



Town of Georgetown

MINUTES

1
2
3
4 Committee: Planning Board
5 Date: January 11, 2023
6 Time: 7:00 pm.
7 Location: Virtual Meeting via Zoom
8
9

10 Members present: Harry LaCortiglia, Bruce Fried, Bob Watts, Joanne Laut, George Comiskey.
11 Staff present: Town Planner, John Cashell.
12 Staff absent: Administrative Assistant, Andrea Thibault.
13

14 Minutes transcribed by A. Thibault. Note: Video recordings of all Georgetown Planning Board
15 meetings may be found at www.georgetownma.gov and by choosing the Community TV option.
16

17 The Meeting was called to order at 7:00pm by Harry LaCortiglia.
18
19

Minutes:

20
21
22 B. Watts: I move to approve the draft meeting minutes from December 14, 2022 meeting as
23 stated in our packets and on this meeting's agenda.
24 J. Laut: Second.
25

26 Motion carries 5-0; via roll call vote.
27

Vouchers:

28
29
30 B. Watts: I move to approve the vouchers for BMO/Bank of Montreal Zoom for December
31 \$14.99; Tech Environmental for 2 Norino Way \$6,672.50; H.L Graham technical review for
32 G. Mello Disposal \$\$1,965.00; Town Common legal ad for Public Hearing Note 7 Intensity of
33 Use schedule \$198.00; Town Common legal ad for Stormwater and Erosion Control \$198.00.
34 J. Laut: Second.
35

36 Motion carries 5-0; via roll call vote.
37
38

39 B. Watts: I move to approve the voucher for the closed escrow account Dunbar Tavern 8000-
40 258134 for \$2,380.18; as cited in our packets and on this week's agenda.
41 J. Laut: Second.
42

43 Motion carries 5-0; via roll call vote.
44
45
46

Public Hearing: Proposed zoning amendment to amend Note 7.

H. LaCortiglia: This is a proposal to amend our zoning bylaw intensity of use schedule. This schedule refers to Note 7. This note refers to landscape requirements of 40% in the front yard. In many cases, this is geometrically not possible. This is what we are amending tonight.

J. Cashell: The Planning Board controls landscaping in every site plan, whether it is the front, side or rear. What would remain in place that 40% of landscaping would remain. We are not changing that; we are trying to be more realistic with the lots going forward. With each site that is being proposed, the Board has jurisdiction on where to designate landscaping.

H. LaCortiglia: We will be recommending this as a warrant article for upcoming Town Meeting in May. Is there anyone in the audience that has any comments? I'll call the public comment again. No comments. I will call it for a third time. No comments.

We can simply take the Note 7 and delete the words "required in front yard." Or, we can try to come up with some wording to clarify what was intended.

My feeling is that historically, the intention of Note 7 is that we wanted to encourage landscaping in the front yard. It is imperfect and not working as written right now.

The wording I came up with "a minimum of 15 feet depth from the frontage shall be landscaped with the exception of the parcel access and access sightlines".

J. Cashell: I think your proposed wording is a good alternative instead of just deleting Note 7.

{Planning Board and Town Planner discuss history of this landscape frontage zoning; protection of small-town character; limits of site plan review; intention of original note was to hide the buildings for aesthetic value.}

G. Comiskey: I think your wording Harry is a good compromise.

B. Watts: I like your wording, Harry.

J. Laut: I like your suggestion also Harry, how it is worded.

J. Cashell: This will create landscape appeal right off the roadway with at least a 15-foot depth.

G. Comiskey: I move to forward favorable report to the Board of Selectmen on the proposed zoning bylaw amendment to Note #7; which presently reads "required in front yard" and replace with "a minimum of 15 feet depth from the frontage shall be landscaped with the exception of the parcel access and access sightlines"; relative to references of this note in the intensity of use schedule for the CB, CC, IA and IB zoning districts.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

95
96 H. LaCortiglia: John, please forward that to the Board of Selectmen.
97
98

99 **Planning Office:**

100
101 **1. Review draft approval for G. Mello subdivision 20 Carleton Drive.**
102

103 J. Cashell: For this evening and in accordance with the Board action on December 14, I put together a
104 draft decision for the Board to consider tonight. It is in the staff report.
105

106 There is also a covenant agreement. I was able to go over this with the applicant's attorney as far as
107 the conditions are concerned. Any other amendment language that is proposed this evening by
108 members, we will also include. This is a draft.
109

110 Nancy McCann, attorney for the applicant: With regard to the expiration, it is three years from the
111 date of endorsement of the definitive subdivision plan.
112

113 Once you have finalized the decision that you are discussing tonight, it gets filed with the town clerk
114 to begin the 20-day appeal period. At the end of 20-days we come back for the physical endorsement
115 of the mylars. That is the time period where the three-years would commence.
116

117 G. Comiskey: With a tri-parte agreement, is that something that Town Counsel has to look at it?
118

119 J. Cashell: Yes, the surety document would receive Town Counsel review.
120

121 H. LaCortiglia: Do any of the Board members have any comments? No?
122

123 I do have two small changes. It has to do with the recordation of the sheets being recorded.
124 Essentially, the issue I have is that I would like to add sheets 9 and 10 also to the recording.
125

126 *{Planning Board agrees to add sheets 9 and 10 to recording of plans.}*
127

128 N. McCann: It has become less common to record all of the sheets, there is a significant cost. The
129 fact that you don't record it doesn't mean that those sheets are not part of the plan. It doesn't
130 eliminate the need for the applicant or the developer to comply with them.
131

132 H. LaCortiglia: Duly noted. There are two places that the change needs to be made - in the draft
133 motion (when it is made) and in page 3 of the decision.
134

135 J. Cashell: That is correct.
136

137 Any other comments or questions from the Board?
138

139 G. Comiskey: I move to approve the Notice of Decision Certificate and Approval Decision,
140 together with the Definitive Subdivision Plan of Land 20 Carleton Drive (Assessor's Map 15
141 Lot 46) prepared by the Morin-Cameron Group Inc, Georgetown MA dated 6 JAN 2022 and
142 revised thru 1 DEC 2022; and consisting of sheets 1-10; further sheets 1, 2, 5, 6, 7, 8, 9, and 10

of said approved plans shall be recorded in the Essex County Registry of Deeds together with an executed copy of the Covenant and Certificate of Vote and Definitive Subdivision Plan Approval with Conditions Decision along with the amendments cited at this meeting January 11, 2023.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

2. Update on 66 Parish Road Surety.

J. Cashell: The surety amount has been established as \$337,310.60 as recommended by David Varga.

We finally received back from Town Counsel amendment language finalizing the tri-parte agreement. Also, Town Counsel and Assistant Town Counsel has recommended a model rule for the Board adopt.

{Planning Board and Town Planner discusses Town Counsel model rule recommendation regarding Planning Board establishment of surety accounts moving forward.}

H. LaCortiglia; Perhaps implementing Rule 59 and 1/2 is something that the Board may want to look at in the future. It does look promising.

J. Cashell: I will put that on for our next agenda for discussion purposes.

J. Colantoni: Very exciting the company finished the guardrails on the culvert/bridge. It passed inspection. We were in front of the Select Board last night in Newbury, and they zeroed out our tri-parte agreement. The bridge was opened today.

At the last meeting it was brought up some things that seem to be missing on the Master Deed. My attorney came up with this language for amended Master Deed for your review.

J. Cashell: I have to point out that there will probably be multiple amendments to the Master Deed.

G. Comiskey: The exhibits are going to have our decision. That to me is the most important thing.

H. LaCortiglia: This will be reviewed by Town Counsel.

G. Comiskey: Either one or two properties have sold? Did you say that people are living there?

J. Colantoni: One family is living there, we have another executed P&S.

H. LaCortiglia: How was an occupancy permit issued prior to the open space deed going to the Conservation Commission?

G. Comiskey: Our decision states prior to occupancy a completed Master Deed needs to be done. How will the future residents know about their responsibilities for the site?

J. Cashell: The surety is in place and the access is safe. The occupancy permit has to do with the building is safe and accessible by police and fire.

H. LaCortiglia: So, the Planning Board decision essentially said that occupancy permits were not to be issued until certain conditions were met. I don't believe that those conditions have been achieved yet.

One condition was that a deed would be offered to the Conservation Commission prior to the first occupancy permit.

J. Colantoni: The Conservation Commission does not want the deed. They want it later down the line. We were willing to meet that condition. It was discussed with this Board two or three meetings ago. We discussed that we needed an occupancy permit or we would lose the buyer who would lose the rate.

We committed and our bank committed to the tri-partite agreement and surety amount.

J. Cashell: The applicant has offered the deed for the open space. They are working out the actual details so that Conservation Commission will accept it. The actual giving of the open space parcel is being worked on.

The Conservation Commission standard procedure is to wait until the development is completed in its entirety. Maybe the Board of Selectmen would be the interim body to accept this deed on behalf of the Town.

H. LaCortiglia: I think everyone is worked up about what should and ought to happen prior to occupancy permit. There is no signed surety. The deed should be proffered. I am going to cry foul here.

{Planning Board, Town Planner and Applicant discuss first occupancy permit; requirements of Notice of Decision; conditions not followed in decision.}

3. Surety Reduction Request for 51 W. Main Street.

G. Comiskey: Motion to table the surety request.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

Motion to adjourn: B. Fried.

Second: J. Laut.

239 Motion carries 5-0; via roll call vote.
240
241

242 Meeting adjourned at 8:23 pm.