

Minutes
October 27, 2004
Planning Board

**MEETING
GEORGETOWN PLANNING BOARD
Memorial Town Hall
Third Floor Meeting Room
October 27, 2004
7:00PM**

Present: Jack Moultrie, Chairman; Tim Gerraughty, Vice Chairman;
Rob Hoover, Clerk; Tim Howard; Janet Byrne, Associate Member;
Larry Graham, Technical Review Agent & Inspector;
Jacki Byerley, Town Planner; Kristen Eaton, Administrative Assistant

Absent: Alex Evangelista, MVPC Representative

Meeting called to order 7:09PM.

Discussion

Mr. Moultrie introduced Ms. Byrne to the audience.

Nelson Woods – Endorsement of Plans and Documents

Ms. Byerley said that Mr. Graham had reviewed the plans. The applicant is submitting 3 Form Gs. They want to covenant the two roadways separately. The third Form F is for parcel A, so they can hold it with out reworking the paperwork.

Mr. Moultrie said that he is against the separate covenanting because the drainage of one roadway depends on the other.

Attorney Howard Speicher said that he doesn't believe that the drainage is connected in this case. There is a buyer for the upper and lower roadways.

Mr. Moultrie asked if this was going to be the end result, why wasn't the subdivision presented as two separate projects.

Mr. Speicher said that the developer didn't know that this was going to occur. The project can be build as two separate projects. The roadways can be constructed independently of each other. They have separate drainage systems.

Mr. Moultrie suggested waiting on this conversation until Mr. Graham arrives at 7:30.

Ms. Byerley pointed out that the name of Groveland Associates is in the covenant, but they don't own the land yet.

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Mr. Speicher said that they can hold everything until they've done the closing.

Mr. Moultrie asked that if there are all these issues, why are we here. Why not wait on this?

Mr. Larry Odgen said that the subdivision can be recorded, just the covenants can't. He thinks they should at least get the plans endorsed.

Mr. Moultrie said that he is very uncomfortable with this. It might be all legitimate, but he is very uncomfortable.

Mr. Hoover said that he thinks the situation puts Mr. Graham in a difficult position. He'd rather see it in writing that the project can be carved up.

Mr. Gerraughty said that it seems to make sense but he hasn't run into the situation before, so he's trying to figure it out.

Ms. Byerley said that the board always knew there were two roadways. She doesn't think that the separate construction of the roads is an issue, so long as the subdivision inspector knows how they have to be constructed.

Mr. Ogden said that both buyers are aware of the approval of the planning board.

Mr. Speicher said that the board is protected in seeing that the requirements are met and that the work is completed correctly.

Mr. Gerraughty asked if there is a problem having two separate bonds for one project.

Mr. Moultrie said that the board has had problems in the past with sections of projects getting sold and residents being upset. There have been messes.

Mr. Gerraughty said that he thinks that he doesn't have a problem so long as Mr. Graham says that the drainage would not be affected. He would have a different feeling if it was ten lots. But where it's a single lot and two lower lots, he doesn't really have an issue.

Mr. Hoover said that he too wants to hear from Mr. Graham, but he'd also want to see on paper that it works.

Mr. Speicher said that if there was a single covenant then they couldn't sell the single lot to a buyer. They could sell the entire subdivision. They could have a single covenant and ask for partial releases of that, but it accomplishes the same goal.

Mr. Moultrie said that the board would hold off on further discussion of this issue until Mr. Graham arrived.

Deer Run – Bond Reduction

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Brad Chareth reviewed his letter to the board regarding estimated costs of completion and percentages of work completed.

Mr. Carullo said that he agrees with the numbers.

Mr. Hoover questioned what the landscaping would cover.

Mr. Chareth said just some wash out areas and seeding.

Mr. Hoover asked if the trees are part of the roadway.

Mr. Chareth said maybe, but it's a private way.

Ms. Byerley said that the trees still have to be 40 feet apart and 6 feet from the right of way.

Mr. Chareth said that he'll have to go look at that again.

Mr. Hoover said that the number might need to be adjusted for 17 trees.

Mr. Gerraughty said that they could add a line item for trees for \$3400.00.

This would make the total bond amount \$50,375.00.

Mr. Carullo said that he thinks that the \$40,000.00 cash bond that the board is currently holding is more than enough. Also the board is still holding one lot that he wants released.

Mr. Moultrie said that the \$40,000.00 being held doesn't even cover Mr. Chareth's original estimate without the trees.

Mr. Gerraughty suggested that the board either establish a bond for \$50,375.00 or keep the lot.

Ms. Byerley told Mr. Carullo that as soon as he makes a deposit of \$10,375.00, the board can release the lot. After that, as work is completed, the board can do partial releases on the bond.

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Mr. Gerraughty made a motion to release lot 2A3 of the Deer Run Subdivision after a deposit of \$10,375.00 is made into the Deer Run bond account and to authorize the town planner to sign the lot release.

Mr. Howard seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

Little's Hill – Phase Three Bond Establishment

Mr. Moultrie pointed out that the subdivision inspector's estimate is labeled "Forest Street" and that he doesn't see the offsite improvement estimates in here.

Ms. Byerley said that she thought the offsite improvements were tied to occupancy not lot releases.

Mr. Spear said that he wants to bring up the multiplier. He's running out of money because it's all bonded. He has 2/3 of a million dollars that he cannot use caught up in the bonds of the other phases which have not been complete.

Mr. Moultrie said that he thought the idea behind the phasing was to finish one phase and then go on to the next so the money wouldn't be tied up like this.

Mr. Spear said that there were legal issues that were solved in the last few months. He is just finishing up the houses in that first phase. He intends to come in sometime in the next couple weeks to request a partial release of the bond for phase one.

Mr. Moultrie asked why he doesn't wait until that is in order to establish this bond. He doubts that Mr. Spear will get any reduction in the multiplier.

Mr. Gerraughty said that Mr. Spear is looking for 8 lot releases. He asked if the board could hold two of those as part of the bond.

Mr. Moultrie said that he doesn't have an issue with that.

Mr. Spear said that he wants to talk to his bank. He'd like to have the board approve both scenarios.

Mr. Moultrie will bond the offsite improvements through the Highway Department.

Mr. Gerraughty made a motion to accept the tripartite agreement for Little's Hill - Londonderry Lane in the amount of \$215,087.00 and to authorize the town planner to sign the lot releases of 8 lots, Lot/EUA 32, 33, 34, 35, 36, 37, 38, and 39.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of the motion.

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Nelson Woods – Endorsement of Plans and Documents

Mr. Moultrie updated Mr. Graham as to the earlier discussion.

Mr. Graham said that he remembers the upper road was independent of the lower road. There were no drainage issues really. He doesn't think that they can split the subdivision into two definitive subdivisions because it was approved as one.

Mr. Speicher said they aren't asking for that. They are only asking to covenant the road separately because they can be built independently of each other. Both buyers will be subject to this same decision and subdivision plan. There will be no problem for the board with enforcement and inspections.

Mr. Graham said that this would be comparable to phasing a larger project.

Mr. Moultrie said that with phasing you are dealing with one proponent. Here you'd be dealing with two.

Mr. Graham said that from an engineering point of view, it can be split.

Mr. Hoover said that he understands both sides. He feels the town is being put in a difficult position. Splitting the project in two and dealing with two different developers has the potential for twice as many issues.

Mr. Gerraughty made a motion to endorse the Nelson Woods subdivision plans.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of endorsing the plans.

Public Hearings

118 Jewett Street – SPA (Continuance Requested)

Mr. Hoover made a motion to continue the public hearing for 118 Jewett Street to December 8, 2004.

Mr. Gerraughty seconded.

There was no discussion.

The board voted 4-0 in favor of the continuance.

Rock Pond Estates – Definitive Subdivision

Ms. Byrne made it known that she lives across the pond from this project and will not be taking part in the discussion or voting in any way.

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Mr. Gerraughty mentioned that he just got all the information on this project today and he doesn't feel that this will be a very productive meeting.

Mr. Hoover agreed.

Mr. Graham said that he got the plan Thursday, was out Friday and Monday, and got to review it yesterday.

Mr. Pelich said that he agreed to have the plans to Mr. Graham and the board by last Thursday.

Bill Simmons, the environmental consultant, was present to review his report with the board. He said that he doesn't think anyone is saying that there was no contamination on the site. He had no knowledge of the fire until tonight. He got involved in this site in 1999. They found petroleum and notified DEP. He discussed how DEP works. There is no risk in the property. There is no single clean up standard that applies statewide. Outside of the most contaminated sites, LSPs make the determination and characterize risk and decide how clean is clean.

Mr. Moultrie asked if the bottom line is that the property has not been checked for heavy metals. But in your professional opinion it meets the standards.

Mr. Simmons said yes. He doesn't think that there would be much risk of heavy metal in the foot print of the building. But it would not be a big deal to take a couple of samples.

Mr. Hoover asked if residential exposure is the same as the pond and the water quality.

Mr. Simmons said no. You have to look to risk to human health, soil, groundwater, air, and environmental receptors. Groundwater concentrations would be so dilute by the time they get to Rock Pond that there is no impact to the surface water.

Mr. Hoover said that it is disconcerting to know that Mr. Simmons didn't have the information about the fire given how the process goes.

Mr. Moultrie said that if Mr. Simmons looks over the new information, then as one member he will be satisfied.

In regards to his report, Mr. Graham said that it is a recommendation of 12 notes to be updated before endorsing the plans. Once completed, he would recommend endorsement. He did not get the landscape plan.

The detail of the wall is not on plan. It must be somewhere, so the inspector and contractor will know to what standard it should be constructed.

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Mr. Gerraughty made a motion to continue the public hearing for Rock Pond Estates to November 10, 2004.

Mr. Hoover seconds.

Mr. Moultrie said that the board forgot to ask for comments from the audience. He asked if anyone had anything to say.

Louise Richardson asked for clarification in regards to the retaining wall and the 20-foot no cut zone.

The board voted 4-0 in favor of the continuance.

ANR Plan – 23 Nelson St.

Ms. Byerley reviewed the plan with the board. She said there will have to be a scenic road hearing.

Mr. Gerraughty made a motion to approve the ANR plan for 21/23 Nelson Street with the addition of a note that the plan will need to follow the scenic road bylaw.

Mr. Hoover seconded.

There was no discussion.

The board voted 4-0 in favor of endorsing the plan.

Adjourning

Mr. Hoover made a motion to adjourn the meeting.

Mr. Gerraughty seconded.

There was no discussion.

The board voted 4-0 in favor of adjourning.

The meeting adjourned at 9:40pm.