

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Basement Meeting Room
October 9, 2002
7:30PM**

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

Absent: Christopher Hopkins, Vice-Chairman; Peter Sarno

Meeting called to order 7:45PM.

Emma Harris Way

Discussion on Building Inspector letter that the applicant could build 11 lots on Emma Harris Way.

Mr. Cashell stated that one lot is an L shaped lot that is questionable.

Minutes

Board looked over minutes of September 11, 2002.

Mr. Evangelista made a motion to accept the minutes of September 11, 2002 as amended. Second by Mr. Kostura. All in favor 3-0.

Discussion

Mr. Cashell gave out information to the Board members on the Master plan and a comparison sheet on build-out on neighboring towns.

Mr. Moultrie asked if these were based on MVPC figures.

Mr. Cashell stated that they were.

Discussion on figures

Mr. Cashell stated that since Georgetown passed the CPA they should focus on this while the funds are available. He stated that this would enhance the Town more than the master plan at this time. He stated that the funds the Town raises the State is giving back one to one. He stated some parcels that the town should look into purchasing.

Mr. Kostura stated that he is Chairman of the CPA and stated that they are looking at these parcels and some historic sites. He stated that they are looking into replacing the fence around Town Hall and the fence at Union Cemetery, and also helping what was Christmas in April. He stated that they have Tuesday night meetings here at Town Hall if Mr. Cashell would like to attend. He stated that 10% of the funds have to be saved.

Mr. Cashell stated that Chapter 418 is moving forward.

Mr. Moultrie stated that the CPA board is doing a great job.

**Public Hearings:
North Street-ISH-Sand & Gravel**

Mr. Kostura stated that they do not have a full board and asked if the applicant wanted to proceed.

Mr. Anderson attorney for the applicant stated that they are not looking for a decision tonight and would continue. He stated that he board raised some concerns at the last meeting and that they have revised the plans would like the board's reaction. He stated that Mr. Scott Cohen would present the plans.

Scott Cohen stated that he presented this project in July with 66 units and that concerns were brought up at that meeting about the number of units. He apologized to Mr. Greenberg for not sending him a notice about a meeting at Erie Four for abutters. He stated that Mr. Greenberg was concerned about the habitat for animals at the rear of the site. He stated that they would only be using the front acreage and would donate the acreage in the rear to Mass Wildlife. He stated that Ken Cram would talk about traffic for the ISH. He stated that he talked to Will Kelley from the Water Department and that he asked for any irrigation systems to be on wells. He stated that they would address any environmental issues and that the site would have a clean bill of health before they start. He stated that it was mentioned to have a mixed site with single homes and an ISH and he stated that they just want to build a site for seniors with no kids on bikes and noise. He stated that they would address the density and open space. He stated that the bylaw allows 4units per acre and that they could have 74 units but that they came in with 66 units. He stated that they understand that the board wants less. He stated that they found the most viable. He stated that the revised plan shows 56 units and that this is a 15% reduction from the original plan. He stated that 48 units would be market units and 8 units affordable. He stated that they feel this is the best use of the site. He stated that they looked at a standard subdivision and they could get 16 homes on the site. He stated that they put together an analysis of tax revenue under ISH and Subdivision. He went over the figures. He stated that the figures show the ISH as a better solution for the town. He stated that the open space meets the bylaw and that the board wants the open space to be used by the public. He stated

that they are concerned for the residents and security and who's responsibility it would be if someone is hurt on this open space. He stated that they want the open space to be for the peaceful enjoyment of the residents of this community.

Kenneth Cram, P.E. of Vanasse & Associates stated that they wanted to wait to do the Traffic Study until after this meeting to see what the board is looking for. He told that they would do a comparison of condominiums. He stated that they looked at similar sites in Billerica, Topsfield and Tewksbury. He stated that the numbers were half of condominiums and homes. He stated that trip generation ITA does not have numbers for age restricted zoning.

Mr. Moultrie asked how he is getting his figures.

Mr. Cram stated that they would show both sets of numbers in the traffic report.

Mr. Cashell stated that he met with the developers and visited the site. He stated that the abutters are single family homes with an existing business. He stated that the business is set back from the street. He stated that the initial plan was overly developed and that 56 units are offering a little bit more space. He stated that they have to make the project economically feasible. He stated that an ISH is a net cash flow to the town but that not every home is supporting 2 children to the schools. He stated that financially single family homes are a negative cash flow and towns are looking to supply the need for housing to seniors.

Mr. Moultrie asked the cost per year for a student.

Mr. Cashell stated on average \$5,000-6,000.

Mr. Moultrie stated that a single family home would not bring in this amount.

Mr. Kostura asked Mr. Cohen to define a unit.

Mr. Cohen stated that a unit was each home not building.

Mr. Kostura asked if all the land was his and he asked him to show land. He stated that Lot 53 is owned by theTown.

Mr. Cohen stated that they just today had the survey finished on the 40 acres that they own.

Mr. Kostura stated that he feels 56 units are still to high a number of units.

Mr. Evangelista asked about land to wildlife and stated that he agrees 56 units are too many. He stated that they should increase open space with increase of units. He stated that the intent of the people who worked on this bylaw was to allow 25 units and that they where against 50 units or the increase of more. He

stated that one of his concerns is for the public to have access to open space and the land behind the site that is owned by the town. He stated that they try to have open space open to all residents and respects his concern for safety.

Mr. Cohen stated that now there is no access to the open space in the back of the site.

Mr. Evangelista stated that maybe they can do something to access this land for the public.

Mr. Moultrie asked if this is the absolute bottom number of units for this site. He asked what was the market price of the units.

Mr. Cohen stated approximately \$300,000 a unit and \$125,000 for the affordable units.

Mr. Moultrie stated that this was a serious amount of money.

Mr. Evangelista asked that with the economy today is this a viable project.

Mr. Cohen stated that today this is still a viable project and the ISH would peak in 10 years.

Mr. Moultrie stated that this might be a viable project but that he feels the density is an issue. He stated that this is an opportunity to get rid of a non-conforming use in a residential area.

Mr. Gerraughty stated that they have made a great stride to reduce the number of units but if they trim a few more it would be a good use for the site.

Mr. Graham stated that he had nothing new to review and stated issues are still accessibility to the rear land and soils for subsurface drainage.

Arthur Greenburg 123 Pond Street stated that he is concerned over the location to the Parker River and asked where the septic system would be located and stated that he would like to see 2 units per acre.

Mr. Cohen stated that the septic system is in the front of the site.

Mr. Evangelista asked what waivers would they be asking for.

Theo Kindermans, RLA Landscaping Architect stated that the roads do not need to be 22ft roads. He stated that the roads would have bituminous curb with the entrance granite curbing. He stated that the road would have a sidewalk on one side and would that they would exceed the landscaping needs.

Mr. Evangelista asked for them to have all the waivers in writing so that they can see what waivers they are asking for.

Mr. Cashell asked if the board had a number of units that they could give the applicants. He stated that they should have a central area that is viewable to as many residents as they could. He stated that he would like to see a common area. He stated that now it is like three communities. He stated that he would like to see the units around the edge and a common area in the center.

Mr. Moultrie asked about the density of the site.

Mr. Cohen stated that they show approximately 3 units per acre with 45% open space.

Mr. Kostura stated he does not consider open space to be land that is disturbed.

Mr. Cram explained the open space.

Mr. Cashell stated that they do not need uniformity of the units and that they could break it up a little more.

Mr. Cram stated he likes the clusters that he shows.

Mr. Cashell stated that this is not a large parcel of land that the ISH is shown on. He stated that there is not a lot of open space on the plan.

Mr. Moultrie stated that he would like to see between 2-3 units per acre.

Mr. Anderson requested an extension to January 17, 2002.

Mr. Evangelista made a motion for an extension for the decision date to January 17, 2003 for the North Street Sand & Gravel ISH. Second by Mr. Kostura. All in favor 3-0.

Mr. Kostura made a motion to extend the Public Hearing for the North Street Sand & Gravel ISH to January 8, 2003. Second by Mr. Evangelista. All in favor 3-0.

Mr. Kostura made a motion for a 5-minute recess. Second by Mr. Evangelista. All in favor 3-0.

Georgetown Shopping Center/SPA

Applicant asked to return when there is a full board.

Mr. Moultrie apologized that they did not have a full board tonight and stated that they would set up a special meeting with all board members present.

Mr. Lappin asked for an extension on the decision to November 22, 2002.

Mr. Kostura made a motion to extend the decision date to November 22, 2002. Second by Mr. Evangelista. All in favor 3-0.

Mr. Kostura made a motion to extend the Public Hearing to October 30, 2002 at 7:30PM. Second by Mr. Evangelista. All in favor 3-0.

Board Business

Mr. Cashell gave the Board information on Planner on a Disc from Pioneer Valley Planning Commission. He stated that they could read this and it would give them a basic knowledge on Master Plan. Mr. Cashell explained this paperwork and asked for their input. He stated that he talked to Mr. Morehouse and he explained how the town has been progressed with the Master Plan. He explained the process and the board's involvement.

Discussion on open space and industrial use definitions.

Mr. Cashell stated that he talked with Mr. Morehouse on industrial land and zoning problems in Town. He stated that they should focus on zoning.

Mr. Kostura stated that they should look at land use.

Mr. Evangelista stated that the Masterplan Committee used realtors as consultants.

Mr. Cashell stated that what ever gets passed must be approved by this board. He stated that a visioning session has to be done with the public.

113 Jewett Street-SPA

Mr. Moultrie stated that he has a report from Mr. Graham that states a lot of issues have to do with whether they have approval of the ZBA.

Mr. Kumph stated that this is coming backwards and that he just filed with all the boards at once.

Mr. Halleran stated that they would like to get feedback from the board tonight and where there is not a full board they would like to continue the Public Hearing.

Board stated that the applicant should first get his permits from the ZBA then come back to the Planning Board.

Mr. Evangelista made a motion to continue the Public Hearing on 112 Jewett Street to November 13, 2002 at 9pm. Second by Mr. Kostura. All in favor 3-0.

Mr. Kostura stated that whatever they send to Mr. Graham should also be sent to the Board.

Board Business/Cuffee Dole's

Mr. Moultrie stated that this weekend he received a letter from the Attorney for Mr. Archer that stated Mr. Graham went out and that some issues were not finished on the site. He stated that the applicant went to the Building Inspector for an Occupancy Permit and that the board had not met to discuss as this is the first meeting since receiving the letter. Mr. Moultrie stated that applicant did not get water resource permit but did get the flood plain waiver. He stated that when Mr. Archer did not get his Occupancy Permit from the Building Inspector that he went to member Mr. Evangelista then proceeded to go the Town Office of the Selectmen. He stated that in direct violation of our Board two members of the Selectmen gave a Temporary Certificate of Occupancy to Mr. Archer. He stated that when the authority of the board is circumvented it is not good. He stated that there are reasons that these laws are in place and that they can not have this happening. He stated why have the laws if they are not obeyed.

Mr. Graham stated that after receiving the as-builts that he went out to the site last Friday and compared the site to the site plan. Mr. Graham went through items that were not completed as per the plan.

- Five landscape islands have not been constructed two should have lighting. He stated that after seeing the site and that the islands have been painted on the ground. He stated that he drove through parking area and decided to recommend that only two need be constructed and three deleted. He stated that a notation should be made on the record on this action to the applicant if the board approves.
- He stated that three bermed planters are not finished along the front.
- He stated that the Landscape plan could not be found. He stated that 8 trees where planted and that some abutting the southwest where not put in.
- Site lighting has not been put in as per plan and in the parking area in lieu approved lighting the applicant has installed lights on poles without consulting with the board or him on the change. He stated that wall lights between windows have been put in and that he had not seen the site at night but that Mr. Brett had and he stated that the lighting seemed adequate.

Mr. Moultrie stated that the neighbors had complained about the lights being too bright.

Mr. Graham stated that the rear parking area should have more lighting. He stated that if the board agrees that substitute lighting would be adequate then he could add the change.

Mr. Moultrie stated that the Board should go down to the site and look at the lighting.

Mr. Graham continued.

- He stated that the gravel drive should be constructed along the West Side.
- He stated that the ramp to the decking a composite was left with an inch rise and should be fixed. He stated that this is at the bottom of the ramp.
- He stated that at the catch basins in the rear the curb is damaged and not working properly.
- Parking has 114 spaces and the plan called for 111. He stated that they could eliminate one in the front.
- He stated that signage was not in place.
- He stated that the concrete walk was not constructed and that at bituminous pavement went right to the building. He stated that this increased the parking space and that he would put in wheel stops on these parking spaces. He stated that the wheel stops were on site but where not in place.
- Fire Hydrant was not raised.
- Shoulder at West Main Street is rough continues into site and a presents a danger entering the site.
- Entire parking lot was to be repaved but was just sealed.

Mr. Moultrie stated that this was a major point with the board and with the storm water and could present a problem.

Mr. Graham stated that if the parking area starts to break up it would cause a problem. He stated that good drainage was done. He stated that the Board could accept a cash bond if the board wanted to for \$37,150 for some items but he would suggest no occupancy permit until the safety issues are complied with.

Mr. Moultrie read the portion of the Planning Board Decision to do with occupancy permit to the board. He asked how come a permit was allowed with these situations present.

Mr. Brett stated that he met with Mr. Anderson and he told him that their where issues to be addressed.

Beth Kostura stated that at the Selectmen's Office they had a problem trying to get hold of Mr. Brett. She stated that she talked to Robin Gariepy and tried to have straightened out.

Mr. Moultrie asked why they did not talk with him, as he is the Chairman of the Planning Board.

Ms. Kostura stated they tried to reach him and could not.

Ms. Kostura stated that she made a decision to help a town person with only a temporary permit. She stated that he still could be shut down.

Mr. Moultrie stated that the applicant should comply with the site plan approval. He stated that they would have to try to set up a bond. He stated that this is a blatant disregard of the regulations.

Ms. Evangelista stated that Mr. Archer stated that to her that he was lead to believe that he would be able to open by the building inspector. She stated that they are here to help the residents. She stated that he made substantial changes to the drainage on the site. She stated that she felt in her opinion it was okay to allow the applicant to open.

Mr. Evangelista stated that a lot of buildings do not comply with the regulations. He stated that Mr. Archer did not file with the ZBA. He stated that SPA is supposed to be done by approval and all permits from other boards obtained before approval given. He stated that the Building Inspector should not give permits if the applicant does not get approvals from boards.

Mr. Moultrie stated that the letter to the board from the Building Inspector was clear that the applicant was to go to the ZBA also.

Ms. Evangelista stated that if they could have reached Mr. Brett they would have. She stated that the Selectmen have the authority to step in if they have to. She stated that this man has been trying to go forward and has bought food and flowers for the opening.

Mr. Moultrie stated that nobody did not want to not help Mr. Archer but these laws are what we have in place. He stated that the Selectmen circumvented the process. He stated that the process is supposed to help improve the Town.

Mr. Gerraughty stated that all the Board would have wanted was a letter that he did not get these items done and ask for a bond or assistance from the Board.

Mr. Kostura stated that he thought the plan was being done in phases and was not to do the party room and that they would give him an occupancy permit for the resturant but hold the party room. He stated that he has covered most of the safety issues.

Mr. Graham stated that signage and the berm where the major safety issues and that they where not done.

John Anderson Attorney for the applicant went over Mr. Graham's list with the board. He stated that

- Lighting could not be put in because it was over the leaching field.

Mr. Moultrie stated that he circumvented the board and should have come back to board if there was a problem. He stated that Mr. Graham has to inspect and approve any changes to the approved plan.

Mr. Anderson continued with list.

- Berm planters not done
- Landscape plan he does not know about the plan missing.
- Mr. Graham addressed the Lighting already. He stated that Mr. Archer is okay with Lighting to the rear.
- Gravel drive did apply processed gravel and Mr. Archer felt this was done.

Mr. Graham stated that he would check the site but that it did not look like it to him.

- Asphalt lip was fixed.
- Curbing to be fixed. He stated that they agree to eliminate the space at the northeast of the parking and asked how to accomplish this.

Mr. Graham stated that they could paint it out.

Mr. Anderson stated

- He stated that the signage has been put in.
- Stop signage he does not know where to put this.

Mr. Graham stated that they would go at the exit. He stated that the parking lot is tight and in inclement weather it would be warranted to have the signage.

Mr. Kostura asked if they needed to have stop signs.

Mr. Moultrie stated that new plans have the stop signs. He stated that they have them at Dunkin Donuts.

Mr. Anderson stated

- The wheel stops have been installed.
- He stated that the hydrant was an issue.

Mr. Moultrie stated that the Fire Department has sent a letter regarding the hydrant and that it was okay.

Mr. Anderson stated

- The entrance and exit have been smoothed out. He stated that Mr. Archer felt that the pavement out front would be off his property to fix.

Mr. Graham stated that the uneven pavement has to be fixed to ensure a safe entrance and exit.

Mr. Anderson explained what his client did and that there was no dispute that he did change the plan. He stated that on the parking lot Mr. Archer had 20,000 sq. ft of surface removed and reconstructed and that the remaining area was patched and matched. He stated that the area that Mr. Archer reconstructed was covered with a topcoat of asphalt.

Mr. Moultrie stated that he used liquid asphalt next to the pond.

Mr. Anderson stated that Mr. Archer feels that they would be tearing up paving that he already fixed.

Mr. Graham stated that this is what was called for on the plan and the rest of the site was to be repaved. He stated that the site has an adequate pitch for water to get to the stormwater system. He stated that his concern is the patching is going to deteriorate and chunks would come up and go into the system.

Mr. Cashell stated that he read through the file and reviewed the plan. He stated that the vast bulk of what is left is the pavement area. He stated that what was called for was tearing up and doing the lot over right and what he did was seal the cracks and sealed over the lot. He stated that this was a blatant disregard for the process. He stated that the safety issue of signs has to be taken care of. He stated that the landscaping should have been brought to the attention of the board and brought to them in a timely manner to accommodate the business. He stated that then the remaining items would have been bonded out and a temporary permit given. He stated that minor items could be bonded and that for the parking lot he would be looking for an accommodation if he were him.

Mr. Moultrie stated that Mr. Archer altered the SPA and that he does not know what he circumvented with the ConsCom.

Mr. Cashell stated that this was a blatant disregard to the board. He stated that he does not think Meridian Engineering was comfortable writing a report to favor their client. He stated that knowing that this is not the product that was permitted that the ball game was not played as should have been.

Mr. Anderson stated that Mr. Archer ran into problems with the foundation. He stated that Mr. Archer is trying to keep in operation and that if the board were not happy with the condition of the parking lot then they would put a topcoat on all areas. He stated that it would cost an estimate of \$33,000 doubling pavement.

Mr. Graham stated that the pavement was to be pulverized and reconstructed and his estimate looked at 40,000sq ft of the lot with 1½ inches of pavement on

top of the base. He stated that the reconstructed and overlay area of the lot does not have a good base and cracks will come through in a few years.

Mr. Moultrie asked Mr. Brett what is his intention on a bond.

Mr. Brett stated that when Mr. Archer started this project there was a problem with the foundation and this has been a financial drain on him. He stated that all the work he has done is top notch. He stated that nobody worked with him closely and told him to get his ducks in row. He stated that Mr. Archer has pushed the envelope. He stated that he did not lead him to believe he would allow a permit and he talked to Mr. Anderson on the weekend and tried to work out issues. He asked the board to resolve the issue tonight.

Mr. Moultrie stated that the Water Resource issue has to still be dealt with.

Mr. Brett stated that he talked with Selectmen on Friday and hopes that they can settle issues tonight if we can.

Mr. Evangelista asked to fix the site properly what would that entitle and how much would it cost.

Mr. Brett asked if they could do the parking lot later.

Mr. Graham stated that they could in a year.

Mr. Moultrie asked what is Mr. Archer's capability to bond.

Mr. Anderson stated that it would be out of his reach. He stated that on page C-6 under site plan review they may be given surety and if done in a reasonable length of time.

Mr. Moultrie stated that they use the subdivision formula and that is to hold 1 1/2 times what is to be done. He stated that tonight they have two board members missing.

Mr. Graham stated his recommendation would be to hold \$33,000 unless Mr. Archer could assure the board that the base is stable.

Mr. Moultrie stated that he is concerned with the drainage system and the intent of the system.

Mr. Kostura disagreed he stated that if there are cracks it would make the lot more impervious.

Mr. Graham stated that he disagrees with Mr. Kostura on this and explained.

Mr. Kostura stated that Mr. Archer has met all ConsCom issues but the bounds.

Discussion on technical review fees due.

Mr. Anderson stated that if he agrees to the \$37,000 bond and could agree to find out if the base is adequate. He asked if he could post a bond of \$16,500 and then if there is an adequate base the bond would stay at \$16,500 if it is not an adequate base then pop up to a \$37,000 bond.

Mr. Cashell stated that in the spring they could see how the base is holding up.

Mr. Moultrie stated that in the winter he is sure the lot would bump up and plowing would be a problem.

Mr. Evangelista stated that the parking lot was a big deal with the board and should be done properly.

Mr. Kostura asked if Mr. Archer needed a separate permit for the room in back.

Mr. Brett stated that he has not started the room out back. He stated that could the board hold \$5,000 and have Mr. Graham go out in the Spring.

Mr. Moultrie stated that he is not against Mr. Archer but that they are in charge of environment. He stated that where the Selectmen issued the permit who is responsible. He stated what do they do if there is a problem. Mr. Moultrie stated he feels the bond at \$37,000 is generous and that this was a blatant disregard of the laws.

Mr. Anderson stated he does not know if the Board can give Mr. Archer a brief period of time to get the bond.

Mr. Graham stated that they could have a company come out and do tests and see if the base is adequate.

Mr. Anderson asked how the bond would work.

Mr. Moultrie stated that an Insurance Company does this. He stated that he could talk with Steve at Georgetown Ins as they issue bonds.

Mr. Anderson stated that this would require some time.

Mr. Kostura stated that he would hate to see them putting a bond on him. He stated that he does not want to stick him and drive him out of business.

Mr. Gerraughty stated that to call on Friday and to be on the agenda on Wednesday is not coddling. He stated most applicants' wait longer to be on the agenda

Mr. Moultrie stated that he feels this is the process and to be ignorant of the law is not an excuse. He stated that he feels Mr. Archer should get a bond.

Mr. Cashell stated that a bank is involved and he is sure they would cover this. He stated that Mr. Archer would have to pay only the interest. He stated that the Bank is into this and they want him to be successful. He stated that he would be successful and there is no reason for the work not to be done.

Ms. Kostura stated that they were only giving him the permit until they talked to Mr. Brett.

Mr. Moultrie stated that the Selectmen gave the Board's leverage away by giving the applicant the permit.

Ms. Kostura stated that the permit expires within days.

Ms. Evangelista asked if they could pave only part of the parking lot.

Mr. Evangelista stated that they could not that it would all have to be paved.

Mr. Evangelista made a motion for Mr. Archer to get a bond for \$37,150 and pay \$600.00 to his technical review fund. He stated that he must obtain the funds within 7 days from today October 17, 2002 or the occupancy permit would be rescinded. Second by Mr. Kostura. All in favor 3-0.

Mr. Gerraughty stated that this would come back to kick the board and that Mr. Archer is dictating to the board.

Mr. Graham asked if he has the authority of the board to test the pavement.

Board stated that Mr. Graham does have the authority of the board to test the pavement.

Vouchers/Payroll

Janet Pantano-----\$392.35
John Cashell-----\$957.85

Netway-----Internet-----\$19.95
Aspen Publishers-----Land Use Handbook-----\$206.62
Quinlan Publishers-----Land Use Grants & Law Bulletin----- --\$89.00
American Speedy-----Business Cards-----\$29.00
Landlaw Specialty Publishers---Land Planner Magazine-----\$154.00

Mr. Kostura made a motion to pay. Second by Evangelista. All in favor 3-0.

Mr. Moultrie stated that on Friday October 11, 2002 at 1:00pm there would be a meeting with the Selectmen on the Rate of Growth Development Bylaw. He stated that he would be out of town and if anyone could attend.

Mr. Kostura, Mr. Evangelista and Mr. Cashell stated that they would attend the meeting.

Mr. Kostura made a motion to adjourn. Second by Mr. Evangelista. All in favor 3-0.

Meeting adjourned at 11:45pm.

Minutes transcribed by J. Pantano.

Minutes accepted as amended November 13, 2002.