

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Basement Meeting Room
December 16, 2002
7:00PM**

Present: Jack Moultrie, Chairman; Christopher Hopkins, Vice-Chairman;
Dan Kostura, Clerk; Peter Sarno (8:00PM); Alex Evangelista
Tim Gerraughty, Alternate Member;
Larry Graham, Planning Board Technical Review Agent &
Inspector; Janet Pantano, Administrative Assistant

Absent:

Meeting called to order 7:00PM.

**Public Hearing
Acorn Way**

Nancy McCann Attorney for the applicant stated that they are requesting consent from the board to reapply to the ZBA within the 2 years of the ZBA decision. She stated that the ZBA denied their application and that they can not reapply without the consent of the Planning Board that their plan has changed. She stated that the ZBA based their decision on an impression that the applicant had acted inappropriately on Lots 3 & 4. She stated that they felt the houses were built before they obtained special permits for building in flood plain. She explained the process that they went through and whom they contacted. She stated that they propose offsite mitigation. She stated that this would be addressed in the new plan. She explained the offsite mitigation to construct a culvert under Jewett Street.

Mr. Evangelista asked if this was discussed on plan before.

Ms. McCann stated that it was discussed. She stated that they also propose constructing an overflow for the detention basins as additional safeguards. She stated that on Lots 3 & 4 which have homes already built that some ZBA members thought they had not obtained building permits properly. She explained chronology of what happened. She stated that the Building Inspector had them hire an outside engineer to review the flood plain. She stated that GEI did the review and agreed with the design process. She stated that the applicant thought he did all that the Building Inspector asked him to do. She stated that they have added the construction of these lots to the plan so that the ZBA can review these lots also as they felt they should. Ms. McCann stated that tonight they would present the modified application and address concerns of the ZBA.

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She stated that they would show how the plan changed and stated that they need the Planning Board consent to proceed. She stated that there is limited case law on this issue but had one similar finding to show the board. She read highlighted areas to the board. She stated that they would like to proceed to the ZBA and avoid a court case.

Mr. Hopkins asked Ms. McCann to again state the changes.

Ms. McCann explained all the changes again. She stated Lot 4 has been sold and this added another applicant to the plan. She stated that they are providing a chronology of what the applicant did to meet the bylaw and these are in the application.

Mr. Graham stated that in his letter of December 2, 2002 they should show the roadway for the residential plan. He stated that he had overflow concerns that he would address if this plan goes forward.

Ms. McCann stated that if this plan were approved by the ZBA then the plan would come back to the Planning Board.

Elizabeth Potter 150 Tenney Street stated that she would be interested in having the culvert fixed and catch basins added.

Mr. Hopkins made a motion that the plan has changed and they consent for the applicant Elkhorn Development to reapply to the ZBA. Second by Mr. Evangelista. All in favor 4-0.

Mr. Hopkins made a motion to recess until 8:00PM. Second by Mr. Evangelista. All in favor 4-0.

Cuffee Dole's

Mr. Moultrie stated he had a communication from the Building Inspector and that he did a review of Cuffee Dole's. He stated that he does not like the tone of the Building Inspectors letter. He stated that the Building Inspector has signed an occupancy permit that has to be signed by the Planning Board to be approved. He stated that the temporary occupancy permit expires December 16, 2002.

Mr. Anderson Attorney for the applicant stated that he thought the Occupancy Permit expired December 18, 2002.

Mr. Moultrie stated that if they do not sign this occupancy permit tonight then they would have no permit.

Mr. Sarno asked if the signs were in place.

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Mr. Moultrie stated that the signs were not in this afternoon.

Mr. Graham stated that all the signs are in but a stop sign when he went by this evening.

Mr. Sarno made a motion to endorse the Occupancy permit on a permanent basis. Second by Mr. Kostura.

Mr. Anderson stated that the board has \$37,000 bond and a signed withdrawal slip. He stated that the Stop sign is on order and they should receive the sign by tomorrow and have up by Wednesday.

Mr. Moultrie asked if the homemade signs are gone.

Mr. Graham stated that they were.

Mr. Moultrie asked the members who made the motion if items are not done what is their intention.

Mr. Sarno stated that he would hope the applicant would do the items and that at the January meeting he would bring a timeline of when the work to be done would be started.

Mr. Anderson stated that the lights out front are on order and that the electrician may need a few weeks lead time to put them in.

Mr. Gerraughty asked about the strip out front along the road that was to be paved.

Mr. Anderson stated that Mr. Archer has stated that he has no intention to pave out front and that Mr. Graham has stated that this is not a safety issue and that the board should stick to the site plan.

Mr. Evangelista stated that the statement that they should stick to site plan is the issue. He stated that in the original plan they were to have the whole parking lot paved and it is not done.

Mr. Anderson stated that they do have a bond for this.

Mr. Sarno stated that some things are found in the field and are not on the plan.

Mr. Anderson stated that this field condition has been at the site from day one and was not caused by the applicant.

Mr. Moultrie stated that if they pave this with the bond he could sue the board. He stated that they have a motion and second and how does the board vote.

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Mr. Hopkins stated that he is against the motion and that they are not holding enough money and should not have to deal with repairs.

Mr. Moultrie stated that he agrees with Mr. Hopkins and that there are safety issues that should have been done.

Board voted in favor (3) Mr. Sarno, Mr. Evangelista, Mr. Kostura
Against (2) Mr. Hopkins and Mr. Moultrie

Motion approved and board members in favor signed a permanent occupancy permit.

Chaplin Hills

Mr. Graham stated that Mr. Faragi called and asked if could do a punch list of items to be finished at Chaplin Hills. He asked if he should or do they want Millennium to go out.

Board stated that Mr. Graham should, as he is already familiar with the site.

Mr. Graham stated that he would put together a list and a dollar figure.

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

Meeting adjourned at 8:20PM.

Minutes transcribed by J. Pantano.

Minutes approved as amended January 8, 2003.