

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Basement Meeting Room
October 23, 2002
7:30PM**

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

Absent: Alex Evangelista

Meeting called to order 7:35PM.

Cuffee Dole's

Mr. Moultrie stated that he would like to settle the issue on Cuffee Dole's tonight.

Mr. Anderson attorney for Mr. Archer stated that Attorney Rudolph drafted a surety agreement from the Bank. He stated that they have a binding agreement with the Bank for a bond. He stated that they would go forward with the draft unless there are issues from the board tonight. He stated that Mr. Rudolph told him that he would have the final paperwork by Friday or Monday at the latest. He stated that when he receives the passbook he would get it to Mr. Cashell. He stated that they have worked to have the paper work done as timely as possible.

Mr. Moultrie stated that the passbook should go to the planner and then he would give it to the Treasurer to hold. He explained the process. He stated that in the event of a failure of performance by Mr. Archer then the funds would be available to finish the work.

Mr. Cashell stated the board would have a passbook and a signed withdrawal slip.

Mr. Hopkins asked if the Board has done this before and that the board would be holding only the exact amount to finish the work. He stated that the board would be finishing a private establishment.

Mr. Sarno stated that they should be holding more that the board usually holds 2 and a half- percent times what is needed to finish the site. He stated that it is a disgrace what has happened and that he would not have agreed to these

conditions or the amount held. He stated that he was not at the last meeting and would bow to the planner and the board.

Mr. Moultrie stated that this is the last time this would happen.

Mr. Sarno asked if the board would have access to the funds.

Mr. Hopkins stated that he does not feel this is right and that they should not be finishing a private establishment.

Mr. Cashell stated that this happens in other towns but is new to this board. He stated that Mr. Graham did a thorough job on his review.

Mr. Hopkins stated that we could get stuck doing the improvements.

Mr. Sarno stated that to get developers to do small jobs is very difficult.

Mr. Anderson stated that the bylaw states the board can hold surety. He stated that this happens often.

Mr. Hopkins stated that this is beyond landscaping that this is pavement and not what this board should be doing. He asked when would this work be done.

Mr. Moultrie stated that some of the work would be done in 30 days. He stated that Mr. Graham has not been out to view the site to see what additional work has been done.

Mr. Anderson stated that by December 1, 2002 all items but the parking lot would be done.

Mr. Moultrie asked about alterations to the plan and what they are going to do about the changes.

Mr. Anderson stated there could be an endorsement to the plan by Mr. Graham and that the board could decide from the list what it wants to be presented.

Mr. Moultrie stated that he would take Mr. Graham's recommendations.

Mr. Anderson stated that he would talk with Mr. Graham and then get back to the board.

Mr. Brett stated that everything rests in the board's hands. He stated that there are some internal issues that they are working on and that he would work on enforcing the board's wishes.

Mr. Moultrie asked if he would act if the issues were not complied with.

Mr. Brett asked if there would be a timetable.

Mr. Moultrie stated that he should have a timetable.

Mr. Sarno stated that this should be on the agenda for Nov 13, 2002 and that the temporary occupancy permit runs out in 30 days November 18, 2002.

Mr. Moultrie asked what the excavation on the site was.

Mr. Anderson stated that it is wiring for the septic pumps.

Mr. Anderson stated that all items except the parking lot would be finished. He asked about the parking lot and when this had to be done and an explanation of what has to be done.

Discussion on Parking lot. Board stated that the parking lot stays the same until March 30, 2003 and then a decision would be made on what has to be done.

Mr. Anderson stated that an expert was to go out and see if the base is acceptable.

Mr. Graham arrived and stated that he had nothing to add from last report.

Mr. Brett stated that the temporary occupancy permit is until the interior work is finished and that he can issue a conditional permit as the bond is to be held by the board for work on the outside.

Mr. Hopkins stated that he would like to see a conditional permit, as this is a better way to have the applicant get the work done.

Mr. Sarno asked about a conditional permit and could dates be added.

Mr. Brett stated that he does not know the legal aspect of this.

Mr. Kostura stated that the current permit expires November 18, 2002 and that Mr. Brett stated that he assumes surety is what the board holds.

Discussions on whether to hold permit or funds.

Mr. Kostura stated that they have surety on punch list and lets move ahead.

Mr. Gerraughty stated that there is no dollar amount on the lights and that this amount was not added to the total.

Mr. Sarno stated that they want to go forward and that they want to be sure everything is done per the approved plan.

Mr. Anderson stated that Mr. Graham came up with a number of situations of how to handle changes to the plan. He stated that it would be helpful for his client to know how to meet the timetables.

Mr. Moultrie stated that first he must have the Technical Review Agent inspect what has been done.

Mr. Graham stated that the applicant wants to overlay the lot and if what is there is okay is this okay with the board.

Mr. Moultrie stated they had trouble with the septic system and have dug up a part of the parking lot and he asked if Mr. Graham could go out and look and see what is under the pavement. He asked if while he is there he also look at the signage.

Mr. Graham stated that he would try to go out and look at the area and review the site. He stated that they have lighting on the building instead of in the lot as per the plan.

Mr. Moultrie asked about a landscape plan.

Mr. Anderson stated that a landscape plan was turned in and recorded.

Mr. Cashell stated that they have a legend of planting but no plans.

Mr. Graham asked if the certificate of vote and plans were recorded.

Mr. Sarno stated that the major items that Mr. Anderson needs direction in are in Mr. Graham's report. He stated that he needs direction on the hot top and lighting.

Mr. Graham asked on the lighting if anybody had gone out and looked at the site.

Mr. Moultrie stated that the police and neighbors had concerns on lighting and that the Police wanted more and the neighbors wanted less.

Mr. Graham stated that if the board were okay with what is there, then he would be okay. He described the lighting on the site. He stated that the rear needs additional lighting. He stated that the parking is tight and could be reduce by two in the front area.

Mr. Moultrie stated Mr. Graham would go out and update the list. He stated that the board and the Police would review the lighting.

Mr. Cashell stated he did find a set of Landscaping plans.

Mr. Graham stated that a set of plans had to be reduced to be recorded.

Mr. Moultrie stated that the board needs a copy of the recorded plan. He stated that Mr. Cashell would be in the office on Monday.

Mr. Anderson asked who would have the police look at the lighting.

Mr. Moultrie stated that he would talk with the Police Chief.

Board asked Mr. Anderson and Mr. Archer to return at 7:30PM on November 13, 2003.

Minutes

There was not a quorum to review the minutes of October 9, 2002.

Vouchers/Payroll

Janet Pantano-----	\$372.40
John Cashell-----	\$957.88

Office Services

American Planning Association-----	Employment ad-----	\$25.00
Netway-----	Internet Service-----	\$19.95

Technical review

H. L. Graham

- Littles Hill-----\$133.75
- 14 Longview-----\$270.00
- Bernay Way-----\$425.00
- Cuffee Dole's-----\$40.00
- Emma Harris Way-----\$1,067.50
- Acorn Way-----\$120.00
- Georgetown Shopping Center-----\$40.00
- Carleton Drive-----\$1,987.50
- 113 Jewett Street-----\$493.75

Mr. Sarno made a motion to pay. Second by Mr. Hopkins. All in favor 4-0.

Public Hearings Superior Steel-SPA

Mr. Cashell stated that Superior Steel has asked to continue they're Public Hearing until December.

Mr. Kostura made a motion to continue the Public Hearing on Superior Steel to December 11, 2002 at 9pm. Second by Mr. Hopkins. All in favor 4-0.

Mr. Kostura made a motion to extend the decision date on Superior Steel to January 12, 2003. Second by Mr. Hopkins. All in favor 4-0.

Board Business

Mr. Cashell stated that Mr. Maglio has stated that he requires a pre-construction meeting with the board.

Mr. Moultrie stated that this meeting should be set up with a board member, Mr. Graham and others from the decision. He stated that Mr. Cashell could set the meeting up.

Master Plan

Mr. Cashell asked the board to look at the list of members of the Master Plan Committee and if this is who is on the Master Plan Committee. He stated that he would like to call Ms. Colwell and find out where the master plan was. He asked if the town had a visioning session.

Mr. Moultrie stated that he thought that there was one in 1995.

Mr. Cashell stated that a new visioning session would have to be done. He stated that last year Georgetown did comply with 418 and that they have to do this again. He stated that a visioning session has to be advertised and set up.

Mr. Moultrie asked Mr. Brett if he knew who was on the Master Plan Committee.

Mr. Brett stated that they have not met for a while.

Mr. Cashell asked if funds have been accessed for the Master Plan. He stated that the CPA is meeting on Tuesdays and that he would like to change his schedule so he could be at their meetings.

Mr. Moultrie stated that he was okay with this and that he may attend a meeting also.

Mr. Sarno stated that he should send out a letter to other boards if he changes hours.

Mr. Cashell gave the board a copy of Rowley's Scope of Services and stated they could work with MVPC on a similar plan.

Public Hearing/Emma Harris Way

Mr. Talacko from Hancock Engineering stated that the plan shows 11 lots and at the last meeting the board requested a letter from the Building Inspector stating that they have 11 lots. He stated a letter has been sent stating that they have 11 lots. He stated that they are asking to go forward with a PUD of 11 lots. He explained acreage to the board. He asked about amendment 121 165-50 on frontage of 125ft. He asked for this to be described.

Mr. Brett read the bylaw.

Mr. Talacko stated that there was an amendment.

Board looked up amendment.

Mr. Cashell stated that he reviewed this amendment for another subdivision and he talked to Mr. Brett. He stated that as he reads this amendment it does eliminate frontage of 125ft.

Mr. Moultrie stated that he thinks this amendment was to encourage more PUD's.

Mr. Graham stated that it is not clear but stated that it does not eliminate frontage.

Mr. Talacko asked if they could have 80ft of frontage on the cul de sac.

Mr. Brett stated that he believes the board can grant this as a waiver as they are the Special Permit granting board.

Mr. Graham stated that he does not agree, as this is a zoning issue.

Nancy McCann attorney for the applicant stated that she agrees with Mr. Graham except that the Planning Board could reduce frontage under section 10. She explained her opinion.

Mr. Cashell stated that he would be contradicting himself but the bylaw states the board could reduce frontage.

Ms. McCann stated that they could ask for a waiver under section 10. Ms. McCann stated that they could go to the ZBA.

Mr. Brett stated that they would have to show a hardship and here they created their own.

Mr. Sarno stated that the Planning Board does not state zoning.

Mr. Talacko asked if under a PUD if the road would be private or a town road. He stated that the bylaw states the road has to be built with granite curbs etc. He asked if they could ask for waivers ahead of time so that he does not have to draw the plans twice.

Mr. Sarno stated that they have to see a plan before they can grant waivers.

Mr. Cashell stated that the first phase has shown that they can get 11 lots. He stated that they are not reducing lots and that they would save money on the road. He stated that for Georgetown it would be less impact and more open space. He stated best roadway requirements have to be discussed by board and that this is a special permit and that they can grant waivers.

Mr. Talacko stated that it is easier to have county drainage with swales.

Mr. Hopkins asked what is the benefit to the town.

Mr. Talacko stated that they would not have to clean the catch basins.

Mr. Graham stated that there could be advantages to this for this site as the land is flat and that they plan to raise the road and if the water is not captured it could be a benefit in this case because the soils would support this. He stated that the housing would have to be built up and it has to be reviewed.

Mr. Sarno stated that this is a concept decision and depends on the site.

Mr. Talacko stated that he has talked to people about what could be done with the industrial land in the rear. He stated that it is over 10 acres and some is wet but that half is upland. He stated that he has talked to Mr. Morehouse and would like to talk to ConsCom, Park & Rec. or some one about the land. He asked who could set up this meeting.

Mr. Hopkins asked if this would be a grant of land.

Mr. Talacko stated that he wants to talk to someone about the land and what could be done with it.

Mr. Graham stated that this land is isolated land and not contiguous to anything.

Mr. Cashell stated that Mr. Morehouse's land is not landlocked. Mr. Cashell stated that he would set up a meeting.

Mr. Kostura stated that the plan is in the Water Resource area so he is for a reduced road size but he has a problem with stormwater management reduction.

Mr. Moultrie asked if they're where any questions from the audience.

Mr. Graham asked about frontage and where the board stands.

Mr. Moultrie stated that they would make a decision on each lot.

Mr. Kostura stated that they must show site specific reasons for reduction of frontage for each lot and what benefit it would be to the town.

Mr. Graham stated that they would use reduction of impervious area but in the cul de sac he felt it would be an advantage.

Mr. Talacko stated that the only frontage reduction lots are the homes on the cul de sac.

Mr. Sarno stated that when you see "may" that it should not drive the process. He stated that frontage should be 125ft if at all possible.

Mr. Cashell stated that they need an extension of time.

Mr. Talacko asked if they could have a decision on the Preliminary Plan.

Mr. Moultrie stated that Mr. Brett looked at the lots and had only an issue with one lot.

Mr. Cashell stated that a PUD needs an approval of a subdivision plan.

Mr. Graham stated that this plan is adequate as a proof plan for 11 lots.

Mr. Sarno made a motion to approve the Preliminary Plan/Proof plan on Emma Harris Way. Second by Mr. Hopkins. All in favor 4-0.

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

Acorn Way

Mr. Sarno stated that he is excusing himself from this hearing.

Mr. Thad Berry stated that since the last meeting they have made the pond bigger, have a 750ft road with sidewalks and explained drainage to the rear pond. He stated that they are asking for a waiver on the road grade from 8 to 6%. He showed a cross section of the pond at station 25 and explained that on a 100 year storm how they pond worked. He stated that they are open to decrease the pavement and sidewalk. He stated that they show a 26ft road and showed the 100ft buffer area and that everything is out of the buffer area and hopes to stay out of this area. He stated that they would not know for sure until they do

the soil testing. He stated that they are looking for a frontage variance and plan on keeping as much vegetation as possible. He stated that they are looking for the preliminary to be approved as a proof plan then to go on to a PUD.

Mr. Graham stated that a reduction to the cul de sac is an improvement. He stated that the reverse curve has been reduced. He stated that he would recommend a waiver for the road grade. He stated that one concern is the frontage

Mr. Berry stated on cul de sac they show 60 and 80ft frontage and on beginning of road some lots have 100 ft of frontage. He stated that they have tried to push everything out of 100ft buffer.

Mr. Graham stated that they are saying that they do not want the preliminary but would rather have the PUD plan. He stated that he feels that they should have the drainage overflow on Tenney Street and he is still firm in the belief that all drainage systems should have an overflow. He stated that we all know that there will be a time when the basins would overflow and we do not want to see damage if we can eliminate it. He explained the overflow.

Mr. Kostura asked where the applicant stands with the ZBA.

Mr. Berry stated that they are in the Flood Plain and Water Resource Area. He showed a drawing that they have for the ZBA and explained it to the board. He stated that they did some review and have had a review by GEI. He stated that the flood plain does not exist in this area and water would have to stand straight up. He explained drainage and that they have mitigated for a 100 year storm and the they would have to get permission to go on to Town and abutter property for the overflow.

Mr. Moultrie stated that they have elevations for a 200-year storm in this area and he is welcome to a copy of them.

Mr. Berry stated that if they improve the culvert then flood plain would not be there.

Mr. Kostura stated that they show a detention basin in the flood plain.

Mr. Berry stated that it is not uncommon that flood plain maps do not have elevations.

Mr. Kostura stated that there would be water in the detention basin in the flood plain and that it is low in the area of the basin.

Mr. Berry stated no question that if the basin over topped it would flow over Tenney Street.

Mr. Cashell stated that the board could vote to approve this plan or the applicant could withdraw without prejudice. He stated if the plan was approved with 10 lots then they could submit a PUD.

Tim Howard 169 Jewett Street stated that he had some concerns. He stated that one reason he moved to this area was to have one-acre lots. He stated that on the original plan the closest home was 60 to 70 ft from his home.

Mr. Berry explained that they made a buffer between plan and his home. He stated that it is now 60 to 75 ft to Mr. Howard's home. He explained how he is positioning homes to keep trees.

Mr. Howard stated that the plan shows 70ft to nearest home but what guarantee does he have.

Mr. Berry stated that with septic and setbacks the lots have to meet rear setbacks.

Mr. Moultrie stated that they could covenant a no-cut zone.

Mr. Howard stated that there is nothing that they can do to prevent the cutting of trees in this area.

Mr. Berry stated that the slice of land was put there to protect his land but they can not do anything on this issue.

Mr. Howard stated that there is not much of a buffer. He stated that the PUD is his problem and to have in an area where zoning larger lots. He asked if they still have to meet the setbacks.

Mr. Graham stated that a PUD is a special permit and the board can ask for a larger setback or buffer.

Mr. Howard stated that there are lots on either side and he is unhappy with how the lots were clear-cut. He stated that the PUD land has open space and can he walk his dog on this land and can anyone else use the land.

Mr. Berry stated that the land would be better to be given to the ConsCom but they have not decided as of yet what to do.

Mr. Moultrie asked if there is access by a path.

Ms. McCann stated that the land has to be as open space for recreation etc. She stated that the ownership is open for discussion.

Mr. Sarno stated that he disagrees with the board and agrees with Mr. Graham. He stated that some members stated you could not imply buffer.

Mr. Hopkins stated that they have not implied that.

Mr. Sarno stated that they did a walk through and Mr. Hopkins and Mr. Moultrie did not attend and that he has more information. He stated that the town would have access and the planning board can dictate this.

Mr. Moultrie stated that he has lived in this area and is well aware of the land.

Mr. Howard stated that a PUD is a savings for the developer and good for the town with a gain of open space. He stated that there is no advantage to open space to him if he does not abut the land. He asked if the land would be accessible to the town.

Mr. Cashell stated that if amendable could build a walkway around with crushed stone.

Mr. Brett stated that if they do this it would have to be HP accessible.

Mr. Hopkins stated that this is a Definitive Plan and is not sure if they can approve and then go to a PUD.

Ms. McCann stated that they would like to have approved as a proof plan and could be worded as such and in the record that this is submitted as a proof plan.

Mr. Graham stated that it does say a preliminary plan for a proof plan. He stated that you do not want to approve a Definitive Plan that has all the waivers that this plan has. He stated that they all ready have a plan and know where to go.

Mr. Cashell stated that you could allow them to have an extension until the special permit is approved and that would cover them.

Mr. Moultrie stated why not withdraw the plan without prejudice and then go on. He stated that they are sending the message that they are not comfortable approving this.

Ms. McCann stated that they would like to go forward and table this plan for now.

Mr. Hopkins stated that they do not want to have to keep up with the dates.

Mr. Sterio stated that what if the PUD is denied.

Mr. Moultrie stated is this financial or time decision.

Mr. Cashell stated that it is harsh of the board to ask the applicant to withdraw. He stated that the applicant is saying that they do not want to go forward with this plan but would still have a back up if the PUD were denied.

Mr. Kostura stated that they could put a date in April for a decision.

Mr. Sterio asked for an extension until April 15, 2003.

Mr. Kostura made a motion to extend the decision date for Acorn Way to April 15, 2003. Second by Mr. Hopkins. All in favor 3-0.

Date corrected on form by applicant.

Ms. McCann stated that they would submit a proof plan. She asked if the affordable unit could be a duplex on one lot with one half-affordable and the other half not.

Mr. Gerraughty stated that they would be increasing the number by one home by doing this.

Mr. Hopkins stated that this would run against the intent of the bylaw.

Mr. Kostura made a motion to continue the Public Hearing on Acorn Way to April 9, 2003 at 9:30pm. Second by Mr. Hopkins. All in favor 3-0.

Mirra

Mr. Kostura stated that Norino Mirra stated that he would come to a meeting if he were invited to discuss inspections at his site.

Mr. Cashell stated that the Building Inspector could request someone go out to the site for an inspection.

Mr. Kostura stated that he would invite the Mirra's to a meeting to discuss inspections.

Mr. Kostura made a motion to adjourn. Second by Mr. Hopkins. All in favor 4-0.

Meeting adjourned at 11:15pm.

Minutes transcribed by J. Pantano.

Minutes accepted as amended November 13, 2002.