2003.

Bailey Lane

Mr. Moultrie stated that this is a Preliminary plan and that a lot of detail is missing from the plan. He stated that this is a concept plan and if the plan is denied then they could file a definitive plan.

William Paulitz of Apple Associates showed on a plan where the project is located. He stated that the plan consists of five lots and he gave sizes of each lot. He stated that they propose a 50ft right of way with 26 feet of pavement. He stated that they show 21 lots on the plan. He explained zones and frontage. He stated that the wetlands are depicted on the plan. He showed the 100ft buffer zone. He stated that they have a delineated wetland line and that they are refreshing the wetland flags. He stated that they are working with the Georgetown Board of

Minutes
Georgetown Planning Board
July 23, 2003

Health on soil testing. He stated that all the lots would be individual septic systems. He stated that they have topography map that was flown in 1990 and 1989 and in 2001. He stated that there has been no alteration to the lots since they were flown. He stated that they would file with the ConsCom if they go to a definitive plan and also with the EPA to protect waterways. He stated abutters are here because of the connection of Bailey Lane. He stated that they could make improvements to Mohawk Circle. He stated that they are trying their best to not make this a cut through. He stated that they propose a 3,000ft road with curbing. He stated that they hope to work with the Planning Board and Abutters.

Mr. Moultrie asked if there was any correspondence on this project from other boards.

Ms. Byerley stated that there was a letter from the Electric Department.

Mr. Hoover asked that with all the land why do they have a detention basin in the 100ft-wetland buffer.

Mr. Paulitz stated that they would move the detention basin.

Mr. Hoover asked about soil testing.

Mr. Paulitz stated that they are doing soil testing for the septic systems.

Mr. Hoover asked why they have such tight radiuses a long the tangents.

Mr. Paulitz explained that tonight they are looking for input from the board on the plan. He stated that this is a preliminary plan and that they do not plan to cut a lot of trees down and would be looking at house placement.

Mr. Hoover stated that he would like to hear design intent.

Mr. Paulitz stated that at the definitive stage they could address this issue.

Mr. Evangelista stated that they have to look at the wetlands. He stated that they could not build in the 100ft buffer without ConsCom approval.

Mr. Paulitz stated that they would work with the ConsCom.

Mr. Evangelista stated that if the ConsCom does not allow them to build in the buffer then they would loose a lot of homes. He stated that they also show a wetland crossing that would have to be approved.

Mr. Paulitz stated that there is a crossing now and that they plan on using this crossing.

Mr. Evangelista asked if the ConsCom fine has been paid or settled. He asked if it is still building.

Mr. Paulitz stated that he did not know if the fine was still building.

Mr. Moultrie asked Mr. Graham if he was familiar with this lot.

Mr. Graham stated that he was familiar with the land and the slopes.

Mr. Moultrie stated that there is still a legal issue with the land.

Mr. Paulitz stated that he was aware of a court case but was not familiar with the fines.

Mr. Moultrie asked if they have done a traffic study.

Minutes
Georgetown Planning Board
July 23, 2003

Mr. Paulitz stated that they have not.

Mr. Graham stated that this is a preliminary plan and that he did not walk the site but is familiar with some of the site. He stated that the plan shows 21 lots on 50 acres. He stated that they have wetland restrictions. He stated that the Board has two options to disapprove because of deficiencies with the plan or to continue and allow the applicant to submit additional information and then a better definitive plan.

Mr. Paulitz addressed Mr. Graham's comments.

Mr. Hoover stated plans do not reflect what is on site.

Mr. Paulitz stated that is correct and that they are working to get a better wetland line. He stated that they are working on the street profiles and would work on comments from Mr. Graham, the Board and Abutters. He stated that they are working to locate the utilities on the plan.

Mr. Moultrie asked what is the board's pleasure from this point.

Mr. Gerraughty stated that with the comments made he would like to see more information from the applicant before going forward.

Mr. Paulitz stated that in a week they would have the soil testing done.

Mr. Evangelista stated that agrees with Mr. Gerraughty and stated that the fines should be settled before they go forward. He stated that there could be a land taking by the town and that they may want to withdraw and work out these issues and then file a definitive plan.

Mr. Paulitz stated that they are not looking for an approval tonight but wanted a dialog with the board before designing profiles etc. He stated that they would provide all information before filing a definitive plan.

Mr. Moultrie asked if the board wants to continue this hearing tonight as they are missing information.

Mr. Hoover stated that they should give the applicant feedback of how to proceed. He stated that they could withdraw without prejudice.

Mr. Moultrie asked if they want to give him this direction. He stated that he does not want to hold hearings and then not approve the plan.

Mr. Hoover stated that legal issues are a problem with the board. He asked what is the difference of withdrawal without prejudice or denying the plan.

Mr. Moultrie explained options.

Brain Ahern applicant stated that they would prefer to have the plan denied. He stated that he was not aware of the issue of fines.

Mr. Gerraughty made a motion to deny the Bailey Lane Preliminary Plan relative to Technical review. Second by Mr. Hoover. Discussion All in favor 4-0.

Mr. Hoover stated that the applicant should take feedback from the board before they return again.

Minutes
Georgetown Planning Board
July 23, 2003

Mr. Moultrie stated that they should be sensitive to the character of the neighborhood, traffic, quality of life of the residents, etc. He explained what happened tonight to the audience and asked if any abutters had comments.

Gloria Kirkey 50 Bailey Lane asked what are they doing on the site now.

Mr. Paulitz stated Soil testing.

Anthony Natale 35 Bailey Lane asked the width of the road to be built. He explained road now in front of his property.

Mr. Moultrie stated that the proposed road is 26ft wide.

Mr. Natale asked if the land was purchased already and if they have a purchase and sales agreement on the property.

Brian Ahern stated that he does not know anything about the fines on the property.

Norman Marquis 64 Bailey Lane stated that they are connecting to Rt. 97 end of Bailey Lane to Rt. 133 Bailey Lane in a funny way. He explained different options to connect road to Bailey Lane land.

Mr. Paulitz stated that they have to work in the subdivision control laws.

Mr. Marquis asked if section of road that they show is a driveway not a roadway. He explained issue of land with Mr. Centore he stated that he has lived on Bailey Lane for 29 years.

Mr. Paulitz stated that they are proposing a right of way.

Mr. Moultrie stated in the court case the road was to be torn out in the suit. He stated that if they extend the road it would have to connect. He stated that Bailey Lane could not be extended it would exceed length of road requirement.

Mr. Marquis stated that he does not want to stop someone from building but stated that this plan has not been done correctly. He stated that if a plan is approved that he wants it done the right way.

Mark Unger Bailey Lane stated that he did a title search on the land and that there is a problem with the lots and that they are doing work on town land.

David Flanagan 27 Bailey Lane stated that he was Chairman of the ConsCom when issue was before the ConsCom. He stated that a cease and desist is still in effect and that they could be subject to action themselves for entering the property.

Jonathon Bates 11 Mohawk Circle stated that the applicant has to take into effect the quality of the neighborhood and by creating these homes he is adding stress on the town.

An abutter asked if ConsCom notifies abutters.

Mr. Moultrie stated that they would be notified if this plan goes before the ConsCom.

Anthony DaMato, 33 Bailey Lane stated expansion of road would effect his property he stated now a 10ft road and if expanded to a 26ft road what do they propose taking his land.

Mr. Paulitz stated that they would work in the right of way and would work with the Planning Board on width of the road.

Minutes
Georgetown Planning Board
July 23, 2003

Mr. Moultrie asked what are their thoughts on a PUD with smaller lots and a reduction of lots. He stated something more in character with the neighborhood. He stated this would add affordable component and open space.

65 Jackman Street-SPA

Ms. Byerley stated a letter was received from the applicant to continue 65 Jackman Street to the next meeting.

Mr. Hoover made a motion to continue the 65 Jackman Street SPA to August 13, 2003 at 9:30PM. Second by Mr. Evangelista. All in favor 4-0.

Little's Hill

Mr. Moultrie asked if they received any plans on the sign.

Ms. Byerley stated that she has not received any new plans.

Subdivision Regulations

Ms. Byerley stated that she has just started to look at the regulations. She stated that some issues are Perk testing prior to submission and wetland delineation and having renderings to see how the plan blends with the neighborhood.

She asked if we receive an incomplete submission could they deny the plan.

Mr. Moultrie stated that was what happened tonight.

Acorn Way/Definitive & PUD

Mr. Moultrie opened the hearing on Acorn Way Definitive and PUD.

Ms. McCann stated that they had presented the technical information and they would be meeting with the Affordable Housing Task force and that they would like to go forward and present an alternative affordable unit later. She stated that now they propose to provide one of the lots in the subdivision as affordable.

Mr. Moultrie stated that they could do this.

Ms. McCann stated that she has given comments to Mr. Graham on the decisions and some have been resolved and some not.

Definitive Subdivision

Mr. Graham stated he would go over the decision on items of issue to the applicant.

Ms. McCann stated that the issue of an easement to pass and re-pass on the Open Space prior to endorsement she did not feel this was wanted before the subdivision is constructed.

Mr. Graham stated that with another access to the land then he does not see a problem with deleting this easement.

Mr. Hoover asked how would this land be located by the public and would there be signage.

Ms. McCann stated that usually the ConsCom would put up a small sign.

Mr. Graham asked that if prior to building permits being issued should they insert to require individual lot site plans as we have been doing.

Mr. Moultrie stated that we have had individual lot site plans if there are issues with topography and drainage. He stated that they should leave decision to site inspector.

Minutes
Georgetown Planning Board
July 23, 2003

Ms. McCann stated that there is not a mechanism for further review and no legal requirement to have review done. She stated that a septic plan would be done.

Mr. Hoover asked the benefit of doing an Individual Lot Plan.

Mr. Graham stated that the placement of homes on plan and drives is generic and engineers use best attempt to place as per plan. He stated that it has been his experience that there have been occasions when adjustments have been made which change drainage. He stated having the plans catches these changes.

Mr. Moultrie stated the Building Inspector is out on the site and a subdivision inspector also. He stated that he does not want to have conflict.

Thad Berry stated that this is not a generic plan and that the homes and septic are where they should be and homes may be smaller than what would be built. He stated that he takes pains so that what is on plan is what is built.

Mr. Graham stated that did not mean to take away from plans. He stated that your client could sell the project and they could build different than what is shown.

Mr. Berry stated that they could not change because of septic systems.

Mr. Evangelista stated that the neighbors have had concerns on drainage and if changes and drainage goes to their lot then the board hears about it.

Ms. McCann stated that if a problem the Building Inspector would trigger the process and then they would return to the board.

Discussion on who triggers the process and if the Building Inspector would do this.

Mr. Hoover stated that they could word that the Building Inspector would trigger a lot plan.

Mr. McCann stated that if there were an issue with grading then the Building Inspector would request a grading plan.

Mr. Gerraughty stated that they should word that if the Building Inspector feels it is necessary then he would inspect lot then trigger the process.

Ms. Byerley asked if the Building Inspector would be reviewing the trees as Mr. Graham would be reviewing.

Ms. McCann stated that the issue is jurisdiction and if the Planning Board requires this. She read the language of the review process.

Mr. Moultrie stated to leave at the Building Inspectors discretion as to whether an Individual site plan is required.

Mr. Graham and Ms. McCann went over minor changes.

Discussion on the land being deeded to the town and wording as no further subdivision of land.

Ms. McCann stated does know what this would achieve as they are limited to 10 lots and could not change lot lines.

Ms. Byerley stated to word as 10 single-family homes.

Minutes
Georgetown Planning Board
July 23, 2003

Mr. Graham stated with no further building lots.

Mr. Hoover stated that on landscaping have written on acceptance of the subdivision one year guarantees on landscaping.

Moultrie stated that when they accept the road they hold \$5.00 a foot for this purpose.

Mr. Hoover stated that they should have a planting plan showing the soils and the size of materials, having the road frontage to find the number street trees needed, etc. He stated that they should have a landscape architect look at plantings.

PUD

Mr. Graham went over change to the PUD Decision. He discussed bonding for the off site improvements.

Mr. Moultrie stated that they usually bond through the Highway Department.

Ms. Byerley stated that they have to show proof to the board that the bond has been secured.

Mr. Moultrie stated that the improvements are usually tied to an occupancy permit.

Ms. McCann stated that if the Town does not get the permitting as needed then where does that leave them.

Ms. Byerley stated that if there were a problem then they would come back to the board.

Mr. Moultrie asked if permits are obtained then would they be putting in the off site improvements this year.

Ms. McCann stated that if they can not get the permits then they can come back to the board.

Mr. Graham stated that the off site improvements are for an overflow.

Ms. McCann stated that they have 60 days from the appeal period to give the town the information for the off site improvements.

Mr. Moultrie stated that when the Town obtains the permits in a certain time period the improvements are done.

Mr. Graham stated that providing the town obtains the permits there should be a time limit for the off site improvements to be started.

Mr. Moultrie stated that they could be tied to a time of one year from approval and they would not release a lot past the fourth or fifth lot release unless started.

Discussion on off site improvements

Ms. Byerley stated that they can word that if in a year the town does not have permits then the applicant could return to the Planning Board for review. She stated that before a lot is released the utilities and a binder coat must be done.

Mr. Moultrie asked Ms. Sachs if she had a comment on the affordable housing.

Minutes
Georgetown Planning Board
July 23, 2003

Ms. Sachs stated that even though the applicant is doing off site improvements she asked if they would be getting a reduction for the affordable housing.

Mr. Evangelista stated that the off site improvements are not part of the affordable housing component. He stated that he and Mr. Hopkins stated that they would like to see a home built on site for affordable housing.

Mr. Gerraughty stated that the board asked the applicant to talk with the AHTF.

Mr. Evangelista stated that he does not want cash it should be what the average home cost.

Ms. Sachs stated that they would want a home in the proposed project unless not applicable.

Mr. Gerraughty stated that they should tie affordable home to an Occupancy Permit so they do not build as the last lot.

Mr. Evangelista stated have tied to the release of sixth lot and can then review alternatives.

Mr. Moultrie asked if they had a list of Waivers.

Mr. Graham stated in COV there are a list of waivers. He stated that he had a meeting with the engineer and all went well. He stated that the plans have not been revised.

Mr. Moultrie stated that they would take public comment.

Andy Applegate stated that his concern is with the density of the plan. He questioned if the subdivision has 10 buildable lots. He stated that the plan that is before the ConsCom is not the same as what the planning has. He showed plans with footprints with septic, garages, wetlands etc. He stated that all lots fit except for lot 5.

Mr. Moultrie stated that this board has already approved the proof plan. He stated that this board encouraged the PUD.

Mr. Applegate stated that he does not feel that they have 10 lots only 9 lots. He asked if they have the open space.

Mr. Evangelista asked if this plan is before the ConsCom.

Mr. Berry explained plans and issue.

Mr. Graham explained the process.

Elizabeth Tatro 161 Tenney Street stated that she has a retention area on her property and she asked how much land could they take.

Mr. Moultrie stated that basins would be built to the plan.

Mr. Moore 159 Tenney Street stated that he received the engineering calcs yesterday and that the applicant had a month to get them to him. He stated that in Mr. Graham's report he asked for additional drainage that is beyond what is needed. He stated that the board should have a rendering of the detention ponds. He stated the plan is over engineered.

Mr. Berry stated that you could say that the plan is over engineered. He stated that he has never been questioned on this.

Mr. Moultrie stated that they are happy with the work of their TRA.

Minutes
Georgetown Planning Board
July 23, 2003

Mr. Moore stated that he is concerned with maintenance of the basins.

Discussion on maintenance of detention basin

Mr. Moultrie stated that they have already reviewed these issues and they are not going to go back over this issue.

Mr. Moore asked if they could add to the decision a meeting of the engineer and TRA to look at the drainage.

Mr. Moultrie stated that they could not legally do this.

Mr. Graham stated that the revised plans would show a rock face not concrete for the retaining wall on the detention basin. He stated that he has asked for a two-scale plan. He stated that the initial ponds evolved from his insistence for the off site improvements.

Mr. Moore asked about the elevations and drainage of ponds. He stated one is 21 hours and his is 7 hours he asked what is the bylaw on these.

Mr. Graham stated 72 hours.

Mr. Evangelista made a motion to close the Public Hearing on the Acorn Way PUD and Definitive Subdivision Plan. Second by Mr. Evangelista. All in favor 4-0.

Mr. Gerraughty made a motion to approve the Definitive Subdivision Acorn Way and the decision to be signed by Chairmen as revised by Mr. Graham. Seconded by Mr. Hoover. All in favor 4-0.

Mr. Evangelista made a motion to approve the PUD Acorn Way as amended by the TRA and signed by Chairman. Second by Mr. Hoover. All in favor 4-0.

North Street-ISH

Ms. Byerley stated that the applicant asked to continue the Public Hearing on 192 North Street ISH until the next meeting when there would be a full board present.

Mr. Evangelista made a motion to continue 192 North Street-ISH to August 13, 2003 at 9:00PM. Second by Mr. Hoover. All in favor 4-0.

Harris Way/PUD & Definitive

Mr. Moultrie opened the Public Hearing for Harris Way.

Mr. Talacko gave a revised plan to Mr. Graham and the Board.

Mr. Graham went over the decision for the Definitive Plan item by item.

Ms. McCann stated that she had the same issue of easement to pass and repass to the open space as she had with Acorn Way.

Mr. Gerraughty stated to word that after the 10th occupancy permit they would grant an easement to pass and repass to the open space.

Ms. McCann stated would they require Individual Lot Site plans or would Building Inspector as in prior subdivision trigger them.

Mr. Moultrie stated that they would modify as the prior plan. He stated that there is a high ground water table in this area and have they addressed this.

Minutes
Georgetown Planning Board
July 23, 2003

Mr. Talacko stated that they have addressed the water table and foundations would be one foot above water table.

Mr. Graham stated landscaping maintenance is the responsibility of developer and that this should be added to the decision. He stated that they have a planting plan to present.

Mr. Hoover explained issues with landscaping, the soils, size of trees, quantity of trees per the ordinance. He stated that they should engage the services of a landscape professional.

Mr. Graham went over the PUD CoV.

Ms. Byerley stated that she was informed that they have not gotten together with the AHTF.

Mr. Confalone stated that he talked with them in the hall and would set up a meeting.

Ms. McCann stated that they could tie the affordable housing with the sixth lot to discuss options.

Mr. Moultrie asked if all the revisions were made to the plan.

Mr. Evangelista made a motion to close the Public Hearing on Harris Way formally Emma Harris Way PUD and Definitive Subdivision. Second by Mr. Hoover. All in favor 4-0.

Mr. Gerraughty made a motion to approve the Definitive Subdivision Harris Way as amended and with revisions discussed and the Chairman signing the final decision. Second by Mr. Evangelista. All in favor 4-0.

Mr. Evangelista made a motion to approve the PUD on Harris Way formally Emma Harris Way to be revised by the TRA and signed by the Chairman. Second by Mr. Hoover. All in favor 4-0.

Mr. Hoover made a motion to adjourn. Second by Mr. Gerraughty. All in favor 4-0.

Meeting adjourned at 11:45PM

Minutes transcribed by J. Pantano.

Minutes approved as written September 10, 2003.