

**MEETING
GEORGETOWN PLANNING BOARD
Public Safety Building
February 28, 2001
7:30PM**

Present: Peter Sarno, Chairman; Jack Moultrie, Clerk;
Glen Johnson, Alex Evangelista

Absent: Christopher Hopkins, Vice-Chairman; Kathleen Bradley Colwell,
Town Planner

Mr. Sarno called the meeting to order 7:30PM.

Minutes

Board will vote on minutes at next meeting.

Discussion

201 Central Street

Mr. Moultrie explained that he received the Bond for the demolition and he checked to be sure that the bond was valid. He also received a check for \$5,000 for the as-builts and a check for the Technical Review. Mr. Moultrie stated that the board should receive a letter on when the asbestos is removed and a report from the DEP.

Mr. Sarno changed the form to say as-built plans and the dates to 2001.

Ms. Pantano notarized the forms for Performance Bond.

Board signed plans.

Mr. Evangelista made a motion to endorse the plans on 201 Central Street.
Second by Mr. Johnson. All in favor 4-0.

Mr. Brett asked if the Board wanted a letter from him when the demolition is finished.

Mr. Sarno stated that they would like a letter from the Building inspector so they can also release the bond.

Form A-Tenney and Jewett Street

Board looks over the Form A on Tenney and Jewett Street.

Mr. Sarno asked if there was anyone present to explain the changes.

The applicant was not present.

Board will review at next meeting and ask that a representative be present.

Form A-Searle Street

Board looks over the Form A on Searle Street.

Board was uncomfortable with signing plans without a representative of the applicant or Ms. Colwell present.

Ms. Pantano stated that Ms. Colwell had looked over the plans and changes that were to be made had to do with the assessors.

Mr. Sarno stated that a representative should be present to explain the plan.

Mr. Moultrie made a motion to endorse the Form A on Searle Street. Second by Mr. Johnson. All in favor 4-0.

Public Hearings

Warrant Articles

Mr. Evangelista made a motion to waive the reading of the Public Hearing Notice. Second by Mr. Johnson. All in favor 4-0.

Mr. Sarno explained about the Rate of Development Bylaw and the change from 60 permits to 30 permits and how at Town Meeting it was reduced on the floor to 20 permits per year. He stated that a majority of board feels this is not a realistic number. He stated that we have Pillsbury Pond and Littles Hill in the process of building. He stated that if one developer can only receive 5 permits per subdivision per year they would be under construction for a long time. He stated that it is not in the best interest of town to build that way. He stated that you can go around this by using different developers. He stated that in the past the Town has had problem's when this has been done. He stated that problems at Longview show this. Mr. Sarno stated that under the present bylaw it could take 7 years to finish a subdivision, this is not in the best interest of the neighbors. He stated that the bylaw should go back to 30 permits. He stated that Ms. Colwell went back through the years and found the average of 37 permits.

Mr. Evangelista stated that if the board has been sent a memo that the board should make this change to the bylaw then those people should be here to

express their opinion. He stated that other towns have comprehensive permits and they do not have this Rate of Growth Bylaw. Mr. Evangelista explained about comprehensive permits and how they work and why people are using them. He gave an example of what could be done. How under the comprehensive permit the developer can make more money. He stated that no one has taken the Town to court or any other town. He stated the people wanted this change and he feels that they should just leave it alone. He stated that if the Board brings this to Town Meeting the people might cut it lower.

Mr. Sarno asked how does he feel about a change per subdivision.

Mr. Evangelista stated that if permits are not all used then he feels a developer could apply for those still available.

Mr. Brett explained that there are 10 permits per developer.

Mr. Ogden stated that under the new bylaw it states only 5 permits per developer.

Mr. Moultrie stated that he did not want to go to 20 permits but the damage is done. He stated with the additional building the assessor's office stated today that the base could go up to \$30,000 to \$50,000. He stated that most of the tax money is all going to the schools. He stated that an increase would not make that much difference in revenue. He stated that there will be a suit against the Town eventually. He stated that this bylaw would come back to sting us in the future. But he stated that he does not want to go against town meeting.

Mr. Johnson stated he agrees that the number should be 30 permits, but does not want to go against town meeting also. He stated that the five permits per subdivision should be changed, a subdivision takes too long to be built this way.

Mr. Ogden stated that new growth is not a problem the comprehensive permits and condos will add revenue. He stated that they also have Pillsbury Pond and Littles Hill being built and they may be excluded from the 20 permits. He stated that it is the individual lot owners who are not going to be able to get a permit. He stated that the large developments will eat up the permits and the small landowner that wants to built for a family member will not be able to.

Mr. Brett stated that Pillsbury Pond states they are exempt from the bylaw. But he stated that he does not have all the paper work in on this.

Mr. Ogden stated that it is the land not the subdivision that the bylaw relates to.

Mr. Brett explained how the permits are given out and that the little person can not get a permit and that the large subdivisions take them all.

Mr. Ogden stated that he agrees with Mr. Brett that the individual landowners are unable to get a permit.

Mr. Brett stated that the 20 permits have to be divided up over 12 months.

Mr. Ogden gave the board a copy of an amendment that Haverhill has. He suggested that the Board add this section. He read the amendment "The Planning Board may grant a special permit to entitle a property owner to receive a one time exemption from this bylaw. For the construction of one single Family Residence on land held in common ownership prior to the effective date of this amendment." He explained to the board that this would be a one-time exemption.

Mr. Comiskey, Old Jacobs Road asked if there is a limit as to how many permits could be given out per year.

Mr. Ogden stated the board could have a limit it would be to their discretion.

Mr. Brett stated that he liked the amendment.

Mr. Comiskey asked what they would do tonight.

Mr. Sarno stated that the board could make a motion to support or not support the amendments.

Mr. Comiskey explained that the Comprehensive Permits before the Town, Mirra is in an Industrial Zoned area of town, West Street is in a 2 acre Zone, and Pond Street is a variance on a non-conforming lot. Mr. Comiskey gave a letter to the Board on water usage and what an increase will do. He stated that with the large increase in water consumption would use up our water supply. He stated that Build-out study was done with our current zoning not with the Senior Housing Bylaw. He stated that we are not out of line with other towns in the amount of permits given out. He listed the other towns and how many permits they allow per year.

Elizabeth Davidson, Pleasant Street asked Mr. Moultrie about the Town losing money because of no new growth.

Mr. Moultrie stated that new growth not the reason for reduced funds.

Mr. Ogden stated that the town does have new growth and that it takes a while to show.

Discussion on budget and new growth.

Mr. Moultrie explained that with the Senior Housing the town does not have the same cost as a subdivision with school children and with the impact on schools and Town services this costs the Town more money.

Mr. Dan Kostura, Spofford Street stated that there is only one reason the Town has comprehensive permits, because we do not have enough affordable housing. He stated the towns' people do not want the character of the Town to change, not about 20 building permits. He stated that it is the Planning Boards job to keep the bylaws in line with this. He stated that the Master plan is under the control of the Planning Board.

Mitch Kroner, resident of Groveland stated that the bylaw has nothing to do with character of town. He stated that as an example Mr. Bob Morehouse would be a plaintiff of this bylaw. He stated that Mr. Morehouse has saved more open space for the Town and when he decides to do something with his farm he would run into this bylaw and it will be overturned. He stated that when not if you get the right plaintiff it will be done. He stated that it is the new residents who are for the bylaw and that if the bylaw were in effect when they bought their homes, then they would not have their homes.

Mr. Kostura stated that people have the right to develop their land but this impacts the town and his rights. He stated that the Planning Board has to plan for the change and the new growth.

Mr. Evangelista stated that the Master Plan is coming but coming slowly.

Mr. Sarno stated that the Planning Board is a volunteer board and that they now have a part-time Town Planner.

Mr. Comiskey stated that at the Hearing on Bailey Lane the developer stated that if they were unable to connect to Town water supply they would drill for own water.

Mr. Sarno stated that the board would look at the three bylaws and vote individually.

1. Rate of Development, Section 165-14, New dwelling unit limitation town-wide

Mr. Sarno explained that this would change building permits from 20 permits per year to 30 permits per year.

Mr. Moultrie made a motion to endorse this amendment. Second by Mr. Johnson.

Yes-1 No-3 Mr. Sarno vote yes. Motion failed 3-1.

2. Rate of Development, Section 165-15, Individual development phasing

Mr. Sarno explained that this amendment would change permits a developer could receive from 5 permits to 10 permits per year.

Mr. Moultrie made a motion to endorse this amendment. Second by Mr. Johnson.

Yes-1 No-3 Motion failed 3-1. Mr. Sarno voted yes.

3. Rate of Development, Section 165-16, Procedures

Mr. Sarno stated that this amendment would also change from 5 permits per year to 10 permits per year.

Mr. Moultrie made a motion to endorse the amendment. Second by Mr. Evangelista.

Yes-1 No-3 Motion failed 3-1. Mr. Sarno voted yes.

Mr. Moultrie made a motion to add Mr. Ogden's amendment to Section 165-15. Second by Mr. Johnson.

Mr. Sarno read Amendment from Mr. Ogden.

"The Planning Board may grant a special permit to entitle a property owner to receive a one time exemption from this bylaw. For the construction of one single Family Residence on land held in common ownership prior to the effective date of this amendment."

Mr. Sarno stated that the Planning Board could put a cap on how many permits could be requested per year.

Ms. Tillie Evangelista stated that you must have some criteria for a Special Permit.

Mr. Ogden stated that they could add at the end not to exceed 5 in the next 12 months.

Jamie Kelley of the Master Plan Committee stated that in the Senior Housing Bylaw they chose not to put numbers in so the Planning Board could make a decision on how many per year.

Mr. Ogden stated that this is a one-time exemption.

Mr. Brett agrees with no cap and stated he does not feel that he will have people running in. He stated that there are not many lots available.

Mr. Ogden stated that he agrees with Mr. Comiskey that at Town Meeting people will not think a lot of development will happen with this amendment.

Mr. Moultrie stated that to have a limit on a Special Permit is not legal.

Mr. Evangelista made a motion to put a cap at 5 Special Permits during previous 12 months. Second by Mr. Moultrie.

Yes-1 No-3

Mr. Evangelista made a motion to approve original motion. Second by Mr. Moultrie. All in favor 4-0.

Mr. Moultrie stated that they should have town council look at amendment.

Mr. Ogden stated that the warrant goes to town council before Town Meeting.

4. Article XVII Independent Senior Housing, Chapter 165-105 Minimum Lot Area

Mr. Moultrie stated that this change is from the Attorney Generals Office.

Mr. Johnson made a motion to endorse this amendment. Second by Mr. Evangelista. All in favor 4-0.

5. Frontage Exception Lots

Mr. Moultrie made a motion to continue this amendment until next meeting. Second by Mr. Evangelista. All in favor 4-0.

Mr. Ogden stated that he did not feel there would be a problem to get this on the warrant.

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

Mr. Evangelista withdrew himself from the meeting as he has a conflict of interest as he works for Mr. Enos.

Brock Way/J. Enos

Mr. Moultrie made a motion to waive the reading of the Public Hearing notice.

Mr. Sarno stated that he would have the developer explain the plan and then the board and then audience could ask questions.

Mr. Barry Enos stated that this property was formerly Rando Lane but no action was ever taken on the subdivision. He stated that the property has to be reapplied for. He stated subdivision was 4 lots and that they are applying for 3 lots. He stated that there is a strip of land that would be deeded to The Georgetown Club as they have a path on it already. He stated that the parcel is undeveloped and that they have showed all abutters. Mr. Enos stated that there is an intermittent brook that is sometimes flowing sometimes not. He stated that the road would be 800 ft to the cul de sac. He stated that there is a small radius and that they would be asking for a waiver on the radius. He pointed out where they would be saving trees. He stated that the road has a low pitch of 4% and he showed drainage into a drainage system. Mr. Enos stated that the cutting and filling is minor. He stated the ConsCom has asked for some changes and they will be making these changes. He stated that they would be moving a catch basin back a little further.

Mr. James Maguire, 340 Andover Street asked how would this effect flooding already in the area.

Mr. Barry Enos stated that they are proposing to add two 36-inch drainage pipes and does not want to act as a dam.

Mr. Towne, engineer for the applicant stated that they could not change the flood elevation. He stated that they can not modify the flood plain.

Mr. Enos stated that this plan should not effect the flood plain.

Mr. Sarno stated that the Planning Board hires an engineer to review the plan and to see how the plan effects the town. He stated that Mr. Graham of H. L. Graham is the engineer for the Town. Mr. Sarno stated that he does not know if off site improvements are needed and stated that the board can ask for them and there are things that can not be changed. Mr. Sarno stated that there are areas of agreement in report from Mr. Graham. He stated that they would tonight just go over items that are in concern.

Mr. Enos stated that on page 3-b item 1 has to do with plan that was approved and not acted upon.

Mr. Graham stated this did relate to this plan.

Mr. Sarno asked when was Rando Lane approved.

Mr. Enos stated 24 years ago.

Page 4-lot size

Mr. Enos stated the lot is 1sq foot under what is needed. He stated that they have not problem with changing the lot line.

Page 4-40 ft set back

Mr. Enos stated that Mr. Graham states should have a no cut zone at property line with Golf Course and they do not want a no-cut zone at the back.

Mr. Sarno stated with the golf course wouldn't you want trees to block golf course.

Mr. Enos stated that he would not want the trees because he would want to see the golf course. He stated that he plans to build a home here for himself and plans on shrubs and bushes. He stated that he wants the view of the Golf Course. Mr. Enos stated that he has no problem with a no-cut area between the lots. But he stated he would like to eliminate the no-cut zone on this lot.

Mr. Graham stated he has no problem with this and with the side no-cut areas.

Page 6 item 5

Mr. Graham stated that if they change the scale on the plan they could show Spofford Street. Mr. Graham stated that they want to see the sight distance and if there is an obstruction.

Mr. Enos stated that they would ask for a waiver on this. He stated that they would put in iron rods not stone bounds where there is no stone wall.

Item 7 – Sidewalk

Mr. Enos stated that they might ask for a waiver on the sidewalk. He stated that the walk is on the left side of the street.

Mr. Graham asked that they extend the sidewalk to the southerly side of driveway of Lot 3 and slope for handicap access.

Mr. Enos stated that they could do that.

Mr. Enos stated that they would have to redo the drainage calcs as the plans they used where before the golf club was built and that the club has changed the calculations.

Mr. Sarno asked when they would get the calcs done.

Mr. Enos stated that they could have them done in 4 weeks.

Mr. Graham stated that they could not increase drainage runoff to other property.

Mr. Sarno stated that they have been before the ConsCom and they may have to go back to make some adjustments.

Mr. Hardenber, 6 Spofford Street stated that they do have conditions from the ConsCom.

Mr. Graham stated that they did not have many conditions from the ConsCom.

Page 13-item s

Mr. Enos stated that the perks are done and he pointed out to the board the locations of perks and seasonal groundwater witch is 28 inches.

Mr. Graham stated that he would like to see that information. He stated that he would like to go out with the applicants when they use a hand auger.

Mr. Enos stated he would get the information to Mr. Graham.

Mr. Enos stated that if they could remove the no-cut area off of Lot 2 and if they can use their discretion on side lots.

Mr. Sarno stated that they would have to come up with some language to change the no-cut zone.

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Details not shown.

Page 17

Mr. Enos stated that they would show changes of ConsCom.

Mr. Enos stated that they would like to go with a wooden guardrail.

Board ok with this as long as meets the guardrail meets stated standards.

Mr. Enos asked to change to a box culvert.

Mr. Graham stated that is all right with him.

Mr. Moultrie asked if Mr. Russo was getting water over the pipe at his driveway.

Mr. Russo stated he was not getting water over the pipe at his driveway.

Discussion on drainage in area.

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Mr. Enos stated that they would add riprap out of drainage pipe. He stated that they would require an easement from Mr. Hardenber for this. He stated that this is an open box culvert.

Mr. Graham stated that he is ok with this. Mr. Graham stated that they do not have a design on the wall and culvert.

Mr. Enos stated that they would hire an engineer for this. He showed the board where the wall would be and explained what they would do. He showed the area and how the wall would be built and that they would keep the wall as short as possible.

Mr. Enos showed Mr. Hardenber where he would put the wall and grade on to his property. He stated it would be 8-10 feet onto Mr. Hardenber's property.

Mr. Hardenber asked if the guardrail would extend the length of wall.

Mr. Graham stated that without an easement the grade would be steep and guardrail would depend on the grade.

Mr. Enos stated that he would put a curb cut in for Mr. Hardenber on Brock Way.

Mr. Sarno stated that realistically they would like to have a report from Mr. Graham at least a week before the meeting. He stated that Mr. Graham asks for 3 weeks to turn around.

Discussion to extend meeting to April 25, 2001.

Discussion to extend decision to May 19, 2001.

Mr. Moultrie made a motion to extend Brock Way to May 19, 2001. Second by Mr. Johnson. All in favor 3-0.

Mr. Johnson made a motion for a five-minute recess. Second by Mr. Moultrie. All in favor 3-0.

Littles Hill

Mr. Johnson stated that his wife works for Century 21, which is involved in Littles Hills so he has a conflict of interest on this plan.

Board to call Mr. Evangelista to see if he can return so they can go into Executive Session to discuss pending litigation.

Board waits for Mr. Evangelista and Mr. Johnson leaves.

Mr. Moultrie made a motion to go into Executive Session to discuss pending litigation on Littles Hill. Second by Mr. Evangelista.

Mr. Moultrie-yes
Mr. Evangelista-yes
Mr. Sarno-yes All in favor 3-0.

Mr. Moultrie made a motion to go out of Executive Session. Second by Mr. Evangelista.

Mr. Moultrie-yes
Mr. Evangelista-yes
Mr. Sarno-yes All in favor 3-0.

Vouchers

Payroll

Kathleen Bradley Colwell -----	\$856.96
Janet Pantano -----	188.70

Technical Review

H. L. Graham	
➤ Brock Way-----	\$1,320.00
➤ 201 Central Street-----	350.00
➤ Planning Board General-----	40.00
➤ Littles Hill-----	165.00
➤ Littles Hill/Lot 1-----	150.00
➤ Littles Hill/Lot 4-----	150.00
➤ Georgetown Savings Bank-----	601.25

Publications

Planning Commissioner Journal -----	95.00
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Discussion

Discussion with Mr. Graham about Red Pine in Rowley.

Mr. Graham stated that Rowley is having a hearing on Red Pine.

Georgetown Planning Board
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Mr. Sarno stated that the board is against this plan. Mr. Sarno asked Ms. Pantano to have Ms. Colwell call him to discuss letter to Rowley Planning Board regarding this plan.

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

Meeting adjourned at 11:30PM.

Minutes transcribed by J. Pantano.

Minutes approved as amended March 14, 2001.