

**MEETING  
GEORGETOWN PLANNING BOARD  
Public Safety Building  
March 13, 2002  
7:30PM**

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

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

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

**Discussion**

**Street Acceptances**

**Long View Way**

Mr. Ellis gave a letter to the board regarding work done on Long View Way.

Ms. Colwell stated that they were waiting a month for plans to come in, but this street was put on the warrant. She stated that Mr. Graham was going to go by and review if all work has been done, but he has not gone.

Mr. Sarno stated that funds are held per foot until the road is accepted.

Mr. Hopkins asked how many feet the road was.

Mr. Ellis stated that the road is 2200ft long. He requested that funds that are left after what the board requires to be held be released.

Ms. Colwell stated that they need a punch list from Mr. Graham, then they can make a motion to reduce the funds.

Mr. Sarno asked Mr. Ellis to return in a month April 10, 2002 and at that time if Mr. Graham has made a punch list they would make a motion to reduce funds.

**Belleau Woods**

Ms. Colwell stated that Kopelman & Paige are doing a title search on the road. She asked Mr. Moultrie if the town could fix the small patches in the road that is

needed or if they would have to hire someone to fix these. She stated that they do not know who is the owner of the road, Mount Vernon Realty or the homeowners on the street. She stated that if it were the homeowners than they would have to have signatures from the homeowners and their mortgage holder.

### **Abbey Road**

Ms. Colwell stated that she received a letter from Brian Donavon 8 Abbey Road. She stated that he had a few issues regarding some loose rocks and a boulder that he felt was a danger to children in the neighborhood. She stated that she would fax the letter to the applicant and Larry Graham.

Board stated that large boulder at entrance is ledge and would not be able to be removed.

Mr. Moultrie stated that he would could go out to the site and look at the rocks.

### **Public Hearings**

#### **Whispering Pines/Raymond's Creek**

Ms. Colwell stated that Mr. Graham might not have a report on the engineering for the next meeting because of an illness in his family. She stated that she has received a new open space plan from Mr. Longo.

Mr. Sarno stated they should have a contingency plan if Graham is unable to make meetings.

Ms. Colwell stated she needs a motion to extend Whispering Pines and Raymond's Creek to May 31, 2002.

Mr. Evangelista made a motion to extend decision date for Whispering Pines and Raymond's Creek to May 31,2002. Second by Mr. Hopkins. All in favor 5-0.

Ms. Colwell stated that she has talked to Mr. Longo about Open Space and eliminating two lots. She stated that she does not agree with the donut hole around the detention basin as open space.

Board discussed options and how this would look.

Ms. Colwell stated that Mr. Longo has stated that he would look at eliminating these lots. She stated that he stated to her that if they are looking for improvements on Warren Street than he did not know if they would loose two lots to the open space.

Board stated that this is a special permit and in granting this there would be conditions and off site improvements.

Mr. Moultrie stated that he estimates approx. \$150,000 to 175,000 to do repairs to Warren Street. He stated that he does not think a sidewalk would make sense, as it would go nowhere.

Discussion on impact to the area with plans that are proposed in the area.

Mr. Sarno asked what does the board want to request from Mr. Longo, for the lots to be removed and offsite improvements to Warren Street.

Mr. Moultrie stated that from his conversation with Mr. Longo and his engineer that they have offered to do some upgrades to Warren Street.

Mr. Sarno stated that he would like to see the open space. He stated that this is the first ISH that could be approved and he does not want to see this plan not have what is required for open space.

Mr. Moultrie stated that if they have the open space then they could give a percentage towards upgrade of Warren Street.

Mr. Hopkins stated that the Board should ask for the open space with increase of one lot and the upgrade to Warren Street.

Mr. Evangelista stated he would like to see the two lots added to the open space and the upgrade to Warren Street.

Mr. Gerraughty stated that he feels that they should take lot 15 and upgrade the road.

Mr. Sarno stated that he does not like the detention basin included in the open space.

Ms. Colwell stated that he meets the number but the actual open space is not what the bylaw asks for.

### **Deer Run Lane**

Ms. Colwell stated that they need an extension on the decision date for Deer Run Lane.

Mr. Evangelista made a motion to extend the decision date on Deer Run Lane to April 19, 2002. Second by Mr. Kostura. All in favor 5-0.

## **Warrant Articles Earth Transit**

Ms. Colwell stated that she had comments from Larry Graham on the Earth Transit Bylaw. Page 2 of 6 of Mr. Graham's letter stated look at 500cu yards in and out to trigger a review.

Mr. Brett stated that you could not prohibit removal of soil subject to a permit or planning board subdivision approval.

Discussion on bylaw and how bylaw would be used.

Mr. Kostura stated that this bylaw covers removal or importing of soil when not in conjunction with another permit.

Ms. Colwell went over what other towns have for their bylaw. She stated that the current bylaw stated that applicant should come before the board when removing 50 cu yards-2 trailer loads or bringing in more that 1,000cu yards.

Mr. Hopkins stated that the current bylaw is so broad that the severance of the soil comes under the bylaw.

Mr. Brett stated that he has concerns on how to enforce this bylaw.

Ms. Colwell stated that there are no DEP standards, she stated that she had an email from Tillie Evangelista on DEP standards for soil.

Mr. Moultrie stated that Groveland has an Earth Removal inspector and we could look into this.

Discussion on bylaw and on how vague the law is now.

Mr. Sarno asked who is prepared to present this at Town Meeting. He asked Ms. Colwell to tighten up the language on the bylaw.

Mr. Moultrie stated that they should leave at 1,000 cu yards for removal of soil to require a permit.

Mr. Brett stated that it would be in the opinion of the Building Inspector if he would require a topo done and a grading plan. He stated that this would be an added expense for homeowners.

Mr. Moultrie stated that they would have these done already for septic plans.

Mr. Sarno stated he feels that they should leave at 1,000cu yards for exporting soil.

Ms. Colwell stated she would check on 21E standards for clean fill.

Discussion on 49-9 A--on removal of topsoil--phrase as none removed until site is restored.

D-Groundwater elevation--keep at 6ft as the current standard.

Mr. Evangelista made a motion to submit to the Town Warrant for Town Meeting the Earth Transit Bylaw. Second by Mr. Hopkins.

Discussion on using DEP standards of MGL or 21E on soil standards. Ms. Colwell to check on this with DEP.

Mr. Hopkins asked to change demonstrate to certified.

Vote 4-1 with Mr. Sarno opposed.

Ms. Colwell stated that Town council stated that they would have to be sure the ZBL book agrees with the new bylaw. She stated that they would have to change the Intensity of Use Schedule to allow a permit.

### **Intensity of Use Schedule—definition of Acre**

Discussion on lot sizes and the effects of this bylaw change.

Mr. Brett stated that that this would make lots larger and take from open space. He stated that this would make existing lots non-conforming.

Mr. Kostura stated that if this would make lots not conforming he was not in favor of the change.

Board discussed bylaw change.

Mr. Evangelista made a motion to reconsider putting this article on the warrant. Second by Kostura. All in favor 5-0.

Discussion

Mr. Evangelista made a motion to withdraw the Intensity of Use Schedule-definition of Acre article from the Town Warrant. Second by Mr. Kostura. All in favor 5-0.

Board stated that they could pass over the article if it is on the warrant already.

### **Use Variance**

Ms. Colwell stated that the only example of a use variance that she could find was the Dunkin Donuts building. She stated she talked to Joel Bard at Kopelman & Paige and he stated the majority of towns do not allow a use variance, but there are a number that do. She stated that it is a policy question for each town to decide.

Mr. Evangelista explained that this change would let the person who wants to make the change make the motion at town meeting instead of a board of four making a decision.

Ms. Colwell stated she talked to the ZBA by email and thought a member would be present tonight.

No ZBA member attended the hearing.

Mr. Kostura made a motion to submit to the Town Warrant the Use Variance bylaw change. Second by Evangelista. All in favor 5-0.

### **Board business**

#### **Master Plan Committee-update on Exec. 418**

Mr. Evangelista stated that they have a meeting tomorrow evening.

Ms. Colwell stated that she talked to Alan Macintosh and he stated that he would be willing to help with the process.

#### **Pillsbury Pond earth removal violation**

Ms. Colwell stated that they were removing earth from the site at Pillsbury Pond and Mr. Moultrie and Mr. Brett had the removal stopped.

Mr. Moultrie stated the if we have an inspector going to the site daily why did they not catch this. He stated it is in the conditions of the subdivision that no earth shall be removed.

Mr. Sarno asked Ms. Colwell to call Mr. Graham's office and let them know about this and ask them to be more diligent.

#### **Demolition Delay Bylaw**

Ms. Colwell stated that this is a bylaw that the Board should look at in the future.

#### **Planning Board Office Location**

Ms. Colwell stated that the Highway Department would not be coming back to town hall after the renovations. She stated that she asked for the Planning Board to be located in this office, as the new office space is going to be ZBA, ConsCom, Building Inspector Secretary, Electrical Inspector, and the Planning Board. She stated that it will be very noisy and busy and not very conducive to getting work done.

### **Community Preservation Committee**

Mr. Kostura stated that the CPA Committee is asking for the Boards, thoughts or philosophy on open space.

Mr. Hopkins asked if they could acquire land for sports fields as there is a shortage of fields in town with the increase of residents.

Mr. Kostura stated that they could purchase land for fields.

### **School Facilities Committee**

Mr. Sarno stated that he had a meeting last night and that they are looking at RFPs.

### **Vouchers**

#### **Payroll**

Kathleen Bradley Colwell-----\$886.96  
Janet Pantano-----373.43

#### **Office Supplies**

Postage Meter-----\$100.00  
H. L. Graham -----P. B. General-----80.00  
Essex County Newspaper-----Legal Ads-----285.60  
Janet Pantano-----Office Equipment-----19.99

#### **Technical Review**

H. L. Graham, Assoc. Inc.

- Belleau Woods-----\$62.50
- Deer Run Lane-----2,095.00
- Brock Way(Crescent Meadow)-----1,327.50
- Pillsbury Pond-----850.00
- Maureen Lane-----40.00
- Whispering Pines-----200.00
- Nelson Street-ISH-----120.00

Mr. Moultrie made a motion to pay. Second by Mr. Hopkins. All in favor 5-0.

### **Cuffee Doles**

Ms. Pantano stated that she has sent two bills to Mr. Archer and he has not responded. She asked what the board wants her to do if she has not response.

Mr. Evangelista made a motion that in 14 days and there is no response from Mr. Archer then they should ask Mr. Brett to issue a cease and desist order on the project.

### **Administrative Assistant Wages**

Ms. Colwell stated that she received a list of positions and wages today. She stated that Ms. Pantano is not in the right pay section and that she would meet with Ms. Leal to find where she should be.

### **Kopelman & Paige Bills**

Ms. Colwell stated that they have received some bills from the Selectmen for Kopelman & Paige that she thought they would be paying. She stated that the Planning Board does not have funds for legal bills.

Mr. Kostura made a motion not to pay Kopelman & Paige bills and to send them back to the Selectman. Second by Mr. Moultrie. All in favor 5-0.

Mr. Sarno asked Ms. Colwell to call Joel Bard regarding Pillsbury pond.

### **Minutes**

Board looks over the minutes of February 20 & 27, 2002.

Mr. Evangelista made a motion to accept the minutes of February 20, 2002 as amended. Second by Mr. Hopkins. All in favor 5-0.

Mr. Evangelista made a motion to accept the minutes of February 27, 2002 as amended. Second by Mr. Moultrie. All in favor 4-0. Mr. Hopkins abstained.

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

Meeting adjourned at 10:30PM.

Minutes transcribed by J. Pantano.

Minutes accepted as amended March 27, 2002.