

**MEETING  
GEORGETOWN PLANNING BOARD  
Public Safety Building  
December 13, 2000  
7:30PM**

Present: Peter Sarno, Chairman; Christopher Hopkins, Vice-Chairman;  
Jack Moultrie, Clerk; Glen Johnson, Alex Evangelista  
Kathleen Bradley Colwell, Town Planner,

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

**Minutes**

The Board reviewed the minutes of November 29, 2000. On a motion by Mr. Evangelista seconded by Mr. Moultrie the Board unanimously approved the executive session minutes. On a motion by Mr. Evangelista and seconded by Mr. Moultrie the Board unanimously approved the minutes of November 29, 2000.

**Discussion**

**Regency Way-Update**

Ms. Colwell gave a brief update. Mr. Ford had requested that the Planning Board sign the building permit. The Board did not sign the building permit as the plan shows a lot without any frontage.

Mark Favaloro, Esq, gave a brief history as to how that 2<sup>nd</sup> lot got a building permit. In 1978 an ANR plan was endorsed creating two lots - one lot with an existing house and another lot. At the time the lot was created it complied with zoning. A 1981 plan shows a detail of portion of Lot 1 showing the same lot lines. A subdivision plan was submitted in 1988 approved in 1989 using the land from the lot created in 1978. The house in question was constructed in 1988 prior to the submission of the subdivision plan. The house was then located on Lot 1 Regency Way. The lot was released from the subdivision covenant and no longer had frontage on Andover Street. The frontage was now on Regency Way. Regency Way was never constructed. In 1999 an ANR plan endorsement merged all of the other lots on Regency Way into one lot along with the land underlying the proposed road. Lot 1 is now landlocked and does not have frontage. Lot 1 will have easement rights over the new lot to Andover Street.

Mr. Sarno stated that he is concerned that Lot 1 has no legal frontage and suggests that the applicant file for a lane subdivision to provide frontage to Lot 1 and the new lot to resolve the issue.

Tim Ford, owner/applicant stated that he has done a lot of work with Conservation Commission to have a driveway permitted. He is concerned that Conservation Commission will not permit a roadway that close to the wetlands.

Atty. Favaloro suggested that the Board make their requirement to construct a Lane-size driveway as a condition off signing the building card to the building inspector instead of requiring the subdivision process.

Mr. Evangelista stated that the Lane process would resolve all issues.

Mr. Ford stated that Lot 1 has the right to pass and repass over the new lot

Christopher Hopkins arrived at 7:50 p.m.

Atty. Favaloro stated that as they are not looking to create any new lots they couldn't file a subdivision plan.

Mr. Moultrie stated that a landowner cannot intentionally landlock a parcel

Atty. Favaloro stated that the owner of lot 1 created his own hardship by deeding away the land. If this came in under the lane standard what would be required?

Mr. Sarno stated that the Lane would require 18 feet but the Board would be willing to work with the Conservation Commission to discuss a compromise. Larry Graham could give the Board and Commission guidance on how to create the best possible solution to create the frontage for Lot 1 and create a second lot.

Atty. Favaloro is concerned about the format. What will it take to recommend that the building inspector issue a permit.

Mr. Ford stated that he thought the process for a Form A was to over lay the subdivision plan and not to extinguish Regency Way. Lot 1 continues to get their frontage from Regency Way. Trying to find the easiest way to resolve issues and build one house.

Mr. Sarno stated that he looks at the plan and does not see actual frontage on Regency Way for Lot 1. Lot 1 originally had frontage on Andover Street and now it has no frontage.

Mr. Moultrie stated that sufficient frontage does not exist for two lots on Andover Street, they are double continuing the frontage. Lot 1's original 50' of frontage is now included in the new lot's frontage.

Mr. Evangelista stated that the applicant needs to legitimize Lot 1 Regency Way therefore needs to file for a lane subdivision. The applicant could ask for waivers to meet conservation issues.

Atty. Favaloro stated that they would need the owner of lot 1 and Mr. Ford to be joint applicants in the filing.

Mr. Moultrie suggested that the Board take the information in the file and send it to town counsel for review as to the issue of frontage.

Mr. Ford stated that the new lot has the frontage on Andover Street as required under zoning. Unfortunately the neighbor does not have frontage but that this is not an issue for the current owner of the new lot.

Mr. Sarno asked what the applicant was looking for?

Atty. Favaloro stated that he wants the Planning Board to recommend to the building inspector to issue the building permit subject to the construction of that portion of the road as shown on the notice of intent plan before the conservation commission. The notice of intent plan shows a 10' driveway.

Mr. Moultrie made a motion to recommend to the building inspector that he issue the building permit with the construction of a common way for Lot 1 and Lot A as detailed in conservation commission order of conditions under those condition for discussion as stated. Mr. Johnson seconded.

Motion did not carry.

Mr. Moultrie made a motion to send the issue to town counsel. Mr. Johnson seconded the motion. Motion did not carry. 4-1 with a yes vote from JM.

Mr. Evangelista made a motion to have Ms. Colwell sign the building permit card. Mr. Hopkins seconded the motion for discussion. The motion failed.

Attorney Favaloro stated that the solution is to send a letter to Charlie Brett, Building Inspector outlining why the permit should be issued.

Mr. Ford suggested that the Board send the issue to town counsel for review, as he does not want to do anything illegal.

Mr. Sarno suggested that attorney Favaloro write a letter to Mr. Brett and to the Board giving his rationale as to why building permit issuance is appropriate. The Board can vote at the next meeting regarding sending issue to town counsel. He also suggested that the applicant review the Lane requirements to see if they are feasible.

**Carleton Drive-Extension of time**

Ms. Colwell stated that the applicant had requested an extension of time for the Board to make a decision as they are working with the Conservation Commission to finalize the wetland line.

Mr. Sarno stepped down as chair. Mr. Hopkins took over as chair.

Mr. Sarno made a motion not to extend the time frame. Mr. Evangelista seconded the motion for discussion purposes.

Mr. Sarno stated that this application has been before the Board for almost six months and a plan for review has not yet been submitted.

Mr. Evangelista stated that the applicant is supposed to receive all other approvals before filing for site plan approval.

Ms. Colwell stated that she had made a representation to the applicant that they did not need to attend the meeting and therefore would not recommend this motion.

Mr. Sarno, Mr. Moultrie, Mr. Johnson and Mr. Evangelista voted in favor of the motion.

Mr. Hopkins voted against the motion.

Ms. Colwell stated that she felt the applicant should be given until the next meeting to present a legitimate plan. The applicant must submit plans to Larry Graham by the end of the day on Friday in order for Larry to have a report prepared for the January 10, 2001 meeting. If the applicants do not submit a plan by Friday that is a real plan she would then support action by the Board.

Mr. Evangelista made a motion to reconsider the previous motion. Mr. Johnson seconded this motion.

Mr. Evangelista made a motion to extend the time frame for a decision to January 12, 2001 with no further extensions. The applicant must appear at the next meeting. Mr. Johnson seconded the motion.

Mr. Sarno, Mr. Johnson, Mr. Hopkins, and Mr. Evangelista voted in favor.

Mr. Moultrie voted against.

The Board stated that in the future all requests for an extension of time requires the applicant to be present.

### **Pond Street/Comprehensive Permit**

Discussion on memo of suggested conditions that Ms. Colwell put together.

Ms. Colwell explained her memo.

Mr. Sarno explained where their information comes from for the decision. He stated that they use information from Larry Graham, ConsCom, Fire Department, Police Department, Water, Electric, Town Regulations, etc.

Mr. Puopolo asked the Board to look over Mr. Graham's report and if they have any more to add let them know.

Mr. Sarno stated that Ms. Colwell has added information from other towns whom have had a Comprehensive Permit.

Discussion on affordable housing and that the state only monitors the housing for 15 years.

Ms. Colwell explained what she found out from the Town of Wilmington. She stated the town would have to hire an advocate to monitor the housing.

Mr. Puopolo stated that they have not heard from the Chief of Police or the Fire Department.

Mr. Sarno asked if the board should request for additional information from other departments.

Mr. Hopkins stated that this board should not be asking for the information.

Mr. Moultrie stated that the ZBA has not been asking other departments for information and he asked if they were having problems.

Mr. Puopolo stated that the ZBA has had board changes and that they are regrouping and it takes a while for new members to catch up.

Mr. Sarno asked that the board to go over Mr. Graham's report and make notes and also to go over Ms. Colwell's draft decision and submit comments to Ms. Colwell before the January 10 meeting and the board can send their recommendations to the ZBA for their Public Hearing on January 17, 2001.

Ms. Pantano to copy report from the Town of Barnstable for the board and the ZBA.

Mr. Puopolo stated that the ZBA would like a draft decision from the Planning Board for their next meeting on January 17, 2001.

Mr. Moultrie described issue of Lake Ave and the problems with the contractor. He stated there is a Stop Order on the work and no occupancy permits will be issued.

Mr. Puopolo stated that the neighbors say a road is going in between the two lots.

Mr. Moultrie stated that the owners would have to come back before the board for a subdivision permit before a road could be built.

Mr. Sarno asked if Mr. Puopolo would come to the January 10, 2001 meeting to discuss this issue again.

Mr. Evangelista stated that ZBA can not negotiate with an applicant but the Planning Board can. He stated that before the applicant meets in 30 days with the ZBA they should meet with other boards and negotiate.

### **Board Business**

Mr. Sarno asked about Brock Way that is before the ConsCom. He asked if they should have something before the ConsCom before the Planning Board.

Ms. Colwell stated that Mr. Barry Enos called her and stated that he wants to get the ConsCom issues settled first.

### **Public Hearings**

#### **Georgetown Savings Bank/Site Plan Approval**

Mr. Sarno continued the Public Hearing on Georgetown Savings Bank.

Ms. Colwell stated that Georgetown Savings asked not to come tonight as after receiving Mr. Graham's report they had a lot of work to do on their plans.

Ms. Colwell stated Mr. Graham is concerned with 5-ft strip between parking and abutters. She stated that he feels there should be a buffer between the bowling alley and the Parking Lot.

Mr. Sarno stated Mr. Graham did suggest smaller parking spaces to give more room in the parking lot for an island and for turning.

Ms. Colwell stated that they should be doing the best they can be doing for the future. She stated that they have been very disorganized and that they do not seem to be talking to each other.

Mr. Evangelista stated Mr. Graham should find out to whom he should talk to exclusively.

### **Woodland**

Ms. Colwell stated that she had an estimate from Kendall Construction for the pumpkin patch work on Woodland Estates.

Mr. Moultrie made a motion to have Kendall Construction do the work as agreed for \$18,500. Second by Mr. Evangelista. All in favor 5-0

Mr. Moultrie thought they would need 30 days to complete the work.

Mr. Sarno stated that by February 1<sup>st</sup> the work should be done.

Ms. Colwell stated will pay with in 30 days.

### **APR –North Street**

Ms. Colwell explained about the proposal. She stated this would be an ongoing process with the ConsCom and the Selectmen. She stated that funds would be paid to the homeowner between the Tax value and Market value.

Mr. Moultrie asked if this land would be something that the town would be interested in.

Ms. Colwell stated it was not that large.

Board stated that they would rather have the land as open space then to have the land developed.

Mr. Moultrie made a motion to send a letter to endorse this endeavor. Second by Mr. Evangelista. All in favor 5-0.

### **Earth Removal Permits**

Mr. Moultrie stated that the board has to have limits on earth removal in their bylaws.

Mr. Sarno stated that when he was first on the board they always had Earth Removal Permits. He stated that when Barry Enos was Chairman he felt that when the land was severed you require a Earth Removal Permit.

Mr. Moultrie stated that they do not need a Permit to sever the land if they have a building permit.

Mr. Moultrie stated that on Lake Ave. they buried stumps in the front of lots and this will cause a lot of problems. He stated that the board has to come up with standards.

Ms. Colwell stated she was not sure if this should be in the code or regulations.

Mr. Johnson stated that law should be a percentage of the lot size.

### **Town Hall/Temporary Space**

Ms. Colwell stated that the Board has a letter from the Ethics commission on how the Board should handle the issue of the Town using the old Georgetown Pharmacy Building as Temporary quarters. The Town has concerns as the Pharmacy Building is owned by Georgetown Savings Bank and the Bank is before this Board with a Site Plan Approval.

Mr. Moultrie stated it is illegal to imply a conflict.

Ms. Colwell stated that the decision on their Site Plan Approval should be decided before the Town goes into building.

### **Memo from Town Council**

Ms. Colwell stated that the Board received a memo from Town Council about the Community Preservation Act and Affordable Housing.

### **Compensation Time**

Ms. Colwell stated that she would be taking off Christmas week.

### **Maureen Lane**

Ms. Colwell stated they would be going out with GEI next week on a site walk on Maureen Lane.

### **Vouchers**

### **Technical Review**

PLDE-----Long View Subdivision-----\$550.00

### **Payroll**

Kathleen Bradley Colwell-----\$856.96  
Janet Pantano-----\$149.85

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



### **Little's Hill**

Ms. Colwell stated that the Board received a letter from Mr. Manter guaranteeing the Paving on Little's Hill.

Mr. Hopkins made a motion to go into Executive Session to discuss pending litigation. Second by Mr. Moultrie.

Mr. Hopkins-yes

Mr. Moultrie-yes

Mr. Evangelista-yes

Mr. Johnson-yes

Mr. Sarno-yes All in favor 5-0.

Board came out of Executive Session.

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

Meeting adjourned 10:15PM.

Minutes transcribed by K. Colwell and J. Pantano.

Minutes accepted as written January 10, 2001.