

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Second Floor Meeting Room
April 9, 2003
6:30PM**

Present: Jack Moultrie, Chairman; Christopher Hopkins, Vice-Chairman;
Dan Kostura, Clerk; Peter Sarno; Alex Evangelista
Tim Gerraughty, Alternate Member;
Janet Pantano, Administrative Assistant

Absent: Larry Graham, Planning Board Technical Review Agent &
Inspector;

6:30PM-MIIA Land Use Videos

Planning Board and members of the ConsCom and ZBA watched the MIIA videos.

Present: John W. Moultrie, Steven S. Epstein, Alex Evangelista, James P. Martineau, Rob Hoover, Tim Gerraughty, Dan Kostura, Janet Pantano, Christopher Hopkins, Peter H. Sarno, John Bonazoli, Jacki Byerley, Charlie Mendez, Joseph Young, Eric Harper.

7:10PM Planning board Meeting called to order.

Jacki Byerley newly hired Town Planner was present at the meeting.

Minutes

Planning Board looked over Executive Session minutes of February 26, 2003 and March 26, 2003 and Regular Session minutes of March 26, 2003.

Mr. Evangelista made a motion to approve the Executive Session minutes February 26, 2003 as amended. Second by Mr. Kostura. All in favor 3-0 Mr. Hopkins & Mr. Sarno abstain.

Mr. Evangelista made a motion to approve the Regular Session minutes of March 26, 2003 as amended. Second by Mr. Sarno. All in favor 5-0.

Mr. Evangelista made a motion to approve the Executive Session minutes of March 26, 2003 as amended. Second by Mr. Sarno. All in favor 5-0.

Form A- Lisa Lane-Kroner

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Mr. Kroner explained to the Board that he added to the deed the easement that was left off when he was before the board last meeting. He stated that the easement is 15ft and is shown on the plan. He stated that both lots are conforming.

Mr. Moultrie asked for a copy of the easements be sent to him as Highway Surveyor.

Mr. Evangelista made a motion to approve the Form A/Lisa Lane. Second by Mr. Hopkins. All in favor 5-0.

Form A-Kenneth Road-O'Leary

Mr. O'Leary explained what they are proposing to do. Board had questions on lot marked not a buildable lot.

Mr. Moultrie stated that the easement might have to be extended. He asked if there is a drainpipe running through the lot. He stated that Mr. O'Leary should remove the language "not a buildable lot".

Mr. Hopkins stated having "not a buildable lot" with his home on it is not correct.

Mr. Sarno stated that Mr. O'Leary should confirm the easement and take lot 1 & 2 language off the plan.

Mr. Moultrie explained what the board would like to see.

Mr. O'Leary withdrew his plan and stated that he would resubmit after changes.

Form A-Emma Harris Way-Talako

Mr. Talako explained why they are proposing to divide the lot. He stated that they are proposing to carve off the existing home from the land for the PUD.

Mr. Kostura asked if the plan would then meet ANR zoning.

Mr. Talako stated that this plan meets PUD zoning.

Mr. Moultrie stated that he would have a problem with the PUD plan if he makes this change. He stated that they do not approve a PUD with an existing building on it. He stated that they would be making the lot a nonconforming lot and that they would then have to go to the Zoning Board of Appeals.

Mr. Brett stated that he agrees that if they divide the lot there may be an issue in the future.

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Mr. Hopkins stated that they are changing lot lines and they can say no if the lot is nonconforming.

Mr. Moultrie stated that side lot line is not conforming if they go forward with the plan as is.
Discussion on issue

Ms. Byerley stated that this could make the lot not a buildable lot.

Mr. Talako stated that he would take the plan to his attorney and come back to the board. He stated that he would withdraw the Form A plan.

Regency Way

Mr. Ford gave a letter to the board on the history of this lot.

Mr. Brett made copies of the letter for the board.

Mr. Moultrie stated that there was land given to the ConsCom that was never recorded. He asked about a NOI on this land and when it runs out.

Mr. Ford stated that the NOI runs out shortly. He stated that Regency Way was an approved ten-lot subdivision on 11.2 acres by merging of two lots. He stated that there is this lot and an existing lot that the Planning Board released. He stated that lot 1 was released to a private entity and then the developer failed to make payments and he purchased the rights to the subdivision and merged the lots to one five acre lot. He stated that in 1988 the Planning Board endorsed the lot and then in 1999 and 2000 the ConsCom and BOH gave approval. He stated that last spring the issue of access to the existing home was brought forward. He stated that Ms. Colwell asked him to address access of lot and he recorded deed with the easement to grant the existing home access from the proposed driveway.

Mr. Sarno stated a request for a common drive would not help.

Mr. Ford explained that the ANR is based on the lot having frontage on Andover Street. He stated that he did not know why the Planning board released lot previously.

Mr. Moultrie stated that with any other home there would be an obligation to build a roadway. He stated that once there is the second home they are obliged to put the road in. He stated that you could not deed away frontage.

Mr. Sarno stated could they put one lot in with frontage on Andover Street.

Mr. Ford stated that this plan was started in 1978 and stated with an ANR lot.

Mr. Moultrie stated that was a one-lot subdivision.

Mr. Ford explained what was done that a lot was released and joined to another lot. He stated that it was not done properly and that a bond should have been posted and the lot should not have been released.

Mr. Moultrie stated would this make an illegal condition.

Mr. Favaloro attorney for Mr. Ford explained that he agrees with Mr. Ford and that the easement would solve the issue.

Mr. Favaloro stated that the easement was waived when the lot was released.

Mr. Hopkins stated that the issue is that a bond was not taken for the road. He stated that the road should still be built as per the plan.

Mr. Favaloro stated right to walk away is right.

Mr. Moultrie stated that the existing home would not have legal frontage. He stated that he would not sign the building permit as Chairman. He stated to make a lot without legal frontage he would not do. He stated that he would not sign something that was a mistake make by a past Planning Board.

Mr. Ford stated that they recognize that house is in an interesting predicament and that it is not up to him to rectify the issue. He stated that no title issue has been brought up and that this property has been re-mortgaged. He stated that they are increasing access to the lot.

Mr. Moultrie stated that how do they meet zoning on the home with the current bylaws.

Mr. Sarno stated that if this ANR came in today he would sign the ANR. But does not mean it would be a buildable lot.

Mr. Ford stated that this lot is a buildable lot.

Ms. Byerley asked if there was a lot release ever been done on this lot. She asked if this was part of the subdivision. She asked for a copy of the original plan and decision.

Mr. Moultrie explained that this was a one-lot subdivision that then became incorporated within the subdivision. He stated somewhere someone landlocked the home.

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Ms. Byerley stated again that they need a release from the Planning Board for the lot. She asked about title to the road.

Mr. Ford stated that when he was before the ConsCom the neighbors were against the lot.

Mr. Favaloro explained his view on lot.

Mr. Moultrie stated he would not sign the building permit. He stated that if another member wants to sign the permit they could.

Mr. Ford asked why Planning Board signs the building permit.

Mr. Moultrie stated that this is a check and balance for lots released.

Mr. Sarno stated why would neighbors be against one lot when there could have been 10 lots on this site.

Mr. Brett stated that he is confused on frontage on Regency Way still have to address frontage as existing home is on Andover Street and this street is not on official map.

Mr. Moultrie stated that someone gave away someone's frontage.

Mr. Hopkins stated that the subdivision was extinguished with the road.

Mr. Brett stated that if they were altering a non-conforming lot they would require a finding from the ZBA.

Mr. Favaloro stated lots were extinguished.

Mr. Sarno stated that he might go to court but the board feels the onus of responsibility is on him. He stated he should come in with a Court for the one lot.

Mr. Ford stated that the neighbors would be against this. He stated that filing with the ConsCom already has cost him \$10,000. He stated that Mr. Brett would not step on the toes of the Planning Board by signing the building permit.

Mr. Sarno asked if Mr. Ford has seen the Court Bylaw.

Mr. Ford stated that Ms. Colwell has shown this to him.

Mr. Favaloro stated that if Mr. Brett does not sign the building permit then they would go to the ZBA for approval.

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Mr. Ford stated that this was a good spot for an ISH. He stated that he needs to move forward and if the board would not sign then he has to get a denial from the Building Inspector.

Mr. Evangelista stated that they are forgetting that a lot that is there with an ANR on Andover Street, and has required access, and frontage does not mean you can build.

Mr. Ford stated that Planning Board has an obligation to sign the building permit.

Mr. Favaloro stated how could a previous Planning Board sign a plan with the notes that where on the plan. He asked what are the criteria for not signing an ANR.

Continued discussion on 4 Regency Way.

Mr. Ford asked if he came in with a Court subdivision plan would he be able to go forward.

Mr. Moultrie stated that he could.

Mr. Favaloro asked how they would sign permit.

Mr. Hopkins made a motion to deny signing the building permit. No Second

Mr. Hopkins stated that the Boards decision is not to sign the building permit.

Mr. Brett stated that they could not access two homes from one driveway.

Mr. Moultrie stated that Mr. Ford does not want to spend the funds on a road.

Mr. Ford stated neighbors would not allow a road.

Mr. Sarno stated that the board says that they would allow a Court and that this would make frontage for the lot and that they would allow the road.

Mr. Kostura stated that they could get an extension on the NOI from the ConsCom.

Mr. Ford stated that he does not think he can get an 18ft road on the site with the wetlands.

Mr. Sarno stated that the board has given a waiver for a road that has been reduced to 12 feet for a short distance with a wetland issue.

Mr. Ford if he files a Lane would be for three lots and a Court is for two lots.

Mr. Kostura stated that the lot is in the wetlands. He stated that the buffer could not have a septic system.

Mr. Ford stated that he would be fighting appeals on lot and one lot would be a nice lot. Mr. Ford stated that if he came in with a Lane then it would not be taking anything from the existing home. Mr. Ford asked about coming in from Lynn Street.

Mr. Moultrie stated he could go to owners and ask them.

Town Meeting-Warrant Articles

Mr. Kostura stated that he took a crack at changes to the ISH and OSD Zoning. He gave copies to the board members and went over changes.

Mr. Hopkins asked on 165-110 about parking change from to six to twelve.

Discussion

Mr. Graham stated that they should leave numbers out.

Mr. Kostura stated that the large issue is on page four the Open Space. He read a definition of open space.

Mr. Moultrie asked if the Open Space bylaw should be changed at the same time.

Mr. Graham stated that he would like to read these changes and that the board should look at other areas of the Zoning Bylaw.

Mr. Gerraughty asked about benches and walkways, gazebos and would these not be allowed. He stated that some people would not agree with the Open Space definition.

Discussion on if there is enough time to review and have a hearing before Town Meeting this spring.

Discussion

Board states to have on Agenda in September and go forward for Fall Town Meeting.

9:30PM Acorn Way-Public Hearing

Mr. Moultrie opened the hearing.

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Mr. Sarno excused himself, as he is an abutter.

Mr. Moultrie stated to Mr. Howard an abutter that the board would not be taking comments on the Subdivision as the applicant is not present and has requested an extension and continuance.

Mr. Howard stated that he had a question on PUD. He stated that they can not get more lots in subdivision then in the PUD and that they still have to go to the ConsCom.

Mr. Moultrie stated that they would have to go to the ConsCom.

Mr. Gerraughty stated that the homes have to be out of the buffer area.

Mr. Hopkins stated that with Littles Hill if the lots did not look buildable then they pulled them out of the plan.

Mr. Howard stated that the proof plan does not have to meet ConsCom Regulations. He stated that if he could not put in all the homes on proof plan can he put them in the PUD.

Mr. Moultrie stated that a developer does not spend the funds and not have the lots.

Mr. Kostura stated that the ConsCom and Planning Board are separate boards and look at different issues.

Mr. Moultrie stated that a proof plan does not go to the ConsCom.

Mr. Graham stated that he and Moultrie met with Thad Berry about drainage on Jewett Street. He stated that they had an idea about eliminating one part of the triangle and extending the road. He stated that Mr. Berry is waiting for the board or him to tell them which improvements to go forward with. He explained changes to the board.

Mr. Moultrie stated that the radius must allow for trucks.

Mr. Graham stated that a pole would have to be moved.

Mr. Moultrie stated that town owns the pole and that they should find out where the gas lines are as they go through this area.

Discussion on drainage

Mr. Kostura stated that one of the oldest homes in Town is on the corner and that they should move road as far from the house as possible to preserve home.

Mr. Graham asked if the board wanted to have him talk to Mr. Berry or would they.

Mr. Moultrie stated that Mr. Graham could work with Mr. Berry on this issue.

Mr. Moultrie explained that a letter was received from Ms. McCann attorney for Elkhorn Development/Acorn Way Definitive plan asking for a continuance of the Public Hearing to May 28, 2003 and an Extension of time to June 30, 2003. Mr. Moultrie stated that no testimony was taken on the plan.

Mr. Evangelista made a motion to continue the Public Hearing on Acorn Way to May 28, 2003. Second by Mr. Hopkins. All in favor 3-0 Mr. Kostura and Mr. Sarno abstained.

Mr. Evangelista made a motion to extend the timeline for the Planning Board to issue a decision for Acorn Way to June 30, 2003. Second by Mr. Hopkins. All in favor 3-0 Mr. Kostura and Mr. Sarno abstained.

Board Business

Deer Run Lane/Covenant

Discussion on funds being held and covenant.

Mr. Moultrie stated that they should have a tripartite agreement with the bank with \$300,000 and with Town access to the funds. He stated that this should be based on punch list figure of \$120,000 from Town Engineer. He stated that the board usually holds two and a half times list figure.

Ms. Pantano to talk to the Carullo's.

Whispering Pines

Mr. Moultrie stated that he and Mr. Graham would be having a pre-construction meeting with Mr. Longo on Whispering Pines on April 14, 2003 at 9:30am.

Mr. Moultrie stated plans for Raymond's Creek would come back to the board if there were substantial changes.

Mr. Graham stated that there was a time frame on the offsite improvements to Warren Street. He stated that they would provide engineering and \$150,000 and the Town the work.

Mr. Moultrie stated that he would try to get a binder coat on the road.

North Street ISH

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Ms. Pantano asked the Board if they want to have Mr. Graham send out the plan on North Street ISH for a traffic review.

Mr. Moultrie stated that Mr. Graham could send the plan out for review of the Traffic Study.

Next Meeting

Ms. Pantano stated that there are no Public Hearings on April 23, 2003 and would the board want to still meet.

Mr. Moultrie stated that they should discuss the Master Plan. He stated that they could invite Alan MacIntosh of MVPC to come to the meeting and discuss what is left to be done and how to proceed. He stated that this could be on April 23, 2003 or April 30, 2003 which ever is better for Mr. MacIntosh.

Ms. Pantano would e-mail board with date after talking with Mr. MacIntosh.

Warrant Articles

Mr. Kostura stated that the board could set up a hearing for changes to the Zoning Bylaw on April 30, 2003.

Mr. Sarno disagrees and stated that there would not be enough time to review thoroughly.

Mr. Moultrie stated that they need a printing date for the Warrant from the Town Clerk to see if they would have enough time. Mr. Moultrie stated that if May 5, 2003 is the date then they do not have enough time.

Discussion to look at ISH and whether to go forward now or wait.

Board stated to send a letter to the ZBA that there was not enough time to put the floodplain issue on the Warrant without a formal proposal and specifications for engineering and legal review.

Mr. Hopkins made a motion to adjourn. Second by Mr. Evangelista. All in favor 5-0.

Meeting adjourned at 10:55PM.

Minutes transcribed by J. Pantano.

Minutes accepted as amended May 14, 2003.

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