



## Town of Georgetown

## MINUTES

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Committee: Planning Board

Date: November 10, 2021

Time: 7:00 pm.

Location: Virtual Meeting via Zoom

Members present: Harry LaCortiglia, Bruce Fried, Bob Watts, Joanne Laut, George Comiskey.

Staff present: Town Planner, John Cashell.

Minutes transcribed by A. Thibault. Note: Video recordings of all Georgetown Planning Board meetings may be found at [www.georgetownma.gov](http://www.georgetownma.gov) and by choosing the Community TV option.

The Meeting was called to order at 7:04 by Harry LaCortiglia.

### **Minutes:**

B. Watts: Motion to accept the draft meeting minutes for October 27, 2021 as cited in our packets and on this meeting's agenda.

J. Laut: Second.

G. Comiskey: Second.

Motion carries 5-0; via roll call vote.

### **Vouchers:**

B. Watts: I move to authorize the release of escrow funds for account 8000-258156 Tolman/Pingree Road; and to sign Certificate of Vote authorizing the account closure and release of the remaining escrow balance of \$342.95 as cited in our packets and on this meeting's agenda.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

B. Watts: I move to approve the voucher payable to James N. Tolman that represents the closure of account 8000-258156 Tolman/Pingree Road for \$342.95; as cited in our packets and on this meeting's agenda.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

### **Planning Office:**

1. TINC: 68 Tenney St. Request to extend temporary occupancy permit.

*{Planning Board, Town Planner and applicant discuss temporary occupancy permit extension.}*

H. LaCortiglia: How long will you need this extended to?

47  
48 Matt Melanger, applicant: Whatever is comfortable for the Board. We are just waiting for Dave  
49 Varga's final sign off.

50  
51 H. LaCortiglia: I'll accept a motion to extend the temporary occupancy permit for TINC; 68  
52 Tenney Street through December 15, 2021.

53 J. Laut: So moved.

54 B. Watts: Second.

55 Motion carries 5-0; via roll call vote.  
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58 2. CVS Plaza.  
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60 J. Cashell: The \$157,200 in lieu of payment, the town is in receipt of. The GAHT has deposited it.  
61 Dave Varga is working on the final report and does not yet have the as-built plans. The Conservation  
62 Commission recently signed off on their Enforcement Order. There are unresolved landscaping  
63 issues outstanding. The rain gardens are not working that the applicant has filled in. That area of rear  
64 parking lot doesn't have the capacity to absorb rain water.  
65

66 H. LaCortiglia: I did look at the bio-pond, it seemed to be dry. Generally speaking, it looked pretty  
67 much finished. The dumpsters are not in the approved dumpster closure. They are taking up parking  
68 spots.  
69

70 Jay Leone, for the applicant: Requests to present.  
71

72 H. LaCortiglia: Please send this presentation to the Planning Office.  
73

74 Jay Leone, for the applicant: Reviews photos, swale and 3 rain garden photos. We filled it with 18" of  
75 crushed stone and sand. The water will be absorbed into the rain garden.  
76

77 J. Cashell: Woodchips tend to float.  
78

79 Jay Leone: Under the wood chips is crushed stone and sand. During an extreme rain event, the water  
80 will bubble up and float the chips. They could spill out onto the pavement and toward the street. We  
81 are hoping it works as it should.  
82

83 H. LaCortiglia: Are you still under an Enforcement Order with the Conservation Commission?  
84

85 Jay Leone: I am not sure. I did email Steve but I have no response.  
86

87 Jay Leone: Downspouts are to be connected to the new rain garden. That still needs to be completed  
88 and that work is scheduled in the next few weeks. Dave Varga will have the as-built plans by Monday.  
89 As far as the dumpsters, I will call the company tomorrow to have them moved to the proper place.  
90

91 J. Cashell: I believe the Enforcement Order is squared away. I will check on that in the morning.  
92 One issue regarding the temporary occupancy permit.  
93

We don't have anything from Dave Varga regarding surety. I have given you my best estimate, but we don't have Dave's final report yet. He may have some outstanding issues that we don't know about yet.

There were several runoff and erosion issues early spring. The steep slope behind the leech field did not erode. Standard operation procedure is hearing from our review engineer. We are not there yet.

H. LaCortiglia: What does the December 8<sup>th</sup> agenda look like?

J. Cashell: We have scheduled the final order of business for Pingree Rd. I have an inclination that 2 Norino Way may not be ready. Larry's review is quite extensive.

H. LaCortiglia: Given that we haven't heard from Dave Varga, perhaps we can review this December 8<sup>th</sup>? At that time, we will have good surety numbers from our engineer.

G. Comiskey: Steve doesn't sign off on Enforcement Orders. The Conservation Commission does. Jay, you might want to get onto their agenda. 65 Central Street was not on their October agenda.

Harry, my personal concern with the Enforcement Order is that it may impact the design. Also, we don't have a formal surety estimate. I think it's best to wait until December 8<sup>th</sup> to review this.

J. Cashell: The as-built plans have not been delivered by the applicant to Dave Varga. We don't have an as-built review and we don't have a surety amount by our inspection engineer.

G. Comiskey: What would happen if we granted a 30-day?

J. Cashell: That could work.

G. Comiskey: I move that we grant a temporary occupancy permit for 65 Central Street through December 15, 2021.

No second.

H. LaCortiglia: Is there a motion to review this December 8<sup>th</sup>?

J. Cashell: It would be a full occupancy permit but, in all likelihood, it will need a surety.

B. Watts: Motion to table further discussion on this temporary occupancy permit until our next meeting on December 8, 2021.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

### 3. Peer Review.

J. Cashell: Mike Farrell says we need an RFP. I talked to BSC Group and they will respond to RFP. I will have a sample RFP for next meeting, this is not a pressing issue.

142  
143 4. 494 North Street.

144 J. Ogden: I am the manager of Oak Valley Development. A year ago, the Special Permit Definitive  
145 Subdivision for 494 North St. was approved. We set upon complying with the terms. There are  
146 questions regarding the HOA. We submitted those issues to town attorney Jon Eichman in  
147 September. We are requesting changes to the language and removing term HOA for the decision.

148  
149 H. LaCortiglia: Are you asking for the Board to modify the decision that was already recorded, taking  
150 out all references to HOA?

151  
152 J. Ogden. Yes.

153  
154 *{Planning Board, Town Planner and applicant discuss requested edits to the Notice of Decision.}*

155  
156 G. Comiskey: As I remember, I think the drainage went north on North Street. I don't see this as a  
157 problem. Are you planning on putting a deed restriction in the rider?

158  
159 J. Ogden: Yes. The condo association wants to do their own maintenance and not mingle with  
160 individual homeowner and vice-versa. Reads Jon Eichman's email.

161  
162 G. Comiskey: Can we get a copy of that?

163  
164 H. LaCortiglia: Yes, please forward to the Planning Board. It looks as though there are several places  
165 in the approved recorded decision. It seems like this is the same intent as the words HOA.

166  
167 J. Cashell: This is a work-in-progress type of issue that just came up late last week.

168  
169 *{Planning Board, Town Planner and applicant discuss potential solutions.}*

170  
171 G. Comiskey: I could not find a Covenant. I could see that the plan and approval was recorded, but  
172 not the Covenant.

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174 H. LaCortiglia: Let's circle back to this matter at a future meeting.

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178 **Executive Session**

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181 H. LaCortiglia: This is a vote of the Board to enter into Executive Session for the purposes of  
182 discussing strategy concerning the pending litigation: Land Court 21 MISC 000513 where discussion  
183 in open meeting may have a detrimental effect on the litigating position of the Board, with notice that  
184 the Board will not be returning to Public Session.

185  
186 So moved. B. Fried.

187 B. Watts: Second.

188 Motion carries 5-0; via roll call vote.

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191 Meeting adjourned at 8:56pm.