

**MEETING  
GEORGETOWN PLANNING BOARD  
Georgetown Middle/High School  
Media Center  
February 27, 2002  
7:30PM**

Present: Peter Sarno, Chairman; Alex Evangelista;  
Jack Moultrie, Clerk, Dan Kostura,  
Tim Gerraughty, Alternate Member  
Kathleen Bradley Colwell, Town Planner; Larry Graham, Planning  
Board Technical Review Agent & Inspector  
Janet Pantano, Administrative Assistant

Absent: Christopher Hopkins, Vice-Chairman

Meeting called to order at 7:30 p.m.

**Discussion**

**Form A/Tenney Street**

Ms. Colwell asked Mr. Nixon about access to land and how he would access the land in the rear.

Mr. Nixon explained where the street would come in to access the lot in the rear.

Board was ok with how he would access this land.

Ms. Colwell asked about sliver of land by lot 3.

Mr. Nixon stated that he would give this sliver of land to abutter if they do not need it for their site distance.

Mr. Moultrie made a motion to endorse the Form A on Tenney Street by Elkhorn Development. Second by Evangelista. All in favor 4-0.

**Getty Station**

Ms. Colwell stated that they are waiting for a check for \$1500.00 bond. She stated that she would hold the endorsed plan until the check comes in.

Mr. Kostura made a motion to endorse the Getty Station plan. Second by Mr. Moultrie. All in favor 4-0.

Board signed plans.

### **Whispering Pines**

Board discussed that they have not received any new plans from the applicant and it is two weeks to the next meeting.

Mr. Kostura a made motion to cancel the Whispering Pines public hearing on March 13,2002. Second by Mr. Evangelista. All in favor 4-0

Board stated that they would move up the public hearing on Whispering Pines to March 27, 2002. They stated that this would give Mr. Graham time to review new plans and the board time to receive report and review before the meeting.

Mr. Sarno stated that on the March13, 2002 the applicant would have to request an extension. He stated that there are two projects so this delays the decision. Mr. Sarno stated the earliest date to make a decision would be in May 31, 2002. He stated that if the applicant is not comfortable with this then they would make a decision at the March 13 meeting. He stated to Ms. Colwell three items to discuss with Mr. Longo.

1. No discussion on March 13,2002.
2. Extend decision date to May 31, 2002.
3. Hearing rescheduled to March 27, 2002 at 8:30PM.

Board discussed open space issue and how they feel about what is proposed.

Ms. Colwell stated that at the March 13, 2002 meeting they would now have time to discuss the Warrant Articles for Town Meeting. She stated that they might not have time tonight to discuss the articles because of the full agenda.

### **Minutes**

Board looked over minutes of February 13, 2002.

Mr. Kostura made a motion to approve the February 13, 2002 minutes as amended and the Executive Session of February 13, 2002 as written. Second by Moultrie. All in favor 4-0.

### **Public Hearings**

#### **Crescent Meadow (Brock Way)**

Mr. Evangelista excused himself from the meeting.

Mr. Knowles gave the Board new plans with changes that have been made.

Page 2 of 8

Mr. Graham stated that Ms. Colwell wanted to discuss some changes to the Homeowners Association.

Mr. Sarno asked that it was not the intention that all courts and lanes not be accepted.

Mr. Graham explained what was the intent of the bylaw.

Mr. Moultrie stated that the homeowners usually do not come in to have the street accepted until the streets are deteriorating. He stated that as long as the width of the road is within state acceptable limits then the street might be accepted at a later time. Mr. Moultrie stated that he thought it was the intent of the developer to keep the road private.

Mr. O'Neil stated that it is their intent to keep the road private. He stated that he thought that when the plan was approved then they would put together a Homeowners Document.

Ms. Colwell stated the board does not have a Homeowners Document for them to go by but she stated that Deer Run is working on one and the Board would want this to be similar. She stated that prior to endorsement of the plan they would be required to have the Homeowners Document reviewed and approved. She stated that this would require approval by Town Council.

Mr. Sarno stated that they are looking for approximately a three-page document. He stated that they might have additional additions for the subdivision.

Page 3 2-b

Mr. Graham stated that he recommends a waiver for this section, as they do not have the capability for GIS.

Ms. Colwell asked if they could give them something on disc for the GIS mapping.

Mr. Knowles stated they had Auto Cad and that they could give her a disc from this.

Mr. Kostura asked about bounds being iron pipes. He stated that the ConsCom requests granite or stone. He stated that he would like to have the standard be stone.

Mr. Graham stated that they could request granite or stone bounds.

Page 5

Ms. Colwell stated that all the lot plans would have to be approved by Mr. Graham after septic systems are approved.

Mr. Knowles stated that Mr. Graham would review pre-design and as-builts.

Mr. Graham stated that this was correct.

On Page 7 Ms. Colwell stated leave these.

- b. When applicant determines groundwater this is to be sent to the town engineer.
- c. Require Earth Removal Permit.

Mr. Graham stated that they would require a list of waivers.

Mr. Graham stated that the board has stated that they would not require street trees because the street would not be a town road. He stated that if the board does not require trees now and if later the street is to be accepted then the trees would not be in as required in the regulations. He stated that the board might want to reconsider this and require trees as they do to all subdivisions.

Mr. Sarno asked if the applicant had a comment.

Mr. O'Neil stated that he would do whatever the Board would like.

Mr. Moultrie made a motion to approve Crescent Meadow Lane. Second by Mr. Kostura. All in favor 3-0.

Mr. Evangelista abstained

Mr. Hopkins was not present.

Mr. Moultrie made a motion for a 5-minute recess. Second by Mr. Kostura. All in favor 4-0.

### **Nelson Street ISH**

Mr. Sarno explained the process to the audience.

Mr. Ogden stated that he is one of two managers of Groveland LLC. He stated that he is building a commercial property in Groveland with Mr. M. Dubina. He stated Mr. Dubina was not present tonight but that Phil Christiansen and Dave O'Sullivan were present. He stated that they appreciate Mr. Graham's comments and would like to sit down with Mr. Graham and Ms. Colwell to go over the plan and also with the neighbors.

Mr. Christiansen stated that this is a preliminary plan and that they did meet with Ms. Colwell informally.

Mr. Sarno stated that tonight is not an informal meeting that this is a Public Hearing and that this is an official preliminary plan submission and a decision would be made.

Mr. Christiansen read from the site plan application and stated that he thought they were following the bylaw. He stated that this design is not a finished design. He stated that the site is 17 acres for the ISH and a one-lot subdivision. He stated that Nelson Street is a scenic road and that the road going in would be a driveway of minimum width. He stated that in some towns they sometimes put in a City Street he stated that this is a 22ft road without curbs. He stated that the road would be 1,000ft in length with a cul de sac with town utilities. He stated that they have already submitted plans to the ConsCom and that they have agreed with the wetland delineation. He stated that the parcel in the back would only be for the septic. He stated that the dark areas on the plan would remain undisturbed and lighter areas may be disturbed. He stated that the plans show a 40ft offset from lot lines and also offset to wetlands. He stated that they have tried to limit disturbance of land and propose county drainage into swales into detention basins. He stated that in the review by Mr. Graham he commented that they should loop to connect water line. He stated that there is an issue with the topography on doing this. He stated that they propose 6.7 acres of open space.

Mr. Sarno asked if there were any comments from the board.

None at this time.

Mr. O'Sullivan architect O'Sullivan Architects LLC stated that they have tried to work with the topography of the parcel. He stated that on some units the garage would be underneath with the first floor above. He stated that the buildings would have three units with two bedrooms each. He showed a diagram with a first floor living room, kitchen, bedroom and bath and with an additional bedroom and loft upstairs. He stated the unit sizes would be the smallest 1500sf to largest at 1900sf.

Mr. Sarno stated one major concern would be to loop the water.

Mr. Ogden stated that on a similar project in Groveland there are 6-8 units per building and this is 3 units per building. He stated that they have tried to work with the topography to save the site site. He stated that there is a lot of ledge on the site and may hit ledge if they try to loop. He questioned Mr. Graham's request for 6-inches of pavement on the road. He stated that this seems extensive and that this seems for a commercial lot and this is not commercial.

Mr. Graham stated that page 5 deals with the layout and the units have a second parking space behind garage and the sidewalk is behind this. He stated this would impact site distance if a second car were parked in this spot. He stated that he would like to see units set back farther from the road. He stated that this would provide more room for a second car to park behind the garage. He stated that he saw areas where additional 14 spaces may be added.

Mr. Graham stated that on Page 6 a traffic study might be required. He stated that he has concerns on the site distances to the left and at the Nelson Street and Central Street intersection. He stated that this project should kick in some funding to get this worked on. He stated that the site distance at the intersection is not bad but there are too many streets intersecting. He stated that he recommends that the first three units move so as not to take down trees in front. On Page 7 he had concerns on how site buffered and he suggested no cut buffer zone strips that would buffer units from existing properties. On Page 9 he suggested a sidewalk on one side and to review the 22ft roadway. He stated that this is okay in some areas but in some areas where there are a lot of driveways they should have curbs and wider pavement. He stated that the pavement depth they could talk about as the plan progresses. He stated that a major concern is the intersection with Central Street.

Mr. Moultrie stated that he agrees with Mr. Graham on the intersection at Central Street and the site distance by the Gauvain property.

Mr. Sarno stated that as a Scenic Street they would be limited as to work to be done by the street.

Mr. Moultrie stated that he would like to see them keep the character of the land but move the project back on the site.

Mr. Evangelista asked if the units would be on a slab or have basements.

Mr. O'Sullivan stated they would have basements on all but units 7,8,9 may be on slabs it would depend on the flood plain.

Mr. Evangelista stated that 15 homes are within the buffer area of the wetlands. He stated that you couldn't build within 100ft of a wetland.

Mr. Christiansen stated that under the state DEP it is 50ft.

Mr. Evangelista asked if they had a list of waivers.

Mr. Christiansen stated that they did not as of yet.

Mr. Evangelista asked if the existing house would be raised.

Mr. Christiansen stated that it would be.

Mr. Kostura stated that he walked the site for the ConsCom. He asked about the stream that just ends.

Mr. Christiansen showed where stream ends.

Mr. Kostura stated the ConsCom would look for a 100ft buffer. He stated that he would like to see them move the units from the hillside. He asked why they had two septic systems and why so far apart.

Mr. Christiansen stated that they show systems where they tested and had good results. He stated that there is a lot of rock and the rear septic may be a reserve.

Mr. Kostura stated that he would like to keep the intersection, as it is historic. He stated that this was called South Georgetown at one time and a train stop at one time. He stated that he would like to see the back septic field moved from the flood plain.

Mr. Christiansen stated that the Board of Health regulations are different for ISH and septic would be up to the Board of Health.

Mr. Kostura asked if the affordable units could be off site so that they would count for the Town.

Ms. Colwell stated that she would check on this as she received new information on affordable units and how they are counted.

Mr. Sarno explained to the audience that under the ISH the applicant must provide a percentage of affordable units.

Mr. Kostura asked if they could show on the plans where the vernal pools are located. He stated that they had a report from Earth Tech that should show the vernal pools.

Mr. Sarno stated that the ConsCom already had a consultant go out to confirm the wetlands.

Mr. Steven Weil stated that he is an attorney for the abutters. He stated that the neighbors here tonight have asked his firm to represent them and stop this plan. He stated that they feel this plan will impact their neighborhood, this is a scenic road, and they have concerns on drainage, traffic and the intersection. He stated that he would let them express their concerns.

Ted Mazzotta 18 Nelson Street explained that he lives right in front of the site and would be most impacted by this plan. He stated that he has loud teenagers

and he has a racecar that is loud. He stated that this would impact their life. He stated he wants his children to be able to use their yard.

Deanna Mazzotta 18 Nelson Street stated she had a lot of comments. She stated they all feel this is a big change to the area this is a scenic road and would impact their privacy. She asked if this driveway would have streetlights. She stated that this is a field now and is treeless how will they hide septic candy canes and these units.

Mr. Sarno stated they would require buffer and no cut areas whether this would meet your expectations, it may not. He stated that the purpose of the buffers is for aesthetics and sound.

Mr. Mazzotta stated that they already have a water problem and if the land is raised it would flood their yard. He stated that they have a videotape they could show the Board of the flooding they have had.

Mr. Sarno stated that the are may not a have a swale if there are drainage problems they might require a more defined detention basin.

Bill Hilemann 23 Nelson Street stated that he is directly across from the proposed road and he is opposed to this plan he stated it is against the character of the town. He stated that this is the only street in town that is a scenic street and this would double the population of the street.

Mr. McDonald stated that he is on the corner of Nelson and Central St and this is the first they heard of this project. He stated that this is a scenic road with historical homes and that they moved here to get away from traffic. He stated that this would double the traffic in the area and would be a major problem.

Mrs. McDonald stated that this would not draw people to the area this is a rural area and this plan would drastically change the area.

Pat Claydon 247 Central Street stated that she is from Andover and she moved to Georgetown for rural area. She stated that she moved here to get away from building. She stated that they had flooding last year pooled. She stated that she wants to have houses. She stated that they did not talk about the one parcel. She asked if these would look like Swiss chalets on the hillside. She stated that they are for money vs. aesthetics. She asked if the units could be moved back from the property lines. She stated that you could not replace trees if they are taken down. She stated she had concerns on drainage.

Pam Millett stated that she is across the street from 23 Nelson and is terrified of now getting water.

Mr. Graham stated that no drainage is proposed on this preliminary plan. He stated that when they get to that stage they will review for entire site and there might not be engineering solutions but the applicant can not increase drainage to abutters.

Pam Millett asked if this it a perfect science.

Mr. Graham stated no it is not.

Ken Kumph 35 Nelson stated that he is a builder and is concerned over the aesthetics of the neighborhood. He stated that any new building as of now has not detracted from the street. He stated that there are two antique houses when you enter the street. He stated that he has concerns on the site line when you enter. He stated that they would have to do something to fix this. He stated that there are no sidewalks and kids ride bikes and people walk in the street. He stated that there is a real danger with the increase of traffic.

Bob Gauvain 22 Nelson stated he has complained about traffic on Nelson street for years. He showed where cars have been on their roofs and stated that they drive too fast down the street now. He explained traffic and ledge where one lot is and if flattened cars would drive even faster. He stated with drivers 55 and over and some one creeps out too far into the street and a car comes down too fast and you would have an accident. He stated that this area is two-acre zoning and would rather see 5-6 homes. He stated that he would be sandwiched between two roads with the potential for another road. He stated that there is a swale on his property and he does not want someone else's drainage to his property. He stated that there have been water problems in the area. He stated that Baldpate Pond is one of the last pristine ponds and would not want to see anything change that.

Mr. Sarno asked about a traffic study.

Mr. Ogden stated that they would be okay with a study being done.

Mr. Evangelista made a motion to have a traffic study done on Nelson Street. Second by Mr. Kostura. All in favor 4-0.

Mr. Sarno stated that Nelson Street ISH and Diane Way to return May 8, 2002. Mr. Sarno stated that the developer should request an extension to June 14, 2002.

Mr. Ogden asked for an extension to June 14, 2002.

Mr. Evangelista made a motion to approve an extension for Nelson Street ISH and Diane Way until June 14, 2002. Second by Mr. Moultrie. All in favor 4-0.

Mr. Kostura stated the topos that were done for the ConsCom were wrong on the top of the hills.

Mr. Christiansen stated that they have been fixed.

Mr. Evangelista made a motion to extend the Public Hearing on Nelson Street ISH and Diane Way until May 8, 2002 at 8:00PM. Second by Mr. Moultrie. All in favor 4-0.

Mr. Graham stated he would like to involve Ms. Colwell and the board in a meeting.

Board set up a site walk for Friday March 22, 2002 at 4:00PM. They asked applicant to mark the roadway.

Mr. Sarno stated that they would meet at the A-frame and the public was invited to attend.

Mr. Moultrie made a motion for a 5-minute recess. Second by Mr. Kostura. All in favor 4-0.

### **Diane Way**

Public Hearing extended to May 8, 2002

### **Deer Run (Warren Street)**

Mr. Sarno stated that they would start discussion with the Covenant.

Mr. Kroner asked if the covenant would be reviewed by Kopelman & Paige.

Mr. Sarno stated that it would be and that tonight they would be working from the technical report dated February 20, 2002.

Mr. Graham stated that they should have definite language on the no cut and no –build areas. Stated that he recommends areas marked with granite bounds with disc engraved with “No disturbance beyond this point per Georgetown Planning Board”.

Mr. Sarno asked if this has an effect.

Mr. Graham stated that it does have an effect. He stated the covenant should have language that during construction this area be staked with yellow no disturb tape.

Mr. Cuneau asked if they could take wording on maintenance of drainage from Littles Hill or Pillsbury Pond.

Mr. Moultrie that he would request wording that no snow would be pushed out to Warren Street.

Mr. Cuneau stated that there is a small parcel in the front that could be used for snow storage.

Mr. Graham stated that on page 6 #6 describes how drywells should be constructed for each house and size should be per sq. footage of roof area. He stated on page 10 section 4 all five items should be in decision. He stated B & C should be in the covenant.

Mr. Sarno asked Ms. Colwell to review the covenant and then send to Kopelman & Paige for review. He stated that if any board members have comments for them to be sent to her March 6, 2002. He stated that Ms. Colwell would then sent to Kopelman & Paige by March 7, 2002.

Discussion on whether a condition should be in the covenant on the Yavorski Drainageway Improvements. The condition would have the applicants keep funds in escrow for one year for the improvements.

Mr. Kroner stated he gave a letter to the Yavorski's tonight to try and force the issue on whether they want the improvements done. He stated that they have an existing problem. He stated that the Maglio's have stated that they would do the improvements but the Yavorski's would not sign the Notice of Intent.

Mr. Sarno stated the Board feels that if offsite improvements would help someone then they are for that. Mr. Sarno stated that Mr. Kroner represents Maglio's and the Yavorski's should also have an attorney. He stated that they should go forward and be able to give the Yavorski's the right to do what they want to do. He stated that if you define it is an offsite improvement this would not hold up the process. He stated that he does not want to take this off the table. He stated that the wording that Mr. Graham has done allows us to have the improvement done at a later date.

Mr. Kroner stated that they do not want to go to the ConsCom until they know if the Yavorski's are favorable to the plan. He stated that the Yavorski's might appeal a decision made by the Board and if the applicant wins then they do not want to have to do the improvements. He stated that they could make this a mandatory improvement. He stated that the applicant is concerned over the added expense of an appeal.

Mr. Yavorski stated hat they are grateful for the improvements to their property. He stated that they are not opposed to the overall project but to the lot behind them. He stated that they are concerned over the drainage. He stated their lot was wet when they bought the house but it is worse now. He stated that they are

concerned that even with the improvements there would still be a problem and it could be worse. He stated that they want lot 1A to not be built on. He stated the new plan that they show tonight moves a swale closer to their property.

Mr. Sarno asked the Board if they had comments on page 11 of Mr. Graham's report regarding this issue.

Mr. Moultrie asked if this would be part of the approval of the plan.

Mr. Sarno stated that this is an offsite improvement and is not needed to approve this project. He stated that this is not a condition to the plan. He stated that if they approve this language then later if there is a problem the Yavorski's would be able to change their mind and have the improvement done. He stated that he does not want the Maglio's or Yavorski's or the ConsCom to dictate this part.

Mr. Moultrie stated that he feels this is a waste of time unless you know what would happen.

Mr. Kostura stated we do not know what will happen and that this wording would protect the Yavorski's.

Mr. Evangelista stated he agrees with Mr. Kostura that if the ConsCom says this can not be done than it is a moot issue. He stated that this is a good faith effort and a good thing for the board to do.

Mr. Gerraughty stated that he feels it is not fair to hold up the Maglio's funds in escrow and hold for a year.

Mr. Sarno stated that part of the issue is that we are at the mercy of the ConsCom as to if they would allow the work to be done.

Mr. Graham stated that the money to be held is a very small part of the funds on this development.

Mr. Kroner asked if they could request that the Yavorski's sign the notice of intent.

Mr. Sarno stated that they could make a request that 30 days after a decision is reached by the ConsCom the Yavorski's must make a decision. He stated that he saw the drainage problem when they did the site walk and that he would like to see the problem go away. He stated that this improvement would resolve an existing problem.

Mr. Evangelista made a motion to have the language read Yavorski's must reach a decision within 30 days after a decision is made by the ConsCom.

Mr. Kostura asked the applicant what is his timeframe to start work on this project if approved.

Mr. Maglio stated that he would like to start in June.

Mr. Kostura stated that what if nothing happens with the drainage. He stated that there might not be any impact right away. He stated that he feels that they should give a year to see if there is an impact.

Second by Mr. Kostura.

Mr. Sarno stated that they should leave insurance that an offsite improvement could be made if the Yavorski's change their mind.

All in favor 4-0.

Mr. Sarno stated that Mr. Cuneau has marching orders and Ms. Colwell would work on the covenant.

Mr. Michaud stated that the Maglio's are not required to do the improvement but also heard that under certain conditions there could be an impact to Yavorski's property. He stated that there would be an impact to their property. He stated that he is uncomfortable that this would not impact their property. He stated that there is a problem and will be again. He stated that he does not want to loose that point. He stated that the Yavorski's would be more impacted then he would be because they have a low spot.

Mr. Kostura made a motion to extend Deer Run to March 27, 2002 at 8:00PM.  
Second by Mr. Evangelista. All in favor 4-0.

### **Vouchers/Technical Review**

H. L. Graham Assoc.

- 201 Central Street-----\$165.00
- Nelson Street ISH-----922.25
- Diane Way-----361.25
- Maureen Lane-----80.00
- Getty Station-----213.75
- Fuller Court-----253.75
- Belleau Woods-----253.75
- Crescent Meadow Lane (formally Brock Way)---1,162.50
- Whispering Pines-----6,936.25
- Littles Hill-----900.00
- Pillsbury Pond-----960.00
- Planning Board General-----120.00

Kopelman & Paige

- 302 Central Street-----\$850.00

**Office Supplies**

- Planning Commission Journal Renewal-----\$95.00
- Conservation Law Foundation-Book-----29.00
- NetWay Internet Service (2/28-3/27)-----19.95
- American Speedy Printing (20 ZBL's)-----165.70

**Payroll**

Kathleen Bradley Colwell-----\$886.96  
Janet Pantano-----350.45

Mr. Evangelista made a motion to pay. Second by Mr. Kostura. All in favor 4-0.

**Budget**

Ms. Colwell stated that she had a budget meeting and stated that she requested that the board stay level funded. She stated that she has to have the boards okay to authorize her to analyze Ms. Pantano's salary to see if she is getting paid the same as other employees doing the same level of work and number of years of service.

Mr. Evangelista made a motion to allow Ms. Colwell to look into Ms. Pantano's salary. Second by Kostura. All in favor 4-0.

Mr. Evangelista made a motion to adjourn. Second by Mr. Moultrie. All in favor 4-0.

Meeting adjourned at 11:00PM.

Minutes transcribed by J. Pantano.

Minutes accepted as amended March 13, 2002.