

**MEETING
GEORGETOWN PLANNING BOARD
Public Safety Building
April 10, 2002
7:30PM**

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

Absent:

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

Mr. Hopkins was acting Chairman for the meeting tonight.

Minutes

Mr. Evangelista made a motion to accept to the minutes of March 27, 2002 and Executive session minutes of March 27, 2002 as written. Second by Kostura. All in favor 4-0. Mr. Sarno was not present at this time.

**Discussion/Street Acceptances
Abbey Road**

Mr. Thomson stated that they did a vernal pool certification. This is in process and would be finished this month. He stated that they have one sidewalk easement and has another one but the lawyer made changes and he did not know if this was acceptable.

Mr. Hopkins looked over the changes to the easement document.

Mr. Thomson gave easement to Ms. Colwell. He asked if there where any other issues.

Ms. Colwell stated that a neighbor had concerns about a large rock by the road and wood chips put down as is along another section.

Mr. Moultrie stated the rock might be part of the ledge in the area.

Mr. Thomson stated that they would take this under advisement.

Ms. Colwell stated that they have the as-built plans. She stated that they would have to see who would review the plans, as Mr. Graham can not on this project.

Mr. Moultrie stated that he would review the as-builts.

Ms. Colwell stated that now that Town Meeting has been moved to June there might be time to have this at the Town Meeting.

Discussion

Board stated that they would wait until Fall Town Meeting to have the street acceptance on Abbey Road.

Longview Way

Ms. Colwell stated that they are waiting for Atlantic Engineering for as-builts.

Belleau Woods

Mr. Holt of Professional Land Services gave Ms. Colwell revised as-builts for Belleau Woods.

Ms. Colwell stated that they are waiting for a response from Kopelman & Paige on who owns the street.

Mr. Hopkins stated that they are only waiting for Kopelman & Paige.

Ms. Colwell stated that if the street is owned by the homeowners then they would have to take the street by eminent domain and this would take a while. She stated that if Vera Rodriguez owns the street than she could sign the forms and we could move ahead.

Public Hearing/Georgetown Savings Bank

Mr. Hopkins stated that they have a letter of withdrawal from Georgetown Savings Bank.

Mr. Kostura made a motion to allow Georgetown Savings Bank to withdraw the plan. Second by Evangelista. All in favor 5-0.

Ms. Colwell stated that the Bank has asked if the Board would waive the fees as they plan to file in a month again.

Discussion

Mr. Kostura made a motion to refund fees to Georgetown Savings Bank. Second by Mr. Evangelista. All in favor 5-0.

Budget

Ms. Colwell stated that she was asked to reduce the budget by 4%. She explained items that she cut. She stated that she would submit this budget if the board agrees. She stated that she talked to Jim Lacey and discussed a revolving fund that the board would fund itself. She stated that this year it would have worked as the Board had a lot of fees paid, but we do not know if this would work every year. She stated that you would have to be sure to fund the employee salaries.

Mr. Hopkins asked who would decide on this.

Mr. Evangelista stated that he thought this was a good idea and he agreed that you would have to be sure of salaries.

Moultrie stated that he would be going to a FinCom meeting on April 24, 2002 for Department Heads and he would ask about this.

Mr. Evangelista made a motion to approve budget. Second by Moultrie. All in favor 5-0.

Planner Position

Ms. Colwell stated that she has drafted a job description and has put it in the APA Newsletter and the MAPD Newsletter. She stated that the salary she left blank and the board would have to determine this.

Mr. Evangelista stated that the Globe did not bring in any applicants last time when they posted the planner position so he recommended not placing in this paper.

Ms. Colwell stated her salary is \$23,060.00 for 20 hours a week.

Warrant Articles

Ms. Colwell asked who would present the Earth Transit Bylaw at Town Meeting.

Mr. Moultrie and Mr. Hopkins stated that they would present the Earth Transit Bylaw at Town Meeting.

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

Public Hearing/Deer Run

Ms. Colwell handed out a letter from the Yavorski's and copies of the draft decision.

Board read the letter from the Yavorski's.

Mr. Hopkins stated that letter from Yavorski's states that they would not grant an easement for drainage and that they had three concerns.

Jim Yavorski showed an area on the plan that he did not know what it was.

Mr. Holt Engineer for the applicant stated the area was a swale.

Mr. Hopkins stated a concern was about elevations that were different on this plan and the Whispering Pines/Raymond's Creek Plan as noted by Mr. Graham.

Mr. Holt stated that they did additional topos on Yavorski's land and stated that they had used topos from an old plan. He stated that there was a 4-ft error and that they corrected this.

Mr. Graham stated he noticed the difference when reviewing Raymond's Creek/Whispering Pines plan and then he notified the Maglio's to check theirs.

Mr. Hopkins stated that the drainage is an issue to be of concern of all abutters. He stated that all is on record.

Ms. Colwell stated Kopelman & Paige sent a letter on the covenant.

Mr. Kroner stated that on page 1 it states that the covenant has to be presented at town meeting. He stated that if the Planning Board approves the plan and then if Town Meeting disapproves then what happens.

Board stated that this is the first Court that the board would approve. They would have to talk to Kopelman & Paige over Town Meeting.

Mr. Moultrie stated that the board wants to be sure that no further development is made to plan.

Ms. Maglio asked if at Town Meeting Court is not approved then where does that leave them.

Board did not know.

Mr. Moultrie stated that he does not see why they have to go to Town Meeting.

Mr. Hopkins stated that if the Maglio's decide to join to a subdivision then this would be an issue.

Ms. Colwell stated that they could ask Kopelman & Paige why they asked for this.

Mr. Hopkins stated that he does not see this as a problem, to go to Town Meeting is a benefit for the Town.

Mr. Sarno stated that it was not their intention to go to Town Meeting for a Court and Lane instead of Street Acceptance.

Mr. Evangelista stated that at Town Meeting sometimes people vote no. He agrees with Mr. Sarno that it was not intention of the Board to go to Town Meeting.

Mr. Hopkins stated that in the decision this does not have to be a condition of approval just a protection that the covenant would be abided by. He stated it is doubly protected with this.

Mr. Kroner asked if this would hold up a building permit. He stated that already this being the first Court the process has been long.

Mr. Hopkins asked Mr. Brett if this would hold up a building permit.

Mr. Brett stated that they should wait until after Town Meeting.

Ms. Colwell stated that this should not hold up a permit, but they could hold funds until accepted at Town Meeting.

Mr. Kroner stated that it would than be more enforceable even if not voted in at Town Meeting.

Mr. Kostura stated that on page 3 of Kopelman & Paige letters it states abutters have no right to enforce terms of covenant.

Discussion on covenant and how to enforce issues of drainage etc.

Mr. Maglio stated that a fund would be established throughout the homeowners association for the Engineer to go out and review the drainage system.

Mr. Graham stated that after the yearly maintenance was done the engineer would be called in to review. He stated that if there were a problem then he would contact the Planning Board.

Mr. Kroner stated that the Homeowners Association would be responsible for maintenance.

Mr. Moultrie stated that they had a similar situation and there was a problem and it was worded that the Town would be able to go onto the property and fix the problem and then bill the homeowner.

Mr. Gerraughty stated that the easement would have to go to Town Meeting.

Mr. Maglio stated that they agree that something has to be done to protect the abutters and to give the town the right to go in if there is a problem.

Mr. Moultrie stated that he would get the wording for the other issue that they had to go onto the property.

Ms. Colwell stated that all easements should go to Town Meeting they do not always do this but they should.

Mr. Hopkins stated they could have a condition on the decision to have the right to go on to the easement and then go to Town Meeting.

Mr. Kostura stated that on page 2 paragraph 1 should be changed so that they can not extend the subdivision. He stated that Town Meeting would be like street acceptance done at the end of the subdivision not at the beginning.

Mr. Graham stated all issues from page 3 to 6 could be taken care of before endorsement.

Mr. Hopkins asked about a HOA document.

Ms. Colwell stated that the covenant is in place of an HOA document.

Mr. Moultrie asked about snow and ice removal.

Mr. Kroner stated that it was in the last covenant.

Ms. Colwell read from the last covenant.

Mr. Hopkins asked about Parcel C.

Ms. Colwell stated that the Homeowners Association would own Parcel C.

Mr. Kroner stated that he could have it on the deed that Parcel C is owned in common with same restrictions.

Mr. Hopkins asked about drywells.

Mr. Graham stated he would like to see this added and have all roofs have gutters and drywells.

Ms. Colwell stated that she put this in the decision and they are in the covenant.

Mr. Graham stated waivers are in the decision. He stated that they also need a GIS waiver.

Ms. Colwell stated that they should give us what they have on disc.

Mr. Hopkins asked if Mr. Graham had any other concerns.

Mr. Graham stated that he would have to look over the new plans.

Board discussed changes.

Ms. Colwell stated that they should record the whole set of plans. She stated that she would remove all issues regarding the Yavorski drainage, as they have not allowed the easement.

Mr. Moultrie stated he was disappointed that the Yavorski's did not allow the easement. He stated that he has confidence that the technical engineer's assessment would have been an improvement.

Mr. Sarno made a motion to accept the plan with revisions.

Discussion

Ms. Colwell stated that they should add that before any funds are released the applicant must go to Town Meeting regarding the covenant.

Second by Mr. Evangelista. All in favor 5-0.

Pillsbury Pond-Retaining Wall

Ms. Colwell stated that at the last meeting they received a letter from the Building Inspector regarding the wall on Pillsbury stating that the wall was not constructed properly. She stated that he suggested that the wall be taken down. She stated that the Board requested that the applicants come to tonight's meeting and report to the board if the wall was built properly.

Jeff Rhuda stated that he was not at the last meeting when the wall was discussed. He stated that they received a letter from GEI and the Building Inspector tonight at 5PM. He stated that they would like to hire an engineer to

review and would do as requested in the report and keep traffic 5 feet away from the wall.

Mr. Hopkins stated that the wall is a greater concern for the Building Inspector but also a concern of the Board. He stated that a building permit should have been pulled for the wall. He stated that Mr. Brett had an engineer review the wall. He stated that the wall has to be repaired or replaced. He stated that they have to have a better wall and that they are required to obtain a permit. He stated that they have to impress the Building Inspector and a permit must be pulled.

Mr. Evangelista agrees with Mr. Brett that the wall should be replaced. He stated that the wall is starting to crack and should be taken down and built properly. He stated that this is brand new construction and they are starting in a hole.

Jeff Rhuda asked what are they paying inspection fees for. He stated that Mr. Graham did inspections.

Mr. Sarno stated that at this point they did not obtain a permit on wall and the wall was not built, as building inspector states it should be under Mass code.

Mr. Moultrie asked how this could be fixed.

Mr. Rhuda stated that they want to have the wall reviewed by their engineer and he stated that some items in the GEI report are not accurate.

Mr. Moultrie asked Mr. Graham if they had reports on inspections

Mr. Graham stated that he did not.

Mr. Brett stated that GEI is very reputable engineering firm and when you read recommendations for the wall they were not met at all. He asked if the wall could be fixed and was told you could pour another wall in front of this wall but that this would not stop the wall from cracking. He stated that he has seen other work by this developer and it is very good. He stated that Is it fair to accept a wall that was not permitted and under state law should be permitted. He stated that if they want to go to the state inspector they could.

Mr. Rhuda stated that they were not aware that at building permit was not taken out. He stated that they ask that engineers look at this and they may agree with Mr. Brett. He stated that they would like to have GZA for a second opinion. He stated that Mr. Masterson has stated that if the wall does not look good than they would take it down. He stated that they do not want to take the wall down with out a review.

Mr. Sarno stated that at the last meeting the board wanted to have the wall taken down and Mr. Sarno asked for a second opinion.

Mr. Rhuda stated that this is only one professional opinion.

Mr. Sarno stated that the Building Inspector and Highway Surveyor have reviewed the wall.

Mr. Hopkins stated that this is an illegal wall there was no permit.

Mr. Rhuda stated that they would take down the wall if both engineers agree.

Mr. Hopkins stated that the Building Inspector wants the wall down and they want an engineer.

Mr. Brett stated that he believes wall has to be replaced and we should have a brand new wall in this new subdivision. He stated that that they should be allowed to have a review.

Mr. Hopkins asked Mr. Brett if he wants to allow then to bring someone in to review the wall.

Mr. Rhuda stated that he would have a report by the next meeting April 24, 2002.

Mr. Hopkins asked if Mr. Brett would allow a review of the wall.

Mr. Rhuda stated that they want the opportunity to have the review and would do what is needed.

Mr. Evangelista stated that the proper permits where not obtained and the road has been blocked with fire equipment unable to respond, and earth removed. He stated that they should send a message why repair wall why not tear down and have built correctly. He stated that the developers leave and the Town is stuck with the wall.

Mr. Moultrie stated that if problems continue he would ask that the subdivision be shut down. Second that amended motion.

Mr. Hopkins stated that they defer to the Building Inspector the permitting issue.

Mr. Evangelista made a motion to have the wall reviewed and a report at the next meeting. Second by Mr. Moultrie. All in favor 5-0.

Ms. Colwell stated would be on April 24, 2002 agenda.

Mr. Hopkins stated that he agrees with Mr. Moultrie that trees down, fire and blocked road, earth removal and pursuit of money too many mistakes.

Maryann Philips of Molloy Road complimented board on what they have done tonight over this issue.

Inspection Services

Ms. Colwell passed out a letter from Mr. Graham stating that he would no longer be providing inspection services to the Town.

Mr. Moultrie asked who Don Stone has been getting this hearsay from.

Mr. Graham stated that Mr. Stone has been getting this from the Pillsbury Pond site workers for a week and a half.

Mr. Moultrie stated that he would not talk behind anyone's back he would say it to there face. He stated with this wall was not built correctly.

Mr. Brett stated that the wall is going to be taken down. He stated that he had a discussion outside and it was decide to replace the wall.

Mr. Graham stated that Mr. Stone was very upset about issue of his work.

Mr. Moultrie asked if he is qualified to inspect the wall.

Mr. Graham stated on the wall he was not qualified to inspect and that mistakes were made on the wall. He stated he apologized for him and for Mr. Stone regarding the wall.

Mr. Moultrie stated that he respects Mr. Graham and if he respects Mr. Stone he is okay with this.

Mr. Graham stated that they do not inspect grades. They review as built and if they are incorrect then they are fixed.

Mr. Moultrie stated that he has a problem with the grade not be checked.

Mr. Graham stated that if you want more than what he is doing than you have to have a job description. He stated that they are inspectors not surveyors.

Mr. Sarno stated that when they did the RFP they did not request a job description.

Mr. Moultrie stated that it does not make sense for this to be reviewed and then not inspected properly. He stated that he has been under impression that more than what is being done was done.

Mr. Graham stated that they have to decide what they want reviewed. He stated what Mr. Moultrie is asking for a two-man job.

Mr. Sarno asked if these problems are detectable on an as-built.

Mr. Moultrie stated that he differs in opinion on inspection services. He stated that he respects Mr. Graham's opinion and work.

Mr. Kostura stated that he feels that Mr. Graham's job is their eyes and ears and to see that work is done correctly. He stated that he feels that the inspector makes sure the plan is correct and it is not feasible to have someone out at the site all the time.

Mr. Brett stated that he was an inspector and he stated that you checked work. He asked Mr. Graham how does he review manhole standards. He stated that the manhole standards are all not done right on Pillsbury.

Mr. Moultrie stated that he apologizes to Don Stone and he does not want him to feel that he thinks Mr. Stone is incompetent.

Mr. Graham stated Mr. Stone would not serve as inspector in Georgetown.

Mr. Sarno stated that who ever becomes inspector has to be given a job description. He stated then they could hold them accountable to job description.

Mr. Hopkins stated that the problem with inspectors is that they are only on site a couple of hours a day unless we have a clerk of the works.

Mr. Graham asked Mr. Brett that if he had any other issues on Pillsbury to please communicate them to him. He stated that he would go out to the site and check all of the manholes.

Evangelista stated that the inspector is only there for a few hours and can not watch everything that is going on.

Mr. Sarno stated that the issues raised tonight by Mr. Brett should have been raised beforehand.

Mr. Brett stated that he gave the Board a letter at their last meeting.

Mr. Sarno stated that the letter was dated a few days before and he received the letter the night of the meeting. He asks that we be proactive and work together.

Kostura asked Mr. Graham if he would not be providing inspection services after April 24, 2002.

Mr. Graham stated that the board would have to find another inspector for the Town.

Mr. Graham stated that he would stay as engineer and if they have to find a firm that would provide both he would understand.

Mr. Graham stated that they have a few weeks to find an inspector. Mr. Graham asked Mr. Moultrie if he was okay with roadbed.

Mr. Moultrie stated that he was.

Mr. Brett stated that he would do inspections or Mr. Moultrie in the interim.

Ms. Colwell asked if Mr. Moultrie and Mr. Brett would put together standards for an inspector.

Mr. Moultrie and Mr. Graham would help to put out the word that the Town is looking for an inspector.

Mr. Graham stated that only Pillsbury Pond is having any infrastructures put in.

Master Plan Committee

Mr. Evangelista stated that the Master Plan Committee would be meeting on the 18th of April.

Vouchers

Payroll

Kathleen Bradley Colwell-----	\$886.96
Janet Pantano-----	\$344.70

Technical Review

H. L. Graham-----Cuffee Dole's-----	\$1,277.50
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Mr. Moultrie made a motion to pay. Second by Mr. Kostura. All in favor 5-0.

Mr. Sarno made a motion to go into Executive Session to discuss pending litigation. Second by Kostura.

Mr. Moultrie-yes

Mr. Sarno-yes

Mr. Evangelista-yes

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Mr. Kostura-yes
Mr. Hopkins-yes

Mr. Evangelista made a motion to go out of executive session. Second by Mr. Moultrie.

Mr. Moultrie-yes
Mr. Sarno-yes
Mr. Evangelista-yes
Mr. Kostura-yes
Mr. Hopkins-yes
All in favor 5-0.

Mr. Moultrie made a motion to adjourn. Second by Mr. Sarno. All in favor 5-0.

Meeting adjourned at 11:30PM.

Minutes transcribed by J. Pantano.