



**MEETING MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, January 8, 2014**  
**Memorial Town Hall – 3<sup>rd</sup> Floor**  
**7:00 p.m.**

**Present:** Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Tillie Evangelista; Mr. Tim Howard (arrived at 7:27 PM); Mr. Bob Watts (arrived at 7:12 PM); Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

**Meeting Opens at 7:08 PM.**

**Approval of Minutes:**

**1. Minutes of December 11, 2013.**

Mr. Rich - **Motion** to accept the minutes of December 11, 2013 subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

**Motion Carries: 3-0; Unam.**

**Correspondence:**

**1. Town of Georgetown: Selectman's Office – Harmony Lane.**

Mr. Snyder - Awhile back I spoke with the developer of Harmony Lane and advised him that if he wanted street acceptance that he needed to send a request to the Board of Selectmen (BOS). The BOS formalized their referral to the request in a letter that is in your packet. With the approval of the Planning Board, the planning office will initiate the evaluation of Harmony Lane for street acceptance at Annual Town Meeting.

Mr. LaCortiglia - This is the letter that confirms the BOS referral to the Planning Board? Then we get back to them and then it gets put on the town warrant for street acceptance.

Mr. Snyder - Right. We refer back to them what our opinion is and they can act upon that opinion and we have 45 days to report back.

Mr. LaCortiglia - How do we do that report?

Mr. Snyder - I'll talk to the site inspection engineer and the technical review engineer to see if everything is up to what the planning board requested to be done.

Mr. LaCortiglia - So we can put it on the next meeting and generate a report and vote on it?

Mr. Snyder - Maybe not the next meeting but the one after that. The developer and his legal counsel wrote a letter requesting consideration.

**2. Town of Georgetown: ZBA – Dunkin Donuts Plaza.**

45 Mr. Snyder - We received correspondence form the Georgetown ZBA regarding their recent  
46 action for Dunkin Donuts plaza.

47  
48 {Mr. Watts arrived at 7:12 PM.}

49  
50 Ms. Evangelista - One number 6 - is this a proposal or is this the way it is today?

51  
52 Mr. LaCortiglia - That is a way too small drawing for me to see. When was this decision,  
53 December 16<sup>th</sup>? It was signed the 11<sup>th</sup> and 12<sup>th</sup>.

54  
55 Ms. Evangelista - They originally got this in July.

56  
57 Mr. Snyder - This will come to us for site plan review and it also needs to go through ConCom  
58 for various items because the Penn Brook runs behind it.

59  
60 Mr. LaCortiglia - That's right I remember when this originally came through. They added a  
61 retention pond to clean the water before it went into the brook.

62  
63 Mr. Snyder - I believe they are going to rework the site a little bit to accommodate different uses,  
64 medical offices and things like that and they need to expand their septic so they will be going to  
65 the BOH as well.

66  
67 Ms. Evangelista - As I understood it they were going to add a driving school.

68  
69 Mr. Snyder - They have not filed yet or contacted the office.

70  
71 Mr. LaCortiglia - It is nice to see the ZBA sending these to us when they make a decision. That  
72 is really helpful. I know they made a decision to Nunan's and we never saw it. I just happened  
73 to see it online.

74  
75 Mr. Snyder - Ms. Pitari has been very good about contacting the office.

76  
77 Mr. LaCortiglia - That's great that we are getting them. It really helps as the two boards have to  
78 work together. Thanks Patty!

79  
80 **3. Town of Georgetown: Building Department re: Caruso & McGovern.**

81 Mr. LaCortiglia - I was not at this meeting...

82  
83 Mr. Rich - We issued a cease and desist.

84  
85 Mr. LaCortiglia - I saw the email that the Zoning Enforcement Officer/Building Inspector issued  
86 a cease and desist because of all the noise. Do we have a follow-up on that?

87

88 Mr. Snyder - This issue first came before the Planning Board. It was determined that there was  
89 not a Planner in the office at that time so it is a DEP issued permit with oversight by the BOH.  
90 The building inspector did a walk around and determined that the use was vibration and noise  
91 was going off the site and that is why he issued a cease and desist order. There has been no  
92 correspondence to the planning office since then.

93  
94 Mr. LaCortiglia - Any comments about the size of the pile for storage with respect to the permit?  
95

96 Mr. Snyder - No.  
97

98 Ms. Evangelista - I think that's a lame excuse to blame it on the fact that we didn't have a  
99 planner at the time. We still had this board and we had all the other boards so that is no excuse.  
100

101 Mr. LaCortiglia - Yes but we had a building inspector at the time that...  
102

103 **Vouchers:**

- 104 **1. W.B. Mason: Office Supplies.**  
105 **2. MA Land Court Reporter: 2014 Subscription Renewal.**  
106 **3. H.L. Graham Associates: Turning Leaf.**  
107 **4. BSC Group: Stone Row.**  
108 **5. BSC Group: Harmony Lane.**

109  
110 Mr. Rich - **Motion** to accept the vouchers as presented.

111 Ms. Evangelista - **Second.**

112 **Motion Carries: 4-0; Unam.**  
113

114 Mr. Snyder - The first is for general office supplies, the second is for the MA Land Court  
115 Reporter for 2014.  
116

117 Mr. LaCortiglia - I am looking at one from BSC Group for \$1,664.00.  
118

119 Mr. Snyder - BSC Group is for Stone Row review. He is almost done reviewing this one. Then  
120 there is one for Turning Leaf for the review of the OSRD and preliminary plan that the Board  
121 requested.  
122

123 Ms. Evangelista - Why is Stone Row taking this long?  
124

125 Mr. Snyder - Well, the proponent is a resident on the street. I recall he finally got the monuments  
126 properly installed and shown on the as-built plan. Mr. Varga should be nearly done.  
127

128 Mr. LaCortiglia - Next is W.B. Mason for \$18.49 for a planner book. And we have the MA  
129 Land Court Reporter for 2014 for \$230. Do they send an update every month?  
130

131 Mr. Snyder - Yes.

132  
133 Mr. Rich - Mr. Snyder can you share with us the online access information?  
134  
135 Mr. Snyder - Yes I will.  
136  
137 Mr. LaCortiglia - If you could send that out tomorrow that would be helpful. Next is Turning  
138 Leaf for \$1,170.00 for review of the preliminary plan.  
139  
140 Mr. Snyder - Yes. Review of the OSRD and preliminary plan. We have not received his first  
141 report on the definitive report yet.  
142  
143 Ms. Evangelista - Did you try to reach him?  
144  
145 Mr. Snyder - Yes. He has requested some information from us to help him compile his report so  
146 we should be getting the report shortly. Coming out of the planning board office's budget are  
147 two vouchers for a total of \$248.49. The other three vouchers are paid from M-Accounts.  
148  
149 Mr. LaCortiglia - Park and Rec are not here.  
150  
151 Mr. Rich - What time is their hearing supposed to be?  
152  
153 Mr. LaCortiglia - Have we gotten any information from them?  
154  
155 Mr. Snyder - I have heard from Mr. Mammolette and Mr. DiMento stating that they would be  
156 here.  
157  
158 Mr. LaCortiglia - Park and Rec has their meeting right now and this is part of the problem.  
159  
160 Mr. Rich - We were the bad guys that were holding them up.  
161  
162 Mr. LaCortiglia - Let the records show that Mr. Kroner is asking to speak.  
163  
164 Mr. Kroner (Attorney) - I believe we are under subdivision control and coming in as a court.  
165  
166 Mr. LaCortiglia - Yes you are coming in as a court and in 2011 we added to the zoning  
167 definitions to make Lanes and Courts special permit. Because it is a special permit it will be  
168 a super majority vote, meaning 4 out of 5 so for the best for the applicant it would be best to  
169 have all 5 members here. Bear in mind that the Park and Rec is also a special permit that  
170 requires 4 out of 5 for a vote.  
171  
172 Mr. Snyder - May I suggest the business of 161 West Main Street?  
173

174 **New Business:**

175 **1. 161 West Main Street: Decision of Approval – Follow-up.**

176 Mr. Snyder - As the chairman requested I provided the Planning Board with a copy of the  
177 decision approval for the project.

178  
179 {Mr. Howard arrives at 7:27 PM.}

180  
181 Mr. Snyder - The supplemental packet contains correspondence between the planning office and  
182 the building inspector and between the proponent and the planning office. He has asked to come  
183 in to meet with the Planning Board at the next meeting. John Sousa is the owner of the property  
184 and will be providing documents about what he is doing to meet all the requirements in the  
185 decision of the approval. I believe there are two; one is the universal access and is in the decision  
186 per the request of the board, second is installation of "no parking" signs. I recall Georgetown  
187 DPW was going to install them and then charge the owner.

188  
189 Mr. Rich - Is there correspondence concerning the HP?

190  
191 Mr. LaCortiglia - Not to jump off of that but there is also condition H that says that the curb  
192 stops have to be at each parking space and then the lot will be re-stripped. There are actually  
193 three things that we are waiting on. One was the lack of ADA access.

194  
195 Ms. Evangelista - Why is it that every time we allow a differential approval to extend them to  
196 complete the conditions this is what we get?

197  
198 Mr. Rich - That's the last time I afford it to anybody.

199  
200 Ms. Evangelista - I feel that way as well.

201  
202 Mr. LaCortiglia - Well there are a couple things we have to deal with; the ADA access, parking  
203 signs, curb stops and re-stripping of the parking area.

204  
205 Mr. Snyder - Maybe some of that has been completed.

206  
207 Mr. LaCortiglia - He is coming in at the next meeting.

208  
209 Ms. Evangelista - I think the ADA should be noted in our requirements in our regulations in  
210 zoning.

211  
212 Mr. Rich - It is the law.

213  
214 Ms. Evangelista - I know it is the law but we ought to be addressing it all the time and I don't  
215 think it has happened except for this one as far as I know.

216  
217 Mr. Watts - Your point is well taken - it is the law and we should be attentive to it.  
218

219 Mr. Howard - As Mr. Metivier said we were supposed to have inspected that prior to his having  
220 issued the certificate of occupancy. He said our agent was supposed to inspect it.

221  
222 Mr. Snyder - It was that the board allowed installation after the C/O was issued. The applicant  
223 would be coordinating with the building inspector on the installation of it.

224  
225 Ms. Evangelista - It is up to him to enforce the conditions on this permit - all permits. And I  
226 think the C/O should not hold him back from doing that. Obviously it didn't for this other issue  
227 on Industrial Way.

228  
229 Mr. Howard - He should have granted a limited occupancy permit. At the expiration of the one  
230 year time frame it would expire. That should fall back on his lap, not ours.

231  
232 Mr. LaCortiglia - I think what the email was basically saying was that he was pointing out that  
233 there in a flaw in the process and the flaw is when any board creates a condition that is delayed  
234 for a point of time after the C/O permit is issued a great deal of the incentive for the applicant is  
235 gone. In his email Jon said he wants to work with us to figure out a way to modify the process  
236 so that things like this don't happen.

237  
238 Mr. Rich - Here's a board that instead of insisting on having it done right of way - bends over  
239 backwards for them and now we're getting our face pushed in it.

240  
241 Mr. LaCortiglia - No good deed goes unpunished. So we will be dealing with this next week.

242  
243 Ms. Evangelista - What I want to know is - there is enforcement in the bylaw that would grant  
244 the building inspector so he can address... Site Plan Approval 165, page 83, section T  
245 enforcement and it explains what the building inspector can enforce.

246  
247 Mr. LaCortiglia - That is good to hear that Mr. Sousa is coming in.

248  
249 Mr. Rich - **Motion** that we take the Jefferson Court public hearing out of order seeing that  
250 the one prior to this may take a lot longer and I know that these people are paying the lawyer  
251 by the hour.

252 Ms. Evangelista - **Second.**

253  
254 Mr. LaCortiglia - I am looking at it in a completely different way. I see the number of volunteers  
255 out there from the park and Rec and I think they should go first.

256  
257 Mr. Rich - Then why don't we vote on the motion? I think what is fair is fair. At 7:00 the  
258 people from Jefferson Court were here and ready to go. The board did not have the correct  
259 amount of people. They have been waiting and I think it is only right and if someone comes in at  
260 7:30 for a 7:00 hearing and they should be called before someone else because we chose to do  
261 administrative stuff, then let my colleagues vote that way.

262

263 Mr. LaCortiglia - Park and Rec is a continuation that has been going on for a while and Jefferson  
264 Court is a brand new sub division. I think we should deal with the old business before we deal  
265 with the new.  
266  
267 Ms. Evangelista - The comment I have is that I was not prepared for any discussion about East  
268 Main Street (Park and Rec). We haven't heard from Mr. Graham so all I was looking for is  
269 another date for continuance.  
270  
271 Mr. LaCortiglia - It will probably be pretty quick because anything that came in was not  
272 submitted one week prior to this meeting so we really can't review it.  
273  
274 Ms. Evangelista - So we didn't get any calculations.  
275  
276 Mr. Snyder - Planning Office received calculations today but I have not yet sent them to Mr.  
277 Graham. Copies are provided for Planning Board members at tonight's meeting.  
278  
279 Mr. LaCortiglia - Can't because they just came in today.  
280  
281 Mr. Snyder - They are here to present them tonight.  
282  
283 Mr. Rich - That being the case I will withdraw my motion.  
284  
285 Ms. Evangelista - Let me get myself straightened out her. Last meeting we all voted for  
286 calculations. Mr. Snyder got the calculations but Mr. Graham didn't get them. How come Larry  
287 didn't get them?  
288  
289 Mr. LaCortiglia - We will be opening that hearing at some point and that is the appropriate time  
290 to ask that question.  
291  
292 Mr. Watts - Why are we going through this?  
293  
294 Mr. LaCortiglia - Beause this is what we do.  
295  
296 Ms. Evangelista - We come in and get an agenda that says continued. It doesn't say that there is  
297 going to be a discussion or explanation or anything else on this agenda. To me it just says that  
298 we are going to get another date to have a hearing.  
299  
300 Mr. Snyder - That is something I write in to show the public if it is a continuance or a new  
301 hearing.  
302  
303 {Discussion held in regards to the word "continuance" on the agenda.}  
304  
305 Mr. Rich - I am **withdrawing my motion.**  
306

307 **Public Hearing:**  
308 **Park and Recreation: East Main Street.**  
309 Mr. LaCortiglia - I will now open the public hearing for the Park and Rec. Please note that  
310 Mr. Mammolette and Mr. DiMento are in attendance.  
311  
312 Mr. Snyder - I received updated plans and a report from Mr. Mammolette. Here are copies  
313 for the board. I also received electronic copies as well. These were received today.  
314  
315 {Laptop for the overhead is not working so the documents are not shown on the screen.}  
316  
317 Mr. LaCortiglia - Glad to see that you got back to us Mr. Mammolette and Mr. DiMento. In  
318 light of the fact that we only received these this afternoon, I am sorry but I am not going to  
319 read it. They need to be a week before so that we have time to review them. Wouldn't do it  
320 for an applicant and wouldn't do it for you guys. I will accept a motion to forward these to  
321 Mr. Graham for review.  
322  
323 Mr. Rich - **Motion** to forward the received information to Mr. Graham for review.  
324 Ms. Evangelista - **Second.**  
325 **Motion Carries: 5-0; Unam.**  
326  
327 Mr. LaCortiglia - The plans will be forwarded to Mr. Graham. Do you want a continuance  
328 date?  
329  
330 Mr. Mammolette - In two weeks.  
331  
332 Mr. LaCortiglia - I think that's impossible isn't it Mr. Snyder?  
333  
334 Mr. Snyder - We have a full agenda for that meeting. We don't have a public hearing yet on  
335 the agenda of the first meeting in February.  
336  
337 Mr. LaCortiglia - Is that when we are doing the solar and the wind?  
338  
339 Mr. Snyder - No, solar was continued to the second meeting in January and I need time to do  
340 the public notice for the other bylaws. The second meeting in February will be fully  
341 dedicated for bylaws and amendments for Annual Town meeting.  
342  
343 Mr. LaCortiglia - Medical marijuana, solar and wind. So is the first one in February open?  
344  
345 Mr. Snyder - Yes.  
346  
347 Mr. LaCortiglia - I will accept a motion to continue this hearing to February 12<sup>th</sup>.  
348  
349 Mr. Watts - **Motion** to continue this hearing to February 12<sup>th</sup> at 7:30 PM.  
350 Ms. Evangelista - **Second.**

351 **Motion Carries: 5-0; Unam.**

352

353 **2. Definitive Subdivision – Jefferson Court.**

354 Mr. Snyder - This definitive subdivision was noticed in the papers as an application for a  
355 definitive subdivision plan. The application includes use of a court. So, you have five  
356 members here who can discuss the court and decide if this gets continued just as a definitive  
357 subdivision plan with a separate special permit for the court or if the application must be  
358 combined to continue.

359

360 Mr. LaCortiglia - In 2011 one change that was made at town meeting was we added 165-73.2  
361 to the bylaw and it basically makes Lanes and Courts special permit. This was done because  
362 we were getting a lot that were just meeting the regulatory dimensional requirements and  
363 they were getting jammed into lots they should not have been. And the town agreed with us  
364 when we asked them to change it to special permit so that courts and lanes don't just pop up  
365 anywhere. So they are now a special permit and it needs a super majority of votes and you  
366 also need a super majority to grant any waivers. I saw on the plans that you had a couple on  
367 there.

368

369 Mr. Rich - **Motion** to waive the public notice reading and enter the written one into the  
370 record.

371 Mr. Watts - **Second.**

372 **Motion Carries: 5-0; Unam.**

373

374 Mr. Kroner (Attorney) - I am the attorney representing the applicant and I have with me  
375 Steve Dehullu who is the applicant and Bill Holt who is the engineer. So I can understand,  
376 on the special permit I have read that it is in addition to the regulations. In other words your  
377 regulations are used in addition to as part of the special permit? The regulations you have  
378 here for courts are still the regulations correct?

379

380 Mr. LaCortiglia - Those are the regulations exactly.

381

382 Ms. Evangelista - But that's not the only ones. You still follow the subdivision requirements.

383

384 Mr. LaCortiglia - There are the full blown subdivision requirements and then there are the  
385 court and lane requirements.

386

387 Mr. Kroner - And then in addition you need a special permit over and on top of that. So it is  
388 under sub division control but you need a special permit. First a little background. A couple  
389 years ago I represented the prior owners. This was the proposed site for independent senior  
390 housing. There was a zoning article submitted because it only allowed one bedroom and the  
391 applicant at that time was seeking two. I have been asked by the new owner to represent  
392 him. With the prior client a meeting was held with the abutters and it was determined after  
393 that meeting that the independent senior housing would not be a good idea for that site.

394 Frankly we are looking for a builder that would do a nice job on the lot.

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Mr. Watts - How long ago was that?

Mr. Kroner - It was spring 2012. In any event it was determined with discussion with the abutters that this was not going to be a good fit for the site. The property was put up for sale and they wanted someone who is a well know builder such as Mr. Dehullu to do something that is nice for the neighborhood.

Mr. LaCortiglia - Didn't that proposal incorporate another lot as well?

Mr. Kroner - Yes. There was also a lot at 76b North Street that was torn down as there was a fire and Mr. Dehullu has built a house on that lot. They were going to combine the two at that point. Number 76 is a stand-alone lot and he was able to get a building permit for that. That is not part of this. I know some of the neighbors were upset that 78 North Street has been in disrepair for years. The explanation is that 78 is a non-confirming lot. As you know, you would lose the non-conformity after two years. Under MA law it was necessary to keep that house there to preserve the non-conformance status of the lot because it lacks adequate frontage. To summarize there is enough area on 78 that it could have been a Lane with three houses. It was determined by the sellers and Mr. Dehullu that that would not be a good fit for the neighborhood. It was decided a Court would fit much better. Two houses, one is on a proposed lot of 28 thousand square feet and the other one is 21 thousand square feet. Like all builders Mr. Dehullu wants to make a profit on this. What we are proposing as part of the waivers is and I understand you may have had problems with other Courts in the past. We want this to stay as a private way. With the board's approval, we propose to put deed restrictions in both deeds that it is a private way. With your approval I plan to file a maintenance agreement that I will file at the Registry of Deeds in perpetuity. There will be no question that the owners will understand that it is a private way.

Mr. LaCortiglia - They will own the road and they will need to maintain it and the town is never going to maintain it for them.

Mr. Kroner - I realize you have had problems with that in the past so we want to get that on the table up front. Any sign would state "private way" on it. So the public will know, the highway department will know. That being said, from a land use point of view, it makes more sense to construct this more as a driveway which is why we are asking for a narrowing of the pavement. We are giving the abutter at 82 North Street 10 feet.

Mr. Dehullu - The abutter approached me and I knew there is a lot of area that would not be useful to me so I offered him the 10 feet because he is kind of tight with his lot now. I am also trying to help Ms. Wies as well.

Ms. Evangelista - What lot number are you helping?

Mr. Watts - It is map 11B lot 34.

439

440

Ms. Evangelista - The house is already constructed is this a new lot?

441

442

Mr. Kroner - It is an existing lot. So he was able to get a building permit for that lot because it conformed to zoning.

443

444

445

Ms. Evangelista - You have a proposed driveway off the court for that lot?

446

447

Mr. LaCortiglia - The new house is going to gain the frontage from Jefferson Court right?

448

449

Mr. Holt - We have access to the frontage. Actually the driveway has been built.

450

451

Mr. LaCortiglia - But if you change the access to the court then the frontage comes off of proposed Jefferson Court.

452

453

454

Mr. Snyder - I have talked to Steve about presenting it to the board for consideration about whether it is a Court because there was some concern in the planning office because you would have court and then few feet away a driveway. For the simplicity of traffic flow, how would the board feel if the driveway went out to Jefferson Court and you would remove the curb cut on the street?

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457

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460

Mr. LaCortiglia - Where is the existing driveway for lot 34?

461

462

{Mr. Holt shows on the plan the area in question.}

463

464

Mr. LaCortiglia - Lets go through the waiver request first to clarify that.

465

466

Mr. Holt - The first two are just for the title block layout. All the information is the same so we are asking to use our format. The street name is in ink but we will clarify the name if needed or if they have an issue and we need to change it.

467

468

469

470

Mr. Rich - Is there any other road named Jefferson in town?

471

472

Ms. Evangelista - It is a new one to me. I thought the board is supposed to name these areas. We don't have to go along with whatever the applicant wants to name the street.

473

474

475

Mr. Rich - Can we name it Tillie Evangelista boulevard?

476

477

Mr. LaCortiglia - May I ask where the name came from

478

479

Mr. Dehullu - I did some work on a road in Newburyport and I thought it was a nice name.

480

481

Ms. Evangelista - I would have thought that the original owners would want their name on it.

482

483 Mr. Holt - I thought so too. It was my cousin's house. The third waiver is for a benchmark  
484 that is tied to the benchmark at the high school.

485  
486 Mr. LaCortiglia - This is a temporary benchmark? What about a real benchmark?

487  
488 Mr. Holt - We can put one on the bounds, it is not a problem to do that.

489  
490 Mr. LaCortiglia - I am a stickler for that thing of thing.

491  
492 Mr. Holt - We can eliminate that waiver and put it on the as-built plan when the bounds are  
493 set.

494  
495 Mr. LaCortiglia - If the board chose to not grant that waiver, you would be responsible to put  
496 in all the bounds.

497  
498 Mr. Holt - In regards to the cul-de-sac we've got the layout showing the large turnaround for  
499 fire protection which will be reviewed by the fire department.

500  
501 Mr. LaCortiglia - Can we get something form the fire department about that?

502  
503 Mr. Snyder - We will.

504  
505 Mr. LaCortiglia - I like the idea of a circle - I like a cul-de-sac. I never liked that a hammer  
506 head was allowed or the way it was written where the discretion of the board was taken away  
507 by the way it was written.

508  
509 Mr. Holt - This does not make sense to make it a hammerhead. This design lends itself to  
510 look like a driveway so it would look more like a rural setting. That is why we did it this  
511 way to make it look more like a common driveway. The next waiver is for the 18 feet of  
512 pavement. We would like to waive it down to 12 feet keeping in mind it is going to be a  
513 private way and only servicing two houses. This would limit the amount of pavement which  
514 would decrease the runoff. There is no maintenance to the town so the 12 feet is really all  
515 that is needed. We do maintain the front radius so that you will be able to turn into the  
516 driveway. For the pavement thickness we are asking for three inches rather than four inches  
517 as it really is a driveway. We have a property line radius of 30 feet at the road layout.

518  
519 Mr. LaCortiglia - You don't have the appropriate radius one side - you are using the public  
520 street layout to create it. You are not doing it on your property so you need a waiver for that.

521  
522 Mr. Holt - Right.

523  
524 Mr. LaCortiglia - Why wouldn't you move the layout slightly north and then you could get  
525 those two radii?

526

527 Mr. Holt - We could. We wanted to center it more in the lot and bring it further away from  
528 this house.  
529  
530 Mr. Snyder - I also understand that if you move that layout with that radius on North Street  
531 you are removing the 10 foot buffer.  
532  
533 Mr. Holt - We could probably still maintain the 10 foot buffer. We just have enough room to  
534 put the 33 foot radius.  
535  
536 Mr. LaCortiglia - So you have exactly enough you have one foot extra.  
537  
538 Mr. Snyder - I also recall that you would do the 30 foot radius on the south side because you  
539 would start taking away frontage from the existing lot.  
540  
541 Mr. LaCortiglia - No with 90 feet it would be, 30, 30 and 30.  
542  
543 Mr. LaCortiglia - We are not deciding on any of these waivers tonight. We will forward this  
544 to Mr. Graham and he may find other things that need to be addressed as sometimes that  
545 happens.  
546  
547 Mr. Snyder - Then the board needs to request the applicant to provide...  
548  
549 Mr. LaCortiglia - I would never do that before establishing an M-Account.  
550  
551 Ms. Evangelista - When you add the 10 feet to that lot, what are the dimensions going to be?  
552  
553 Mr. Snyder - By giving the 10 feet over to the adjoining property do you eliminate any non-  
554 conformities he has?  
555  
556 Mr. Holt - We do actually help him on a set-back to his barn.  
557  
558 Ms. Evangelista - So it would still be a non-conforming lot?  
559  
560 Mr. Holt - Yes. It is an existing structure.  
561  
562 Mr. Rich - **Motion** to establish an M-Account.  
563 Mr. Howard - **Second.**  
564 **Motion Carries: 5-0; Unam.**  
565  
566 Mr. Rich - **Motion** that upon receiving the money for an M-Account that the plans be  
567 forwarded to Mr. Graham the Technical Review Agent for his review.  
568 Mr. Watts - **Second.**  
569 **Motion Carries: 5-0; Unam.**  
570

571 Mr. Snyder - We request an initial \$4000 deposit and then request an average of \$2000 be  
572 maintained thereafter. Mr. Dehullu, are you clear on the purpose and disposition of an m-  
573 Account?  
574  
575 Mr. Dehullu - Yes, I understand.  
576  
577 Mr. LaCortiglia - Can you explain something? On sheet 4, is this all Lot 33A according to  
578 the assessors map right?  
579  
580 Mr. Holt - That is Lot 33.  
581  
582 {Discussion in regards to the layout of the lots on the plan.}  
583  
584 Ms. Evangelista - They have already divided the land?  
585  
586 Mr. Holt - No we have just given them numbers and letters for assessment purposes so we  
587 have 33 and 33A.  
588  
589 Mr. LaCortiglia - On the face page I see Lot 33 on the bottom. I thought I saw a page where  
590 it was reversed.  
591  
592 Mr. Holt - One is a typo.  
593  
594 Mr. LaCortiglia - So that is something to fix  
595  
596 Ms. Evangelista - I looked at lot 32A and you have the septic drainage close to a creative  
597 drainage setup. Did the BOH ok that?  
598  
599 Mr. Holt - They have not seen it yet. This is a shallow retention basin with a 25 foot setback  
600 requirement.  
601  
602 Mr. LaCortiglia - Looks like it is 20 feet. I am very concerned about someone called Denton  
603 on here and DeGiovanni because there will be detention basin well within the setback to the  
604 lot line.  
605  
606 Mr. Holt - It is a small detention area.  
607  
608 Mr. LaCortiglia - In three years it will be a wetland.  
609  
610 Mr. Holt - It will only have water after a storm based on our calculations.  
611  
612 Mr. LaCortiglia - These are things that Mr. Graham can look at and there is someone on the  
613 other side that will be dealing with it as well. One thing I don't see is where the DeGiovanni

614 and the Brooks existing septic systems are. I am concerned that those two detention areas are  
615 close to their septic systems because you will be raising up a bit of ground water.

616  
617 Mr. Holt - We actually have good ground soil there and we perked for three lots and the soils  
618 are sandy gravel with less than 2 minute perk rates.

619  
620 Mr. LaCortiglia - Any test information?

621  
622 Mr. Holt - I can get you copies of them.

623  
624 Ms. Evangelista - What I am concerned with is the size of these buildings. I know that the  
625 one already built that the neighbors are not happy with that as it is so out of character. Also  
626 the two in the back are backyards to people on Pond Street. I would think they would be  
627 concerned as well if they saw this. Those are big, big houses with four bedrooms.

628  
629 Mr. Dehullu - They are small bedrooms. It really is the garage that makes it appear so big.

630  
631 Ms. Evangelista - It is the same size as the one you already built it appears.

632  
633 Mr. Dehullu - It is the attached garage that makes it look so big. People really don't build  
634 houses smaller than this these days.

635  
636 Ms. Evangelista - The homes on Pond Street are much smaller than that and it just doesn't fit  
637 in to the character as far as I am concerned.

638  
639 Mr. LaCortiglia - I think you are used to seeing lots a lot further away from setbacks. It  
640 looks like the way these houses are proposed that they are just skirting the setback area on  
641 the two sides. We are used to seeing more area to the left and right of houses.

642  
643 Ms. Evangelista - You have a swale design in the front. What are the dimensions for that?

644  
645 Mr. Holt - It is about 6 inches deep.

646  
647 Ms. Evangelista - Why do you need that if the soil is so good?

648  
649 Mr. Holt - It is to direct the water between the two houses. It is a grass swale they will be  
650 able to mow it is not going to hold water.

651  
652 Mr. Snyder - It may be 6 inches deep but it is 24 feet wide.

653  
654 Mr. Rich - So it is just a directional contour.

655  
656 Mr. Holt - All of these are not deep at all they are not a retention pond. We could put garden  
657 plants in there if we want - like a rain garden.

658  
659 Mr. LaCortiglia - That might go a long way for a waiver request.  
660  
661 Ms. Evangelista - What were you planning on for benefiting the town for these waivers?  
662  
663 Mr. Holt - Well there is less impact on the drainage in the whole area. Obviously the more  
664 pavement we have, the more drainage we would have to do. It is a low impact design it will  
665 not have any real maintenance other than mowing the grass. If we do put planting they will  
666 have to keep up with the bark mulch.  
667  
668 Mr. LaCortiglia - Is this based on if you get the reduction in the proposed width?  
669  
670 Mr. Holt - Whether we get it or not we will still have the swales.  
671  
672 Ms. Evangelista - Is there a drain on North Street there in front of the opening?  
673  
674 Mr. Holt - There is not. {Shows on the plan where they are.} The house and driveway it  
675 will all flow towards North Street.  
676  
677 Mr. Kroner - I know you are not voting on anything tonight. I guess what we are interested  
678 in and it may help Mr. Graham in his review is that we feel strongly that a 12 foot driveway  
679 makes sense from a planning point of view. We think it will help with the drainage. We are  
680 trying to help the abutter by giving him those 10 feet. We are just looking for feedback from  
681 the board. In a perfect world if we had the right frontage, we would do a common driveway.  
682 From a planning point of view this seems to fit the best. I realize we are working with the  
683 context of the court and the subdivision control and also special permit. I think the closer we  
684 get it to look like a driveway is better. In terms of a maintenance agreement I would rather  
685 draw it between the two lots. Let 76 have their own driveway onto North Street. We think  
686 it's a much cleaner fit to do it that way. In terms of residences, we are not increasing it as  
687 there were two and it will still be two.  
688  
689 Ms. Evangelista - I look at it like you guys circumvented the requirement of affordable  
690 housing by building that house on North Street. With your proposed driveway, I am not  
691 going for it.  
692  
693 Mr. Snyder - Could you clarify that?  
694  
695 Ms. Evangelista - Because instead of including that into this project as a court... He could  
696 have included that as a court and obviously with a driveway there he is.  
697  
698 Mr. LaCortiglia - I think what she is trying to say is that the last proposal that came, included  
699 that other lot.  
700

701 Ms. Evangelista - There was an affordable housing component to it. We are not that stupid.  
702 That is how I am looking at it and also the character of that house is not even close to being  
703 historical looking. As far as the town is concerned we have all these master plans that keep  
704 stressing the character and now you tore down an old house. Did you even communicate  
705 with the historical commission?  
706

707 Mr. Kroner - The house had burned down.  
708

709 Ms. Evangelista - How did it burn? How about that - an old house burned down. An old  
710 house with no one living there and it burned to the ground? I would like those houses to be  
711 two bedrooms. Is there a water resource requirement to this development?  
712

713 Mr. Snyder - I don't recall but if it is in a water resource district, it will be determined... The  
714 water resource has more to do with storage of materials and things like that not the residential  
715 use.  
716

717 Ms. Evangelista - I understand it is exempt but at the some point there is a limit of an acre  
718 with 440 gallons of water a day and it would require 2 acres here.  
719

720 Mr. Kroner - I don't think that applies to single family. I understand that the prior applicant  
721 was trying to make it more colonial like.  
722

723 Mr. LaCortiglia - I would like to open this up to the public now.  
724

725 Ms. Wies - I have a question - can you show where the septic systems are going to be? My  
726 thought is if you take the houses and spin them and the septic systems won't be so close to  
727 the DeGiovanni and me and people could plant trees back here. {Shows her idea on the  
728 plan.} You give people a back yard and the abutters much more chance of privacy. A  
729 bunch of sugar maples have come down with this project. With the septic in the back you are  
730 preventing trees from being planted there. If you spin the houses they will be closer to the  
731 road and you get a better back yard.  
732

733 Mr. Dehullu - I was trying to keep all those sugar maples. I'd rather see when you drive in to  
734 see the front of the house. I hate sideways houses.  
735

736 Ms. Wies - I understand but when I look out my window I don't want to see a driveway. I'd  
737 much rather be a little further from my neighbors and have a backyard to plant trees in.  
738

739 Mr. Dehullu - I don't think they'd have much of a backyard if you spin it.  
740

741 {Discussion held in regards to the setbacks and why her idea may not work.}  
742

743 Ms. Wies - Could you could you have a common septic for the two houses?  
744

745 Ms. Evangelista - It is not the norm - I am not sure.  
746  
747 Mr. Rich - No.  
748  
749 Mr. Dehullu - I could get bushes between your lot and this lot easily enough or a fence.  
750  
751 Ms. Wies - I'm just saying that if they didn't have to have the septic in the back yard it gives  
752 the residents more options.  
753  
754 Mr. Dehullu - One of them is a reserve so that if one fails. Did you know that?  
755  
756 {Discussion held in regards to the layout of the houses and how changes would affect the  
757 lot.}  
758  
759 Ms. Wies - What I am saying is that the place where they have the most unbuilt space is what  
760 I am calling the backyard. If that could not be a septic system it would create a much nicer  
761 space.  
762  
763 Mr. LaCortiglia - If they don't move them should I vote no? This is a special permit.  
764  
765 Mr. Rich - Do you understand that when you draw a septic system they are showing two.  
766 They have to show a 100 percent expansion area so there would be enough land for if you  
767 had to replace it. The two blocks on the plan has one that is a reserve.  
768  
769 Mr. Howard - The primary ones are the ones near the center.  
770  
771 Mr. Rich - At my house the entire front yard is septic and the side yard is the reserve. You  
772 can grow grass on this - anything but build.  
773  
774 Mr. LaCortiglia - You can grow shallow things.  
775  
776 Mr. Howard - On the primary you can't plant trees but you can on the reserve.  
777  
778 Mr. LaCortiglia - Are you looking for a buffer?  
779  
780 Ms. Wies - Not so much from my perspective. I was just thinking if I was going to move in  
781 there that I would want the area in the back. The area by the road is dead space it is funny so  
782 I would rather have my whole back area to use as I wanted.  
783  
784 Ms. Evangelista - I could see a pool back there.  
785  
786 Ms. Evangelista - The only other concern I have is that I think the curve on the frontage  
787 should be the same on both sides.  
788

789 Mr. LaCortiglia - That is a waiver request. Let's see what Mr. Graham says.

790  
791 Ms. Evangelista - I want to be sure that the site distance is 200 feet at the entrance of North  
792 Street. I am looking for guarantees that the environment impact is not going to be severe.  
793

794 Ms. DeGiovanni - We are abutting the property and I agree with Ms. Evangelista as to how  
795 the homes do not fit with the character of the area as they are too large. Also with all this  
796 pavement planned, the environment will be drastically changed because we had all the trees  
797 to help take care of the water and helping properties that have flooding and eliminating some  
798 of the brown water issues we have in town. Some of the suggestions I have is making the  
799 homes the smaller and using porous pavement.

800  
801 Mr. LaCortiglia - That's a good idea.

802  
803 Ms. DeGiovanni - That's what they're doing at Penn Brook.

804  
805 Mr. LaCortiglia - Then we wouldn't have to reduce the width, we could keep it wide and it  
806 would be safe and great for emergency vehicles. Some people call it popcorn pavement. It  
807 is very good, it is on Rt. 128.

808  
809 Mr. Holt - They don't use it on highways anymore as it doesn't last.

810  
811 Mr. LaCortiglia - It lasted fine.

812  
813 Ms. DeGiovanni - I am planning trees - whatever I can do to help Georgetown with the water  
814 issues. That is one of the reasons why with the project from a year ago that the  
815 neighborhood stood up and said there was too much pavement and looking at this proposal if  
816 you can shrink it in any way possible, please do.

817  
818 Ms. Evangelista - I always thought that would be an ideal spot for the elderly as they don't  
819 want four bedrooms and they could walk downtown. That would be a nice spot even for first  
820 time home buyers. The density in that proposal was the problem.

821  
822 Mr. Kroner - The prior owners would have loved you support. The economics are to make it  
823 viable. With the price he paid, he needs to get two houses out of it. He is to be commended  
824 for not trying to squeeze three houses out of this. In theory it would have been possible to  
825 get four houses built there. Again, following up, whether it is porous or not it makes sense to  
826 do a 12 foot driveway. I stress that it will be private. To me 18 feet is overkill.

827  
828 Mr. Rich - How wide is Blarney Court?

829  
830 Ms. Evangelista - I think it is 22 feet.

831  
832 Mr. Howard - I don't think so. It is only paved 20 feet off the road.

833  
834 Ms. Evangelista - Quite frankly, I am not impressed with giving 10 feet to one homeowner. I  
835 want to see some other benefit for the whole town rather than just that. That doesn't impress  
836 me too much.  
837  
838 Mr. LaCortiglia - I look at it as though, we have regulations. Build it to the regulations and I  
839 will pretty much vote for it. If you are looking for waivers, there has to be some sort of a  
840 benefit for the town. The town has to get something out of it. There has to be some kind of a  
841 basis to grant a waiver more than Mr. Kroner saying please.  
842  
843 Mr. Kroner - The benefit is that it gives you more pervious soil.  
844  
845 Mr. Rich - What is going to be the base price of these houses?  
846  
847 Mr. Dehullu - \$550 thousand.  
848  
849 Mr. Rich - So a million one with taxes. So that would be an increase to the tax base plus the  
850 value of the road because it is a private road.  
851  
852 Ms. Evangelista - I don't follow that at all. You have four bedroom houses with possibly 3  
853 children plus the couple... We are building a new school and each development adds up.  
854 We have turning Leaf etc... I hope the plans for the school are sufficient.  
855  
856 Mr. LaCortiglia - I am anxious to hear from the abutters.  
857  
858 Ms. Smith - I am not a direct abutter. I want to say thank you (to Mr. Dehullu) for the house  
859 you built there. I was impressed with the way you talked with us and am thrilled not to have  
860 the senior housing there. I like the idea of keeping the impact down in the neighborhood and  
861 keeping it as a driveway. I agree the house is very large but anyone could have bought that  
862 lot and built a six bedroom house. {Shows her lot on the plan.}  
863  
864 Mr. Holt - There is actually only one more house and we are only adding two bedrooms total  
865 because it was a two-family house originally.  
866  
867 Ms. Evangelista - But the size of that house was not as large and did not have a garage.  
868  
869 Mr. Watts - It looks like it is about the size of the house - it looks similar in scale.  
870  
871 Mr. Rich - Are the houses going in, will they be similar to the one that is there?  
872  
873 Mr. Dehullu - Yes.  
874  
875 Ms. Wies - I would rather see the smaller driveway. To me it makes a lot more sense.  
876

877 Mr. Kroner - Ms. Dehullu, what was number 76 on the market for?

878  
879 Ms. Dehullu - It was on the market for \$579. It was on the market for a little over a month.  
880 We are going to finish up the kitchen and get it in show condition.

881  
882 Mr. Rich - The comment about circumventing the affordable housing - I want the applicant to  
883 know that this member does not feel that way. I think it is not only his obligation to himself  
884 and his family to build it in the most economical way. They are separate lots and to get  
885 around affordable housing law in my mind would be to reconfigure everything so you didn't  
886 have to do it. I want you to know that that is not the way this member feels.

887  
888 Mr. Kroner - In fairness, I'm sure you'll agree Ms. Evangelista; it was attractive to him as he  
889 could build on 76 right away.

890  
891 Mr. Dehullu - Even sitting on this is costing me money.

892  
893 Ms. Evangelista - At the same point we have a bylaw for affordable housing that hasn't been  
894 moving too much.

895  
896 Ms. Wies - It was the amount of units that was the issue.

897  
898 Ms. Evangelista - I am trying to find out if there is a problem with our regulations.

899  
900 Mr. Snyder - It is two different projects that happened to be done by the same developer.

901  
902 Mr. Kroner - A different person could have bought number 76.

903  
904 Mr. LaCortiglia - I will accept a motion to continue this hearing.

905  
906 Mr. Rich - **Motion** to continue to the March 12<sup>th</sup> meeting at 7:40 PM.

907 Mr. Howard - **Second.**

908 **Motion Carries: 5-0; Unam.**

909

910 **Planning Office:**

911 **1. Escrow Funds Release:**

912 **a) M-Account #26405 Cedar Lane.**

913 **b) M-Account #26411 Cedar Lane.**

914 Mr. LaCortiglia - We are now going to do the escrow fund releases. These are M-Accounts  
915 that are funds that have been sitting in the town and do not belong to the town but belongs to  
916 applicant from years ago. It is time to get them back to their rightful owners. Perhaps we  
917 could take the first two together.

918

919 Mr. Snyder - The total balance for this is \$18,791.47. Cedar Lane was just accepted at town  
920 meeting.

921  
922 Mr. Rich - **Motion** to release the escrow balance and close the accounts.  
923 Ms. Evangelista - **Second.**  
924 **Motion Carries: 5-0; Unam.**

925  
926 Ms. Evangelista - How come there are two different accounts for the same project?

927  
928 Mr. Snyder - One was for review and second was opened later on because there were  
929 additional conditions set forth and those conditions have been met. I provided this  
930 information awhile back.

931  
932 Mr. LaCortiglia - The bottom line is the town accepted the street and the town now owns it.

933  
934 Mr. Snyder - One was an escrow and the other was deposited to pay for supplemental review  
935 by the town no having to do with the review of the subdivision plans. There are two sheets  
936 for each account that will need to be signed by the board.

937  
938 **c) M-Account #26412 Reynard / Partridge**

939 Mr. Snyder - The total balance for this is \$11,300.60. These balances were updated by the  
940 town accountant yesterday so they will be different from what was provided in your packet.

941  
942 Mr. Rich - **Motion** to release the escrow balance and close the account.  
943 Mr. Howard - **Second.**  
944 **Motion Carries: 5-0; Unam.**

945  
946 Mr. Snyder - They are both town accepted streets.

947  
948 **d) M-Account #26413 Silvermine.**

949 Mr. Snyder - The total balance for this is \$2,665.66. This is a town accepted street.

950  
951 Mr. Rich - **Motion** to release the escrow balance and close the account.  
952 Mr. Howard - **Second.**  
953 **Motion Carries: 5-0; Unam.**

954  
955 **e) M-Account #26418 John Enos - Brock Way.**

956 Mr. Snyder - Brock Way is also known as Crescent Meadow Lane.

957  
958 Mr. Rich - **Motion** to release the escrow balance and close the account.  
959 Mr. Howard - **Second.**  
960 **Motion Carries: 5-0; Unam.**

961  
962 Mr. LaCortiglia - This is a private way that has not been accepted by the town.

963  
964 Mr. Snyder - It was not constructed to be accepted.

965  
966 Mr. Rich - Wasn't he in the office recently and wants to build on that? I think he wants to  
967 build a single family home for himself.

968  
969 Mr. Snyder - I have not seen anything in the planning office.  
970  
971 Ms. Evangelista - There are existing homes on it. One is getting a pool as there is a request  
972 to the ZBA.  
973  
974 Mr. Rich - I might be thinking of something else then.  
975  
976 Mr. Snyder - It was a four lot subdivision and I looked at an aerial and as I recall there were  
977 only three homes built. There is a lot but I thought that lot was unbuildable.  
978  
979 Mr. Rich - The street is in and is a private way.  
980  
981 Ms. Evangelista - I thought that Jack wanted to put it in to connect it to the club as it abuts  
982 the club.  
983  
984 Mr. Snyder - No it does not abut the club.  
985  
986 Mr. Rich - I think the holdup is a wetland issue if I remember correctly.  
987  
988 Mr. LaCortiglia - I think it is great we are going back and releasing these. My concern is that  
989 we are going back in the 90's when these were approved and these may have been kept for  
990 sometimes a bond or a surety...  
991  
992 Mr. Rich - We need to clean up the books anyways.  
993  
994 Mr. Snyder - This does not go back to the original date, it goes back to 2001.  
995  
996 Mr. Snyder - It went to pay for Graham Associates for review of Brock Way and Crescent  
997 Meadow.  
998  
999 Mr. LaCortiglia - My concern is that there is no question that if the road has been accepted it  
1000 has been built to standards. My concern with a private way is that something was supposed  
1001 to be done and we don't know if it was done or not.  
1002  
1003 Mr. Snyder - Our research turned up the fact that this M-Account was established after the  
1004 preliminary subdivision plan.  
1005  
1006 Mr. Rich - Was there review by the technical review agent?  
1007  
1008 Mr. Snyder - Yes that has all been completed.  
1009  
1010 Mr. LaCortiglia - That would be the subdivision permit.  
1011  
1012 Mr. Rich - Was there a final inspection saying that everything was done?  
1013  
1014 Mr. Snyder - It was just done for the review of the subdivision. It was also done with  
1015 Millennium Engineering and BSC Group.

1016  
1017 Mr. LaCortiglia - So they would have done the inspections.  
1018  
1019 Mr. Snyder - So if there is a concern of releasing the \$883.77...  
1020  
1021 Mr. LaCortiglia - I am not going to worry about that, I didn't realize that was the amount.  
1022  
1023 **f) M-Account #26444 Sunset Rock Associates / Elkhorn – Acorn Way.**  
1024 Mr. Snyder - The total balance for this is \$6.55.  
1025  
1026 Mr. Rich - **Motion** to release the escrow balance and close the account.  
1027 Mr. Howard - **Second.**  
1028 **Motion Carries: 5-0: Unam.**  
1029  
1030 **g) M-Account #26500 Artisan Development / Lisa Lane Rear OSRD.**  
1031 Mr. Snyder - This is just for the OSRD / preliminary plan. A separate M-Account established  
1032 for the definitive plan. The total balance for this is \$2475.41.  
1033  
1034 Mr. Rich - **Motion** to release the escrow balance and close the account.  
1035 Mr. Howard - **Second.**  
1036 **Motion Carries: 5-0: Unam.**  
1037  
1038 **h) M-Account #26433 NEL Corporation / 1 Farm Lane**  
1039 Mr. Snyder - The total balance for this is \$3,429.99.  
1040  
1041 Mr. Rich - **Motion** to release the escrow balance and close the account.  
1042 Mr. Howard - **Second.**  
1043  
1044 Mr. LaCortiglia - This is not for a subdivision.  
1045  
1046 Mr. Snyder - No, this was for a special permit application the Planning Board voted to  
1047 approve the applicants request to construct an addition to an existing facility.  
1048  
1049 Mr. LaCortiglia - What do we have to show that it was done correctly?  
1050  
1051 Mr. Snyder - We have notice from the technical review agent and site inspector that they are  
1052 complete and agree that all fees have been paid.  
1053  
1054 Mr. LaCortiglia - I am trying to find out if this is money for review or for performance of  
1055 something that was supposed to be done.  
1056  
1057 Ms. Evangelista - There are loads of conditions. Was the as-built approved?  
1058  
1059 Mr. Rich - Can we put this to the next meeting?  
1060  
1061 Mr. Snyder - We have a cancelled check that says escrow for site plan review.  
1062  
1063 Mr. Rich - **Motion** to withdraw the previous motion so that Mr. Snyder can look into this.

1064  
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Mr. Howard - **Second.**  
**Motion Carries: 5-0: Unam.**

Ms. Evangelista - When I recall being on the zoning board we sent applications as we got them to all of the boards. Much as we do for site approval. I don't know what happened that we are not getting the applications from the ZBA.

Mr. Snyder - You are. When I get something from the ZBA they are in the packets as correspondence. You need to look back to July when Dunkin Donuts plaza was first brought to the Planning Board's attention. Patty is very diligent with communication to the Board.

Mr. LaCortiglia - It's good that Ms. Pitari has been sending them.

Ms. Evangelista - That is what I wanted because you said you transmitted the packet I did not get it until Monday I think.

Mr. Snyder - The hard copy was at the police station.

Ms. Evangelista - I was looking at other communities and how they went about it and some of the permit requirements indicates they also request submittal to the planning board before the hearing. They can't have the hearing scheduled before the PB answers it. I think we need to be better and tighter in communicating.

Mr. Snyder - I understand but aren't you then doing an informal review on an application that is going to the ZBA?

Ms. Evangelista - But when they have already gotten their special permit. We can't deny a site approval.

Mr. LaCortiglia - Site plan review we can't do.

Ms. Evangelista - I am squeamish about doing a site approval when a permit is already granted. I think it should be the other way around. I think we should be communicating better, have input in certain things. Some applications the site is critical for approval of the use.

Mr. Snyder - We are communicating. It is happening at the level that it needs to.

Ms. Evangelista - I don't think so. I am disappointed.

Mr. Snyder - You are saying that an applicant should come in and do a site plan review and then go before the ZBA where they might not even be granted a use?

Mr. LaCortiglia - That is putting the horse before the cart.

Ms. Evangelista - I am saying that that is an alternative. Another alternative is for us look at the application and give some input.

1112 Mr. Snyder - But then you are doing an informal review.

1113  
1114 Mr. Rich - I think you may be breaking the law there.

1115  
1116 Mr. LaCortiglia - When the ZBA sends out the notice isn't it sent to ConCom, BS, BOH,  
1117 etc...?

1118  
1119 Mr. Snyder - Just like we give copies of applications to all town departments for their input.

1120  
1121 Mr. LaCortiglia - We have a 30 period when we can make a comment just like with Nunan's.

1122  
1123 Ms. Evangelista - But we did not get the plans and no site approval for that.

1124  
1125 Mr. LaCortiglia - They must be drawing the plans.

1126  
1127 Ms. Evangelista - There is another plan coming in from Dunkin Donuts. They want to buy  
1128 the building and the lot next door. Do you know that already? Where is the application?

1129  
1130 Mr. Snyder - Yes I do know that and no I don't have an application.

1131  
1132 Ms. Evangelista - That is a historic building.

1133  
1134 Mr. LaCortiglia - Yes if it is over 75 years old it is.

1135  
1136 Ms. Evangelista - After I read that permit for Dunkin Donuts there were so many questions I  
1137 had. I felt we should have had more input with it. They have a use in there for medical  
1138 offices. It is not allowed in that district at all and the Planning Board gives that special  
1139 permit. They granted that as an existing use. I don't know how that happened.

1140  
1141 Mr. Rich - Isn't that the purpose of the ZBA?

1142  
1143 Ms. Evangelista - It wouldn't be if it was done it correctly. The building inspector would  
1144 deny it because it is in the RA district. So after that denial then it would go to the ZBA.

1145  
1146 Mr. Snyder - Isn't that what brought it to the ZBA?

1147  
1148 Mr. Rich - Just because they didn't deny it doesn't mean you can't go directly to them. So  
1149 they go before the ZBA and the ZBA says OK.

1150  
1151 Mr. LaCortiglia - And then it comes to the PB for site plan review. At this point they haven't  
1152 chosen to come get site plan approval yet.

1153  
1154 Ms. Evangelista - When a special permit for let's say Nunan's comes in which is mostly all  
1155 outside. That application it would have been wise to get site approval first and then got the  
1156 use because all of the questions had to do with the outside.

1157

1158 Mr. Rich - All of the money is spent on the site approval. Why would they want to spend all  
1159 that money before knowing that they will be allowed? Is it that they want to build a new café  
1160 there.

1161  
1162 Mr. LaCortiglia - That is a food use and there was not a variance written in which I found  
1163 unique.

1164  
1165 Mr. Snyder - When they come for site plan the Planning Board would decide if this is what  
1166 the ZBA approved in terms of use.

1167  
1168 Mr. Rich - But they may have thought they want mini-golf but things may have changed.  
1169 They may be going back to the ZBA then they will have their ducks in order and come before  
1170 us.

1171  
1172 Mr. Snyder - We will get notice if they go back to the ZBA.

1173  
1174 Ms. Evangelista - That's another thing, the ZBA is hearing modifications of variances and I  
1175 was told you can't do unless your bylaw says you can. Variance run with the land so how  
1176 can you modify it and carry on if it is already in the books, you can't just change it unless  
1177 your bylaw says you can. If they are going to continue to use variances I would like to see  
1178 how we could put that in our bylaw.

1179  
1180 Mr. Rich - Sometimes they call it a modification but sometimes if they go through all the  
1181 procedures as if it were a variance it becomes a new variance. Although they called one a  
1182 modification, it met all the requirements they can call it anything they want as long as all the  
1183 notice requirements were done.

1184  
1185 Mr. Watts - With the amount of processes that there are it is never going to satisfy  
1186 everybody.

1187  
1188 Mr. LaCortiglia - A lot of the rules are very antiquated and you think you understand but that  
1189 is not is what the court decided when the case law came in.

1190  
1191 Ms. Evangelista - That is the issue is that we are going to get caught and it will be costly.

1192  
1193 Mr. Watts - That could be true for anything. Anybody can sue anyone for anything.

1194  
1195 Ms. Evangelista - I would like to get the laws right and do the best we can. I am hoping Mr.  
1196 Snyder can find that out about modifications.

1197  
1198 Mr. LaCortiglia - Mr. Snyder could you work with the ZBA and look at a modification to the  
1199 bylaw that would benefit them? I would like you to find out.

1200  
1201 Mr. Snyder - Yes, I will do that.

1202  
1203 Mr. Rich - **Motion** to adjourn.

1204 Mr. Watts - **Second.**

1205 **Motion Carries: 5-0; Unam.**

1206

1207 **Meeting adjourned at 9:41 PM**