

**Memorial Town Hall, 1 Library Street, Georgetown, MA 01833**

**Ph. (978) 352-5755 □ Fax (978) 352-5727**

**BOARD OF SELECTMEN MEETING MINUTES**

**Memorial Town Hall**

**11/30/15**

**7:00PM-General Meeting~3<sup>rd</sup> floor meeting room, Town Hall**

*A part of this meeting may be a:*

**Joint meeting with Conservation Commission, Park & Recreation Commission and  
Planning Board**

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**Selectmen Present:** Philip Trapani, Chairman; Gary C. Fowler, C. David Surface,  
Douglas W. Dawes, Clerk

**Others Present:** Michael Farrell, Town Administrator; Janet Pantano, Administrative  
Assistant; Steve Przyjemski, ConCom Agent; ConCom: Rae Ann  
Baldwin, Carl Shreder, Rachel Bancroft, and Laura Repplier; Park & Rec:  
Jim DiMento; Planning Board: Robert Hoover, Tillie Evangelista, Bob  
Watts, and Harry LaCortiglia

**Absent:**

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**Call to order**

Invocation-Douglas W. Dawes

Pledge of Allegiance

**Warrant & Minutes**

*Warrant to be signed*

*Minutes of August 31, 2015*

**Mr. Surface moved to approve the minutes of August 31, 2015. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.**

**OLD BUSINESS**

*Parcel F- Discussion-Conservation Commission, Park & Rec Commission, Planning Board*

Present: Steve Przyjemski, ConCom Agent; ConCom: Rae Ann Baldwin, Carl Shreder, Rachel Bancroft, and Laura Repplier; Park & Rec: Jim DiMento; Planning Board: Robert Hoover, Tillie Evangelista, Bob Watts, and Harry LaCortiglia

Carl Shreder opened the ConCom meeting.

Rob Hoover opened the Planning Board meeting.

Jim DiMento, Park & Rec stated that he does not have a quorum and did not know of meeting until today.

Mr. Trapani stated that the discussion tonight is on Parcel F. He asked Mr. Przyjemski to bring up a visual of the Parcel.

Mr. Przyjemski explained the lots on the map showing the Greenway. Mr. Trapani asked the long term plan. Mr. Przyjemski stated uplands were planned to be fields and other areas for hiking. He stated that there is no plan for the Greenway at this time it is a concept.

Mr. DiMento stated that there are two Herrick property's that we do not own. He stated that one would be for conservation and one for fields or a track. He stated the plan is to connect the parcels. He explained how land was obtained.

Mr. Przyjemski stated that the land is active and passive recreation. He showed the 50ft right away on the plan.

Mr. DiMento stated that they almost have connectivity. He discussed use for cross county with trails that can be used for horseback riding, mountain biking. Mr. Surface asked how close to purchase Herrick lots. Mr. DiMento stated he talked to the Herrick's in 2005 and he was not ready to sell. He explained in the past the Herrick families land was taken by eminent domain and they were not happy. He explained the lots and use because of wetlands.

Mr. Fowler stated that this is pulling together very well with a lot of work. He asked if the Herrick properties would be able to be developed. Mr. Przyjemski and Mr. DiMento stated that the lots are landlocked.

Mr. LaCortiglia stated the Turning Leaf subdivision was landlocked but all you have to do is buy two lots and if you have the funds you can do it.

Mr. Dawes stated that he heard there could be access through the Light Department. Mr. DiMento stated there is an access.

Rob Hoover, Chair Planning Board stated he was speaking for himself. He stated that the Planning Board had a handshake with the developer for waivers on mitigation and with the abutters. He stated that were a road for construction access is proposed is ledge and wetlands and would cost at least \$225 a foot to put a road here. He stated Planning Board and ConCom had an agreement on what to do with Parcel F and both voted for the land to be in the care and custody of the ConCom. He stated that there was also a petition by 90 abutters asking for the same. He stated that this reminds him of the Penn Brook School project that a vote was taken and they did not like the vote so another vote was taken. He stated that we have boards in place and sees the BoS stepping in and taking over. He stated to keep government in place have to go with recommendation of boards. Mr. Trapani stated that this board is not trying to take over and this board is trying to see the whole picture. He stated that he is not sure everyone is looking at the whole picture. He stated that the purpose of this conversation is to see if we are putting

ourselves in the position that we will not be able to use the property as we will want to in the future. He stated that they are looking not at the process but the big picture. Mr. Hoover stated that Planning Board sees the whole picture. Mr. Shreder stated that the ConCom in a hearing has to look at the project within the rules the board must follow and cannot look at whole town.

Mr. Surface stated disrespectful to say we are not listening.

Mr. Hoover read the motion of the Planning Board stating that Parcel F be in the care and custody of ConCom.

Mr. Trapani asked what we need the access for. He stated that they have an emergency access to Penn Brook School and how often will this be used. He stated that he wants to know if a road may be needed for emergency access.

Mr. DiMento stated that a 15-20ft right of way for emergency access only and that they do not need a road and want abutters to know access would not be for other use. He stated that never to be a road.

Ms. Repplier stated she is confused on what we are talking about. She stated are we talking of who is in charge of the land and use of the land. She stated that she also talked with Mr. LaCortiglia about Parcel F and he showed a map with an access for Park & Rec and a water department easement.

Mr. Trapani stated the issue is the 50ft easement. He stated that they have been told a 20ft and a 50ft easement came with the property.

Mr. LaCortiglia stated that there is a 20ft right of way and a 50ft easement given to Tolman and Aulson that came with the land and leads up to Parcel F. He stated that they cannot grant themselves an easement.

Dee Corizon-Mahoney, Turning Leaf Lot 18 stated that it was disclosed a 20ft right of way but was not disclosed that there was a 50ft easement and they signed papers two days after the land was given o the town. She stated that they contacted a group of attorneys and read a letter from her attorney regarding the easement from Aulson and Tolman. She stated that the easement was symbolic more than utilitarian. She stated that that 3 months after Turning Leaf was approved Mr. Tolman and Mr. Aulson sold their lots to the town. She stated that in this attorney's opinion that lead to the abandonment of the easement. Mr. Tolman is willing to sign a document to abandon his easement right.

Mr. Trapani asked the boards if they were aware of the easement being abandoned.

Ms. Corizon-Mahoney stated that a Planning Board member asked for a 100ft easement but the developer stated it was not doable and this is in their notes.

Mr. Surface asked if the abutters and homeowners were told that the land was going to the ConCom. Abutter stated that they knew and were okay with the 20ft easement and of it going to the ConCom. Abutter stated that someone sneaked in a 50ft easement and it was not done at a meeting. He asked what the end game is for this land. He stated that if we are able to access

land from Martel Way then they would not use Turning Leaf for access but if we do not acquire Herrick property then would not have access to this land.

Lyn Grosslein, 16 Lisa Lane asked how many fields we need and where are the studies. She stated that she has heard that GAA does not want more fields. She asked to see the studies.

Mr. DiMento stated that he has the studies.

Mr. Surface asked if there are other access to the land beside Turning Leaf.

Mr. Comiskey stated that there is also access off of Sawmill Way.

Mr. DiMento stated that they are access but they are wet.

Mr. Surface asked if the land will be for active or passive recreation.

Mr. Comiskey stated that the town purchased land off of Martel Way 8 years ago and still not using it to access any land. He stated that they are looking at an emergency access before they have main access. He explained what would have to be done to put a road in here.

Mr. Surface asked if there is access to the parcel on town property. Mr. Comiskey stated that they have the 20ft access.

Mr. Trapani asked Mr. DiMento what is his concern is.

Mr. DiMento stated that they want to be able to mountain bike, or horses and have emergency access and need a 20 ft. access road. He stated want to keep the roads open for emergency access without any restrictions.

Mr. Shreder stated a 20ft access with 4ft trail and parking for public access is in their plan.

Mr. DiMento stated that the CPC is looking for funds for a study to see what to do with land.

Discussion on not being able to reach the land because of topography.

Mr. Fowler stated that he wants to get back to original issue and had a plan from 1966 when you could drive from North St to Searle St on trail roads and we are losing these roads. He stated a safety issue to be able to reach this land in case of fire.

Lyn Grosslein stated if going to do something you would know what you want to do and where are the facts and statistics on fields that we need. She stated on his computer. Mr. DiMento stated that Gale Associates did a plan. Mr. Trapani stated that there is data. Ms. Grosslein stated that how many regulations have been broken to put fields on East Main Street.

Jean Nelson, 30 Searle Street stated she was here when she heard about the 50ft easement. She stated that town does not own the 50ft easement. She stated the town has a 20ft right of way. She stated that it has been stated need 50ft easement for construction vehicles and not sure how a horse could use trail with the slopes. She stated that they would have to blast and have disturbance to 20 high end homes. She stated that this is quite an impact to our neighborhood.

Mr. Przyjemski stated that all boards have stated okay with the current plan for land to go to ConCom so can the board make a decision.

Mr. Trapani stated that they want to know what can be done on the land. He stated he wants to know they are doing the right thing and what are the restrictions and is looking to see what is

best for the town. Mr. Hoover stated that the land would be for passive recreation, hiking, and biking.

Mr. DiMento stated that he is asking to keep access options open until they know what they are doing.

Mr. Trapani stated that what he heard is he is looking for construction vehicles. He stated to get equipment to develop land for fields and keep open for public use.

Mr. DiMento stated that he is talking for the use and benefit of the town and if land goes to ConCom we would be giving this up. He stated emergency access is for Police ATV or a fire truck. He stated that there are 3 bad choices to access.

Ms. Nelson stated that dump trucks and construction vehicles will not fit. She stated this land is people's yards.

Ms. Stead stated that they are all here because that this was supposed to be passive and then something changed.

Mr. Trapani stated that does not want to kick the can down the road for next board.

Mr. LaCortiglia stated that if do not get the Herrick land what will the town do.

Abutter stated that the town should have had a plan for the land instead of after 2 ½ years of meetings changing the intent.

Mr. LaCortiglia stated an option is to have an access from Waldingfield Road that is already built or through a paper subdivision.

Ms. Evangelista stated that the 50ft easement was never discussed until after the decision of the Planning Board. She stated that the Planning Board did not find out about the easement until the plan was being registered at the Registry of Deeds which was 2 days after their decision. She stated she heard a ball field on Parcel F. Mr. Trapani asked where she heard a ball field was going on land. She stated that 10 waivers were given for land for passive recreation and a foot path. She stated that this should have been discussed at Planning Board. She stated that this should have been discussed at the Planning Board. She stated that when CPC started to buy land for Greenway and they have no plan.

Mr. DiMento stated that you cannot plan without owning land and if landowners knew intentions land would cost more.

Mr. Hoover stated that this is not the way to plan a project in the end if you have a plan you end up with a better project.

Mr. Dawes stated that everyone has concerns for the community and to do the right thing. He asked if the Park & Rec wants the parcel to be active recreation or passive. He stated that he is hearing everyone is on board for passive recreation.

Mr. DiMento stated that for the next 20 years there no plans for these fields in the future 40 to 50 years out the town may want active recreation on some parcels. He stated that they may not do

anything for 20 years. He stated that if they do not get Herrick land then does not know what to do.

Mr. Dawes asked if Park & Rec has voted on this concept of a Greenway.

Mr. DiMento stated have had conversations and have purchased land for Greenway.

Mr. Hoover asked where the committee is and if voted on what they need.

Mr. DiMento stated that they have not voted on the access for Parcel F.

Mr. Dawes stated that that the original intent was for Parcel F to go to ConCom and Planning Board also feels this way. He stated that the BoS are not in land management has been thrown in as arbitrators. He stated that he is a realtor and has issue with homeowner's rights and this right of way. He stated that not sure if we need new fields and we still have the top fields at the High School and new park at East Main St.

Mr. DiMento stated that we still need fields for the future as in the Open Space Plan.

Mr. LaCortiglia stated that he Open Space Plan shows the need for fields.

Mr. Dawes stated that he has walked this land twice and it has 7% grades. He stated not of the mind to have the board be in land management. He stated that the land was intended to go to ConCom and Park & Rec and boards can come to some agreement to find an access to land.

Lyn Grosslein read from a planning board meeting minutes May 28, 2014. She read parts relating 20ft access to land not being able to be developed for a road.

Mr. Fowler stated he read the motion at the ATM and what was in packet is not the motion. He stated that he read the motion and they did decide to go with ConCom and he has paper work that states that neither the Planning Board nor ConCom can require land be given to the town. He stated that the land is a gift to the town. He stated that he did not vote to give the land to the ConCom. He stated that he asked if there was a stipulation from the landowner on how the land was to be used. He stated that he was told that there is no stipulation from the developer. He stated that the ConCom is the only board that can accept land without a town meeting vote. Mr. Farrell stated with the approval of the Board of Selectmen. He stated that he is concerned of the overall picture of the town. He stated that the only way to stop development next to you is to buy the land.

Mr. Shreder stated that the board had many meetings and the developer was giving the land to the ConCom.

Ms. Grosslein stated that they have been to many meetings and the board had no concern until town meeting.

Mr. Fowler stated that the board had conflicting information before town meeting.

Mr. Trapani stated information on 50ft easement may not be correct. He stated do not have a need for construction vehicles and a wetland crossing is worse option and may not have access to other land. He stated that they need an agreement between boards. He stated would like to see in writing what can be done on the land. He stated as a homeowner does not like the risk. He

stated held off on a decision at TM and if boards can work together and are agreeable and present a decision. He stated that he does not see a reason not to give to ConCom.

Mr. DiMento stated he would want to see the plan for passive recreation. Mr. Trapani asked the Park & Rec to vote on Parcel F and to work with ConCom and Planning Board.

Mr. Comiskey stated that if the land is not given to ConCom the Planning Board may not sign off on street acceptance.

Mr. Watts stated board does not want to be in land management and that there is a need of a plan and asked if there is an agency to take this under its wing.

Mr. LaCortiglia asked if the board would want to appoint a Greenway committee. Mr. Trapani asked for a presentation on that.

Mr. Hoover stated regarding boards not working together that the DoR stated that the form of government should change and if we do not have a discussion on the form of government we will have this happen again.

Mr. Trapani stated that it would be good to have boards come in occasionally to discuss what they are doing.

Mr. Surface asked what is coming from this meeting.

Mr. Hoover stated elaboration of the Planning Board motion.

Mr. Surface stated that the board did what they are elected to do and there was too much chatter beforehand.

5-Minute Recess

### **CORRESPONDENCE**

*Highway Winter Parking Ban notice-Ban starts 12/1/2015 to 4/1/2016*

Mr. Trapani read the parking ban notice.

### **ITEMS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS IN ADVANCE OF THE MEETING**

#### **APPOINTMENTS & APPROVALS**

*2016 License Renewals to expire December 31, 2016*

- **Restaurant All Alcohol**-Another Spot, Inc. dba The Spot, Georgetown Post #7608 VFW of U.S., Inc., Clifford Ullah, LLC dba Par 97
- **Restaurant-Beer & Wine-**
- **Package Store-All Alcohol**-C J. Liquors, Inc. dba The Liquor Barn, Georgetown Liquors, Inc.
- **Package Store-Beer & Wine**-Crosby's Markets, Inc. dba Crosby's Marketplace
- **Automatic Amusement**-Georgetown Post #7608 VFW of U.S., Inc., Par 97
- **Bowling**-Georgetown Bowling Lanes
- **Common Victualler**-Niki's Roast Beef & Pizza, C J Liquor, Inc., The Spot, Georgetown Post #7608 VFW of U.S., Inc., Crosby's Marketplace, Georgetown Donuts, Inc. dba Honey Dew Donuts, Par 97
- **Class II-Used Car**-Georgetown Auto Repair & Sales, Inc.
- **Second Hand Shop**-Instant Replays, Sedler's Antiques, Pratt Hobby Shop

- **Sunday Live Entertainment**-The Spot, Georgetown Post #7608 VFW of U.S., Inc.
- **Weekly Live Entertainment**-The Spot, Georgetown Post #7608 VFW of U.S., Inc., Par 97
- **Trap Shooting**-Georgetown Fish & Game

**Mr. Surface moved to approve the license renewals as listed to expire December 31, 2016. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.**

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Farrell stated that the Christmas and New Year's holidays fall on a Friday and we can close town hall on Dec 24<sup>th</sup> and Dec 31<sup>st</sup> or staff will get 2 floating holidays. He stated that he recommends closing the two days as it is very quiet and some will be taking the days off anyway. Selectmen were okay with closing on December 24<sup>th</sup> and 31<sup>st</sup>.

#### *Budget*

Mr. Farrell stated that he told all budget preparers that if anything is over \$10,000 it should be in a capitol plan. He stated that he received the CIP forms today from departments. He stated he will be sending out budget forms and asking for 3 year budget soon. Mr. Fowler stated that before the STM they discuss capital improvements and meet with FinCom and come up with some criteria.

*Request for appointment to the Cultural Council by Michael S. Cameron term to expire June, 30, 2016.*

**Mr. Surface moved to appoint Michael S. Cameron to the Cultural Council term to expire June 30, 2016. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.**

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Farrell stated that the union negotiations with the Fire Department are starting tomorrow. He stated that at this meeting they will be set the ground rules and process. He stated that the first few meetings set to discuss work rules that are negotiable and by the third meeting you start working on the monetary items. He stated that this is the same union group as the others but will have a different union representative. He stated before they discuss monetary items they will have a closed door session with the BoS. Mr. Fowler asked who they is. Mr. Farrell stated him, the Fire Chief, and legal counsel. Mr. Farrell stated that he gets his marching orders from the Selectmen.

### **SELECTMEN'S REPORT**

*Winter/Spring Meetings: January 11, 25; February 8, 22; March 7, 21; April 4, 25; May 2, 16; June 6, 20, 2016*

Mr. Trapani asked if anyone had issues with any of the proposed dates. Mr. Dawes stated that he would like to see the board establish a policy on when the board meets that is concrete. He stated citizens try to watch meetings and do not know when the board is meeting. He stated that we are their representatives. Mr. Trapani stated that they usually meet every two weeks. Mr. Fowler stated that usually it works out to twice a month. Mr. Trapani stated he has not had any complaints in the last 9 years on meetings. He asked Mr. Dawes to propose something and we can look at.



*Open Meeting Law Complaint*

Mr. Trapani stated that he received a letter from the Attorney General's office and would be contacting them. Mr. Fowler stated that he talked to the Attorney General on Friday and he will talk with Mr. Surface and they will meet and see if they can come up with some resolutions.

**NEXT MEETING**

Monday, December 14, 2015 at 7:00PM, 3<sup>rd</sup> floor meeting room, Town Hall

**Mr. Surface moved to adjourn. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.**

**ADJOURNMENT**

Meeting adjourned at 9:30PM.

Minutes transcribed by J. Pantano.

Documents used in meeting:

- Minutes August 31, 2015
- Highway Winter Parking Ban notice
- Parcel F documents
  1. ATM 16-30 Article and motion
  2. K & P email dated March 26, 2017-Parcel F-Turning Leaf Subdivision(confidential)
  3. Email from Howard Snyder, Town Planner dated August 4, 2015-Parcel F Land Donation
  4. Letter from Gary & Susan Stead, dated August 26, 2015
  5. Email from Julie Nally dated August 26, 2015-Parcel F-Turning Leaf
  6. Letter from George Comiskey dated August 23, 2015 Parcel F-Turning Leaf Subdivision
    - i. Addendums: Greenways (Smith and Hellmund, 1993)
    - ii. Table 2-1: Water Quality Improvements & Cost Estimates(Water System Study and Improvements Plan 2010)
  7. Letter from Robert and Jean Nelson dated August 26, 2015
  8. Letter from Richard L. Williams, PE dated April 7, 2014 to the Conservation Commission regarding Turning Leaf Residential Subdivision DEP #161-0771-sent from Jean Nelson
  9. Email from Chistyne LaPlaca-Turning Leaf Parcel F Photos
  10. Letter from Lyn Grosslein, dated August 26, 2015-Parcel F-Turning Leaf Subdivision
  11. Petition from residents regarding Turning Leaf Subdivision, dated June 3, 2015 signed by 87 residents
  12. Turning Leaf Subdivision Index sheet
  13. Aulson and Tolman deed and easement documents
- Winter/Spring Meeting schedule
- Request for appointment to the Cultural Council by Michael S. Cameron
- 2016 License Renewals  
Minutes approved February 29, 2016