

Minutes
GEORGETOWN PLANNING BOARD
Wednesday, June 10, 2009
7:00 p.m.

Present: Mr. Hugh Carter, Chairman; Mr. Tim Howard; Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp, Asst.

Absent: Mr. Chris Rich

Board Business 7:00 p.m.

Minutes – 2/25/09

Mr. LaCortiglia- Motion to accept the minutes of 2/25/09 as presented.

Ms. Evangelista - Second

All in favor? 3-0 (Absent –Mr. Rich and Mr. Howard)

Vouchers –

Mr. LaCortiglia- Motion to accept the vouchers totaling \$42,859.91 [includes Cash Bond for Deer Run].

Ms. Evangelista- Second

All in favor? 3-0; (Absent – Mr. Rich and Mr. Howard)

Correspondence -

Blueberry Lane construction review report

Mr. Cracknell- Dave Varga was at the site on Friday to meet with Fred Thompson. His intention is to complete the roadway this year and have the streets accepted in Spring 2010. There are some outstanding issues like with the catch basins. Dave Varga, construction engineer, has been out there twice. You have his first report. Things are moving forward. I am waiting for his next report on the catch basins and other outstanding issues.

34 Thurlow Street – OSRD amendment

Mr. Cracknell- The applicant has been to Con Com a couple of times now. There are 3 lots (2 new and 1 existing). They have taken the remaining open space and subdivided it across 3 lots. They want the town to take ownership of this common open space. They

presented a slight modification of the plan to the Con Com that still meets the 60% threshold. The ConCom agent had positive feedback. The applicant is headed back to ConCom to get approval and will come back here to modify the special permit.

Mr. Carter- Why did Con Cm want that land? Why was the applicant acquiesce to this request?

Mr. Cracknell- The town wanted a larger area of open space and have the possibility of future greenway connections. The applicant has no issues with it still being consistent with local regulations.

Mr. LaCortiglia- Now they won't have to create a HOA (Homeowner's Association).

Mr. Cracknell- They squared off the back of the 3 lots and they have been reduced in area to ½ acre lots.

Mr. Carter- Do we have to modify the decision?

Mr. Cracknell- Indicates that the applicant will be meeting with ConCom after tonight's meeting. He recommends that the Planning Board take a vote to support the applicant's minor amendment to the Special Permit in moving the lot line.

Mr. Howard – Gives motion in support of the applicant's minor amendment to the Special Permit.

Mr. LaCortiglia- Second

All in favor? 3-0; (Absent – Mr. Chris Rich)

GAA recreational fields proposal

Mr. Cracknell- John Pingree of the GAA submitted a letter to the Planning Board dated May 27, 2009 which is on file in the planning office. The letter is requesting that the Planning Board work the GAA to evaluate and amend the zoning bylaw to facilitate outdoor active recreational facilities within the bylaw so they can be permitted. He recommends that the Board amend the bylaw to at least know what you need to ask for a permit. The response from town counsel was that it would take 4-5 hours of their time to review the bylaw. They state the bylaw is unclear. The Board of Selectmen has invited the Town Planner and the Building Inspector to attend their meeting on June 29th to discuss how to move forward with the recommendation. Do we spend our time on how to change the bylaw and have Town counsel review that use for the zoning? The second level question is: How should these be permitted? A quick fix is to amend the definition and then go with the use table that is already there for outdoor amusement. I looked at other surrounding towns and they vary. Many require special permits. What is clear in the 5 towns is at least you know what you need to ask for.

Mr. John Pingree- Reads the bylaw, Sec. 165-21.D, regarding flood plain districts. He also reads the bylaw 165-44 regarding use regulations in a groundwater protection district. He states that this bylaw has similar language where it would not require a special permit. He suggests that the definition needs to be cleaned up. The neighborhood is going to argue that is detrimental to their neighborhood. The point is the fields have to go somewhere. The master plan calls for 50 acres and they could go anywhere. If it is a town field and it benefits the town, then it should go anywhere that we can find the space.

Mr. Cracknell- Important differences are: The constitution says a public school can go anywhere, not a private school. The same is true for religious facilities. Very few uses are given the blanket exemption in zoning because it is seen as a public good. Ordinances typically come from FEMA and the DEP. What is most important to understand in dealing with floodplain and water resource districts is they do provide exemptions for fields but not parking, concessions, tennis courts, structures, etc. We have to look at the entire package. I think it is a little tricky as we explore our zoning map and regulations. We may have to think about different permitting processes depending on the intensity of use. We need to evaluate our zoning map and our regulations.

Mr. Pingree- I would like to see it allowed as a matter of right and go through site plan review.

Mr. Cracknell- There is a choice of options and it is my recommendation that we change the definition and determine the best way to proceed.

Mr. Pingree- I am saying that this becomes a town project and becomes a municipal use and get the benefit of a permit by going through site plan review. This could be a land donation to the town.

Mr. LaCortiglia- There are a number of exemptions in the groundwater district. I think it should be a special permit granted by the ZBA.

Mr. Cracknell- The bylaw 165-8 says you need to go to the ZBA for a special permit. The code isn't clear on what you need. We owe it to the town and the GAA to clarify on what special permit is needed.

Mr. LaCortiglia- I think you have to look at the impact on the neighbors. As the community gets denser it gets more difficult.

Mr. Cracknell- I think it makes sense to continue the discussion and ask for a member or two from this board to meet with Mr. Pingree and myself. However, the bylaw doesn't tell you what type of permit is needed. I think that we all agree that the bylaw needs to be re-written.

Mr. Pingree- I think we need a new bylaw written. I don't want the Town in litigation.

Mr. LaCortiglia- My understanding is that the only ambiguity is that a segment of the bylaw is not clear regarding a town-based project. Couldn't we change that by amending the definition of outdoor amusement to include municipally owned projects? If you did so, that clarification would require a special permit in the districts that it is in.

Mr. Cracknell- Our obligation is that we need to write a bylaw in which the definition clarifies the use or we have to clarify that the ZBA has to issue a variance, special permit or Section 6 finding when a use is not listed in the bylaw.

Mr. Carter- I agree with Harry that you have to look at the impact to the neighborhood and a special permit is the right way to go.

Mr. Howard- The residents could potentially be impacted. John Pingree is right that we need to decide where we allow it and agree on the process and have it be defined as a special permit process. This is a Town Meeting decision.

Mr. LaCortiglia- There are industrial parcels where the use would not impact people. The CPC over the last 4 or 5 years has come up with a way to obtain 40 acres and not affect the tax base. Proposed parcels are currently undevelopable and accessed through industrial areas. This is off of Martel Way. I think we could negotiate with the landowner with the help of the GAA. The CPC is locked into a dollar amount with the landowner.

Mr. Pingree- I think the people have to decide at town meeting. If we could have that vote at Town meeting then we would be okay with that. I just want it clarified for GAA whether it is special permit or site plan review through the Planning Board.

Mr. Cracknell- I want to continue the conversation.

Mr. Howard- At a quick glance, the neighboring towns are all doing different things.

Mr. Cracknell- I think we need to look at our site plan review and make sure we are covered. We can't over simplify this.

Mr. Howard- I think the ZBA should have a large say in this.

Mr. Cracknell- I think I need to meet with someone from GAA, ZBA and Planning and be prepared to go before the Board of Selectmen with our conclusion. The town is already committed to recreational fields. This is a community-wide issue and the code is not clear. The market place does not know what to ask for.

Mr. LaCortiglia- We can reduce it from two possible appeals to one.

Mr. Cracknell- Who wants to meet with me next week?

Mr. Pingree- I am available and I will get someone from the ZBA to also attend the meeting.

**Other Business –
Chaplin Hills - sitewalk update**

Pillsbury Lane/ Tolman ANR

Mr. LaCortiglia- The applicant is dividing an existing lot into unbuildable parcels. Parcel Z is being taken by the Town. Parcel 1 will be retained by Mr. Tolman, owner.

Mr. LaCortiglia- Move to endorse the plan of land in Georgetown stamped by Peter Ogren dated 5/27/09. {Pillsbury Lane ANR Plan }

Mr. Howard - Second

All in favor? 4-0; Unam

Little's Hill – sitewalk update (re-scheduled)

Cont. Public Hearing(s): Pondview Estates

Mr. Carter- Opens the Public hearing and reads the Public Hearing notice. Plans are on file in the planning office.

Mr. Cracknell- Gives brief summary of history of this 7-lot definitive subdivision plan. He states receipt of letters dated June 9th from HL Graham and June 8th from the Con Com agent which are on file in the Planning Office.

Mr. Cracknell- This was a project that was first brought before us in June of last year. It makes sense that you re-present the plans and there were adjustments to the drainage. Larry said the applicant did not address any of the 36 comments that were in the original memo from last fall. This Public Hearing was re-posted for June 10, 2009 for the benefit of the abutters since so much time has lapsed on this project.

Mr. Carter reads the 6/8/09 ConCom memo stating that Lot 1 is unbuildable to the applicant and attendees as well as the 6/9/09 technical review memo from Larry Graham,

technical review agent. Mr. Graham's letter states that none of the 36 comments have been addressed by Mr. Green's engineer.

Mr. Scott Green- States that his engineer never received the original review of the 36 comments stated in Larry Graham's July report of 2008.

Mr. Cracknell- Requests that the applicant meet with he and Larry Graham on Monday.

Mr. Howard- Motion to continue Public Hearing to 6/24/09.

Mr. LaCortiglia- Second

All in favor? 4-0; Unam (Mr.Rich absent)

Robert O'Malley, President of Georgetown Fish & Game Assoc.- Please suggest to the applicant that the developer requests that the fish and game are contacted at the sale of a lot. It must be recorded as such on the plans. The Board and applicant agree with this request.

Subdivision Regulations – Fees and Forms

Mr. Carter- Re-opens the Public Hearing for Subdivision Regulations- Fees and Forms.

Mr. LaCortiglia- The fee structure has been changed to be more reflective of what the fees are in today's market.

Mr. Cracknell- The new fees are closer to the real costs of where we are today. I reviewed the fee structures in the other towns to come up with these numbers.

Mr. Carter- Did you look at the projects we have done in the past and make a comparison to where we are today?

Mr. Cracknell- There is still a lot of development in the towns we looked at and these towns need to recoup those costs.

Mr. LaCortiglia- We have to make some technical changes.

Mr. Cracknell- We will have a new Public Hearing discussing forms in the next 3-4 months.

Mr. LaCortiglia- Move to adopt the fee changes dated 6/9/09 with changes noted at Planning Board meeting on 6/10/09.

Mr. Howard- Second

All in favor? 4-0; Unam (Mr.Rich absent)

Mr. LaCortiglia- Move to close the Public Hearing for subdivision amendments.
Mr. Howard- Second
All in favor? 4-0; Unam

Update on discussion with the Affordable Housing Taskforce (Mr.Cracknell is not present)

Mr. LaCortiglia- In Mr.Cracknell's absence, the Town Planner wanted to let the Board know that he and Ted Kottcamp, Chair, of the EDC presented their strategy regarding 40R. The Affordable Housing Taskforce also had a discussion about the Declaration of Trust and the wording of the trust. They had sent in their comments for proposed changes to the Board of Selectmen. I would like to invite them [AHT] to attend a Planning Board meeting. The Selectmen will have to decide what is in the best interest of the town and who will be on the Board of the Trust.

Ms. Evangelista- It is a good idea to have that checks and balances included in the process.

Mr. Howard- The Board of Selectmen should still be the overseers. The town administrator can not be on the board.

Mr. LaCortiglia- Decides to write a memo to the Board of Selectmen stating that the Planning Board should not be part of the selection process. All other board members agree.

Mr. LaCortiglia- Motions to open nominations for Planning Board officers.
Mr. Howard- Second
All in favor? 4-0; Unam
(Chris Rich absent)

Mr. Howard- Nominates Hugh Carter for Chairman. Vote is unanimous.
Mr. LaCortiglia- Aye
Ms. Evangelista- Aye
(Mr. Rich absent)

Mr. LaCortiglia- Nominates Tillie Evangelista for Clerk. Vote is unanimous.
Mr. Howard- Aye
Mr. Carter- Aye
(Mr. Rich absent)

Mr. Howard- Nominates Harry LaCortiglia for Vice Chairman. Vote is unanimous.

Ms. Evangelista- Aye

Mr. Carter- Aye

(Mr. Rich absent)

Mr. LaCortiglia- Motion to close nominations and elections.

All in favor? 4-0; Unam

(Mr. Rich absent)

Mr. Howard- Motion to adjourn

Mr. LaCortiglia- Second

All in favor? 4-0; Unam (Mr. Rich absent)