

**MEETING  
GEORGETOWN PLANNING BOARD  
Memorial Town Hall  
July 18, 2001  
7:30PM**

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

Absent: Janet Pantano, Administrative Assistant and Alex Evangelista.

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

**Minutes**

P. 4 "Bock" should be changed to "Brock".

Mr. Moultrie made a motion to accept minutes of June 27, 2001 as amended. Seconded by Mr. Hopkins. All in favor 4-0.

**Abbey Road**

Mr. Donovan, 8 Abbey Road, appeared before the board to discuss the location of the fence on his property. The fence is in the right-of-way.

Mr. Moultrie stated that the fence must be removed prior to street acceptance. If the town accepts the road with fence the town accepts the liability regardless of any agreement with the town. After the street is accepted the town may be able to enter into an agreement to have a portion of the fence in the right-of-way with a release of liability. The Board hopes to have the street accepted in the fall at town meeting.

Discussion as to whether the street is in a condition to be accepted at town meeting. Ms. Colwell stated that there are some issues with the sidewalk and some additional looming and seeding that is required. Easements for the sidewalk have not been submitted but Ms. Colwell expects Mr. Thomson to bring those documents to the meeting tonight.

The Board decided to wait until Mr. Thomson arrives to discuss the condition of roadway.

Mr. Donovan stated that the fence on the left side of his property is not an issue and the fence company will move the fence back about four feet so that it is on his property. The issue is on the right side as the fence posts will not line up without four feet of the fence being in the right of way because of the shape of the lot. Given what Mr. Moultrie explained he will move the left side back and take down the other section until the road is accepted then will speak with the Highway Dept at that time.

Mr. Donovan will call Ms. Colwell when the fence has been moved.

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### **401 East Main St**

Paul Beegan from B & W Press was present to discuss the proposal.

Mr. Said Abuzahra, abutter, stated that he would record the proceedings. Dr. Said Abuzahra, owns land to the east of the site located at 1002 Everett Street, Rowley. Mr. Sarno stated that the only official record of the meeting would be the Planning Board minutes.

Mr. Beegan stated that Mr. Abuzahra appealed the ZBA decision granting a special permit for the water resource district and is in litigation with Mr. Beegan.

Mr. Beegan owns B & W Press. He is before the Planning Board for site plan approval because the proposed addition is greater than 500 S.F. There is an existing manufacturing building on site. The building contains printing presses and envelope converting machines. Machines are currently facing each other and materials have to be brought around to the other side of the machine. It is not efficient. They have no warehouse space.

The proposed addition will be more efficient. They will use the addition to house the envelope converting machines, which will be turned around and moved into the addition. Nine years in the building. For safety reasons they need to create a proper workflow. No new people, no new machines. Simply moving the existing machines and people into the new space.

Mr. Sarno stated that the normal procedure is for the town to send the plan to a consulting engineer for the project. Larry Graham, the town's technical review agent, cannot review the project as he has a conflict of interest having worked for Mr. Abuzahra in the past.

The Board discusses the need to add contour lines.

Ms. Colwell sent a letter to Mr. Beegan outlining the items needed on the plan.

Mr. Sarno suggested that the board go through the list and decide what information will or will not be required. Jack states that this is a very small addition therefore some of these items may not be required.

Wetland location: Wetland line is over 300 feet away and does not need to be added to the site plan at this time.

Landscaping: Existing landscaping is shown on the plan. No new landscaping is proposed. Site was and will continue to be crushed stone. More stone may be added as needed to keep the weeds from growing.

Building façade will be the same as the existing building. Mr. Beegan showed the Board a picture of the existing building and the proposed addition. The addition will not be seen from Rt. 133.

Fire Lane: Fire Road is shown on the plan. Ms. Colwell to send plan to the Fire Dept for comments.

No new fences or wall are proposed.

Limit of work line: discussion of whether the line should match the chain link fence. Discussion that it will be thirty feet from the limit of the building. Mr. Hopkins stated that the back is flat, no neighbors, and no trees to preserve. He does not believe that there is a need for a limit of work line. Mr. Moultrie asked what the definition of limit of work is? Is it the area of disturbance? Should not be areas where a piece of equipment will be during construction.

Mr. Johnson asked if the leaching field would be affected. Paul Beegan stated that the leach field would be relocated. The Board of Health has approved this.

Maximum number of employees is limited by the septic system to 244. Have approximately 140 employees over three shifts and do not plan to add any employees at this time.

Parking spaces: sufficient parking exists on site, no new employees.

Site distance is more than required. Mr. Beegan presented photos of the site at the existing entrance drive.

Lighting is shown on the plan. Three new lights added to the building.

Traffic: no new employees, three truckloads of paper come in every day. The number of trucks entering and exiting will not change.

Town Character: This is a small addition at the rear of the building in an industrial zone. Mr. Moultrie stated that there is no impact on the town character.

Drainage: study was submitted. Study will be sent out for review

Waiver requests: Mr. Hopkins made a motion to waive the requirements for the site distance and the limit of work line. Mr. Moultrie seconded the motion. All in favor 4-0.

Mr. Beegan requested the board extend time frame for the decision to October 17, 2001. The Board discussed continuing the public hearing to October 10, 2001 at 8:00 p.m. due to Mr. Beegan's schedule.

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Mr. Moultrie made a motion seconded by Mr. Hopkins to extend the time frame for a decision to October 17, 2001 and to continue the public hearing to October 10, 2001 at 8:00 p.m. All in favor

Mr. Abuzahra stated that he is concerned about the drainage. There are one million cubic feet of drainage flooding his land. He handed out a study he had prepared discussing the existing drainage and water conditions. Mr. Sarno stated that study would be forwarded to the consulting engineer. Mr. Abuzahra showed the location of his property on the plan. He stated that the drainage from B & W Press enters the state forestland and then floods his property.

Mr. Sarno stated that Mr. Abuzahra is concerned about flooding on his land from B & W Press.

Mr. Abuzara appealed the ZBA decision and has applied for a RDA from the ConsCom to determine the location of the wetlands.

Mr. Moultrie asked if there was other litigation involved. Mr. Abuzahra stated that Fruehauf, the prior owner, had taken a portion of Mr. Abuzahra's land. Mr. Moultrie stated that this outside case is not a part of the site plan approval process.

Mr. Sarno clarified that Mr. Abuzahra's concern relates to the proposed addition and that it may increase drainage problems.

Mr. Beegan stated that the chairman of the Board of Health gave the ZBA a study from the Board sampling the water in the drainage basin.

**Deer Run:**

The Board reviewed a letter from Kopelman and Paige outlining their opinion on the covenant. Mitch Kroner, Esq. representing the Maglios asked if Kopelman and Paige had received copy of the decision of the planning board dated September 18, 1996. Ms. Colwell stated that the decision had been sent to Kopelman & Paige.

The Planning Board asked if the covenant had been filed with the Land Court. Atty. Kroner stated that it had.

Mr. Hopkins stated that a waiver of the covenant by the Schwartz family might be required as they own Lot 01 and therefore have an interest in and are beneficiaries of the covenant.

Mr. Sarno reviewed the letter and read it to state that paragraph 1 of the covenant supercedes paragraph 4 and that the purpose of paragraph 4 was to ensure that any future development would require subdivision approval.

Mr. Sarno stated that this issue related to the Schwartz family must be resolved in writing before pursuing the approval of the subdivision. Once this has been resolved the board will address the waivers requested by the applicant. The Board members are concerned about the waivers requested. If the applicant satisfies the covenant issue the board members will then have to address the waivers before going to the definitive stage. He does not want to waste board time with a plan that will not be approved. He asked that the issue with the Schwartz family be satisfied in writing before the next meeting. The Maglios should let Ms. Colwell know and she will inform the board. Then the board will schedule a time to discuss the preliminary plan. They could withdraw the existing plan without prejudice and come back with a new filing.

Mr. Moultrie stated that the Maglios could proceed at their own peril.

Atty. Kroner stated that they wanted to know if they can proceed with the plan and are not stopped by the covenant. This issue has been clarified.

Mr. Maglio stated that if they come back before the Board with an agreement from the Schwartz family would the Board then address the waivers requested and the engineering issues of the plan.

Mr. Sarno stated that they would have to have the Schwartz issue resolved by the August 15<sup>th</sup> meeting. At the August 15<sup>th</sup> meeting the board would then discuss the waivers.

Mr. Hopkins suggested writing to the Schwatz family asking them to attend the August meeting to ask them if they have any concerns about the covenant. They can express their concerns in writing or in person. Mr. Moultrie stated that if something is sent and they do not respond then he would feel comfortable in moving forward with the process.

Ms. Maglio asked if Mr. Graham would be at that meeting.

Board stated that they would ask Larry to attend the meeting.

Mr. Hopkins made a motion to send a letter to the Schwartz family return receipt asking them to attend the meeting or to put any concerns they may have in writing. Seconded by Mr. Moultrie. All in favor 4-0.

Continue discussion to August 15<sup>th</sup> at 9:00 p.m. in town hall.

Mr. Sarno stated that he would ask the Board members to make a determination on the waiver requests. He does not want the Maglios to proceed to definitive stage without the waiver issue being resolved.

Mr. Yavorski, 3 Belleau Woods, stated that the covenant was put in place for a reason to limit the development on that site. He stated that Town Counsel's letter stated that the plan must conform to the subdivision rules and regulations. Mr. Sarno stated that it is up to the Board to decide whether or not to grant a waiver.

Mr. Michaud, 5 Belleau Woods, stated that one of the waiver requests specifically relates to the covenant's restriction on the extension of the road.

Mr. Sarno stated that the Board did make a determination that paragraph number one supercedes paragraph number four in the covenant based upon town counsel's opinion. The board will not look at the covenant specifically going forward but will review the plan in light of the subdivision regulations.

Mr. Hopkins pointed out that the letter states that the covenant is a contract between the applicants and the Planning Board and may be amended by agreement of the parties.

Mr. Michaud stated that the covenant was specifically written to limit the further extension of the road.

Mr. Sarno stated that the plan does not state that no further subdivision of land period. The covenant does give the applicant to ability to come back before the Board.

Mr. Michaud stated that at the time the one lot was originally permitted that it was stated that there would be only one house. None of the neighbors objected to the one house, but may have been concerned about more houses at that time. Now there is going to be more than one house. The neighbors are concerned that there was originally one lot and they felt that there would be only one lot.

Mr. Yavorski reads the covenant as limiting the road to its current extent. If an additional lot could be fit in without extending the road then the he would not object.

Mr. Michaud stressed that the original intent was to have one home only. The neighborhood sat through many meetings where this one lot subdivision was discussed. The neighborhood did not object.

**Brock Way:**

Barry Enos, BME Engineering, presented the plan.

The wall design is complete and will be on the next set of drawings

Compensatory flood storage: Discussed this with Larry Graham and will design it. Will be excavating in the wetlands. Will have to go back to Conservation Commission. Will be putting structures in the wetland and therefore need to create compensatory flood storage. It has to be in the wetlands above the one hundred-year flood line. Larry says the Conservation Commission should not have an issue, as it is a needed item for drainage. No meetings have been scheduled with Conservation as of yet.

Construction easements will be required from the neighbors on both sides. Easements will most likely be granted from the abutters. Need twenty feet on each side to build walls for the roadway.

Box culvert with riprap at the end. Concern about the rate of water coming thorough the box culvert. Riprap may need to extend onto abutter's property. Will need to go back to Conservation.

Site distance has been measured and will be added to the plan.

P. 18 of Larry's report: there are no calculations provided to state that the project meets DEP standards. Mr. Graham states that even though the subdivision does not meet the DEP threshold it should meet these standards. Mr. Enos stated that he does not believe that he needs to meet this standard under state statute. He objects to having to go to a higher level of drainage when not required by the state. He will put in some of the required structures. Mr. Enos would like Mr. Graham to specify what additional information he needs. Mr. Enos stated that he might go to the Lane standard and build two lots if the costs of construction continue to rise.

Mr. Enos believes that the plan is approximately 95% complete at this time. He will bring a set of red lined plans to Larry Graham for review and would then have the final plans prepared. Requests to be on the September 12, 2001 meeting.

Motion made by Mr. Moultrie seconded by Mr. Johnson to extend time frame for the decision to September 22, 2001.

## **FORM A Plan**

Mr. Enos wants to deed a 9.662 SF strip of land that is used by the golf club to the club. No new lots are being created.

Mr. Hopkins made a motion to endorse the plan seconded by Mr. Johnson.

### **Abbey Road: (10:00 PM)**

Mr. Moultrie made a motion to notify the bank that the Planning Board would seize the bond, seconded by Mr. Johnson. All in favor 4-0.

Mr. Moultrie stated that he did not return a phone call due to his vacation schedule. An area that was seeded on the right hand side of the road between the sidewalk and the road did not have sufficient loam and was all weeds. The sidewalk is uneven. No documents have been received. Mr. Thomson has not shown up at the meeting.

Board discussed the need to have town counsel prepare easements and pursue easements for the sidewalks.

### **Littles Hill Phase III:**

Ms. Colwell reviewed Larry Graham's letter. The Board stated that a sign is to be posted at the entrance of Canterbury. Ms. Colwell to remind Larry and Craig Spear that the sign is to be posted. No construction vehicles are to use Canterbury.

### **Wilcox Property (Spofford Rd, Boxford):**

Robin Wilcox; Ed Stearns, Hayes Engineering; Mr. and Mrs. Jacobson were present to discuss the project. Ms. Wilcox asked whether or not the Board has jurisdiction.

Her lot fronts on Spofford Road in Boxford but the buildable land is in Georgetown. There is a fifty-foot access strip that was created about 16 years ago to make the lots. They left the parcel with the intent of having the fifty-foot strip be the access to the parcel of land. Now they are seeking a building permit. A shared driveway accesses the lot. A shared driveway agreement exists. The town of Boxford said that it would be acceptable to use the access strip for access however there are wetland issues therefore they are using the shared driveway.

They are before the Planning Board to find out if any approvals are needed. If the access is not adequate they may consider a one-lot subdivision. Even with a paper street they would still plan to use the common drive.

Mr. Moultrie pointed out that there is no frontage in Georgetown.

Question that "adequate frontage" definition says that the frontage needs to be on the official map. Her attorney says that unless frontage in another town is expressly prohibited frontage in another town can be utilized. Mr. Moultrie stated that the town has an official town map and this road is in Boxford and is not on the map.

Mr. Sarno stated that he doesn't remember any allusion to fifty feet of frontage being acceptable. He would not support any frontage waiver to that extent. What prohibits her from the one lot subdivision process? Is it the length of road?

Mr. Stearns stated that it would be difficult to get a road accepted in both Boxford and Georgetown. The lot would then get its frontage in Georgetown.

Mr. Moultrie discussed the issue of provision of services to the lot. Existing lots are serviced from Mass. Electric. One-lot subdivision may be the best way to go.

Ms. Wilcox is hoping to be on the September meeting for both the subdivision and common drive applications.

Mr. Moultrie stated that fifty feet would be needed for the one-lot subdivision.

Ms. Wilcox stated that they would use the common drive, not the proposed subdivision road.

Mr. Johnson asked where the easement is located.

Mr. Moultrie suggested that Boxford Planning Board and the Georgetown Planning Board be kept informed together.

### **Correspondence:**

Letter of resignation:

Mr. Johnson has submitted his letter of resignation as of September 1, 2001. In the past a notice has been put in the local newspaper soliciting interested parties. The position will be filled by a joint appointment of the selectmen and the planning board. Ms. Colwell will put notice in the paper. Mr. Johnson stated that he was interviewed before the Board of Selectmen to fill an un-expired term. Need to fill the alternate position as well.

Mr. Moultrie made a motion to accept the letter with regret and ask the board of selectmen and planning board to write a letter of commendation for his service to the town and contribution to board.

Mr. Hopkins seconded the motion. All in favor 4-0.

Georgetown Planning Board  
July 18, 2001

**Vouchers:**

Motion to approve vouchers.

Motion to adjourn at 11:00 p.m. made by Mr. Johnson seconded by Mr. Hopkins.  
All in favor 4-0.

Minutes transcribed by K. Colwell.

Minutes accepted as amended August 15, 2001.