



## Town of Georgetown

## MINUTES

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3 Committee: Planning Board

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5 Date: April 14, 2015

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7 Time: 7:00pm.

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9 Location: Georgetown Town Hall, 3rd floor conference room

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11 Members and Staff present: Rob Hoover, Tillie Evangelista, Tim Howard, Bob Watts, Howard Snyder.

12 Minutes taken by Andrea Thibault

13

14 Members absent: Harry LaCortiglia

15

16 The Meeting was called to order at 7:11pm.

17

18 **Public Hearing:** Selectman's Warrant Item Article 33: Intensity of Use Schedule.

19

20 R. Hoover: Before we open up the Public Hearing for Warrant Article 33 we will have the Selectmen's  
21 representative present it. Then we will go into public for feedback for those who are in support of, and  
22 those are not in support of.

23

24 H. Snyder: I have available tonight the Zoning Map of Town of Georgetown. Copies of the information  
25 are also provided in the planning packet.

26

27 R. Hoover: I would like to open up the Public Hearing for Article 33.

28

29 B. Watts: Motion to open the public hearing for Article 33.

30

31 T. Evangelista: Second.

32

33 Motion carries 3-0 unanimously.

34

35 H. Snyder: Reads Public Hearing Notices.

36

37 Phil. Trapini: I am not representing the Board of Selectmen. I am taking this position as a Board of  
38 Selectmen member and a Historical Commission member. It was stated that the existing bylaws that are  
39 on the books today are too prohibitive to consider an application for what an owner like this might be  
40 looking for. The Board of Selectmen voted to allow this to go onto the Warrant. We wanted to make sure  
41 that it got through the proper due diligence at this public hearing. There is no one on the Board that  
42 necessarily supports the Warrant as written. Originally it was submitted as a citizen's petition. Because of  
43 a number of factors, including the timing, and the fact that this is a zoning change that would affect more  
44 than just the owners of this property, the Board of Selectmen agreed to have it considered. I have no

45 position. The Board of Selectmen does not fully understand the impact of this bylaw change, intended or  
46 not intended.

47  
48 R. Hoover: Now we will hear first from those in favor. If you could introduce yourself for the public record.  
49 Whoever would like to speak, please come on up.

50  
51 Ed. DeJardines: Historical commission and historical society. First I would like to give a plug for Alan for at  
52 least preserving the building at this state. We had debated in the historical commission whether or not it  
53 would be torn down for many years

54  
55 This effects the historic district, we are trying to get two historic districts defined--one on Elm Street, the  
56 oldest street in town. And one smack in the center in town. This historical property has been saved, or at  
57 least not demolished at this point. We have a demolition delay for in effect 6 months – the clock is now  
58 running. I am hoping that between the Planning Board and Board of Appeals, something can come out of  
59 that, if there is some way that we do not open the floodgates to other potential problems. Whether it is a  
60 40B type thing or a special permit. We would love to see it saved. We certainly want to preserve it. We  
61 want the building to survive and be an important part of the town's history.

62  
63 R. Hoover: Anyone else in favor?

64  
65 Gary Fowler: I would be leaning in favor at this moment. The way it is presented to me is that the Zoning  
66 Board of Appeals hands are tied because of these footnotes. I don't know whether that is true or not. But  
67 we don't want to open the floodgates. That is one question I would like to see answered, whether their  
68 hands are tied. I would tend to be leaning in favor.

69  
70 David Surface: I chaired that meeting and have remorse about putting it on the Warrant. We want to see  
71 that property be successful but I have deep concerns about what the effect could be to the entire town.  
72 In the interest in making things good for one property, we could have a conundrum on our hands. What is  
73 the impact to the town? What is the impact of that town wide? It was either this or a citizen's petition.  
74 From a control perspective, we really did not have much control. I am with Gary on this, I am on the  
75 fence. I want to understand the impact. I want to hear from the experts in town, water experts, building  
76 experts. This is out of our league in a way, and this is getting really specific. I want to know what this is  
77 going to do town wide. I know what it may do for one property, and that is all well and good. But for the  
78 benefit of the town, we might want to find another solution such as a friendly 40B? Maybe because this is  
79 so new, that wasn't brought as a solution that night. That's where I stand; I am neutral leaning toward no.

80  
81 Paul Nelson: Member of Affordable Housing Trust and the Task Force. I would lean towards it. Without  
82 changes to the RA it is hard for the town to go anywhere, really. In the 25 years have been here, it has  
83 gone nowhere. What really bothers me is that it is a kind of draconian way of making it happen. There  
84 are a lot of unintended consequences we will probably run into. It even goes into the RB and RC and even  
85 goes into the commercial. It seems like a good solution, it needs some sophistication.

86  
87 P. Trapini: I am looking for a reason why I wouldn't be supporting this. I am not looking for spot zoning.  
88 Based on some discussions with other folks who have properties like this, it could be beneficial for the  
89 town. I am personally not in favor of a change for one particular property owner unless there is a huge  
90 benefit to the town, and I don't see that here.

91

92 R. Hoover: I hear over and over what are the other ramifications of this, other than to this one particular  
93 property.

94

95 Alan Aulson: 35-40 years ago we came to Georgetown. I put this down as a zoning for the whole town.  
96 This bylaw has history to it. We didn't try to spot zone or RA zone. I obviously have an interest. We sit  
97 here and don't know the answer. I would like to hear that answer. The special permit has to have a  
98 variance. I think it's a bad piece of material. There are no floodgates because you have the ZBA and the  
99 Planning Board to approve special permits. Control is there. It gets vetted. The ZBA says 10 units are too  
100 congested. It doesn't take an awful lot for the ZBA to say no. I am in favor of this. That is why I put it  
101 forward. I am told by the ZBA it can't even have two apartments put in there.

102

103 R. Hoover: Now we will hear from those opposed.

104

105 George Kaminski: I am also with Parker River Clean Water Association. One of the Selectman reached out  
106 to ask me what would be the watershed impacts. That would be a hard question. All I could go on was  
107 the master plan build out analysis. Build out was estimated at 11, 700 people on current zoning in 2007  
108 when the master plan was done. The audience doesn't really understand what these footnotes mean.  
109 How does it affect water supply, waste water, these are things that usually take time to study. From an  
110 environmental impact, we are conservative. I would like to see it spot zoned or an individual 40B. I am  
111 concerned about our water supply. Master plans calls for sewer system. Perley and High School share  
112 leech field. Where are we going to put the septic downtown? Traffic and parking? That was supposed to  
113 be addressed after it lost by 2 votes.

114

115 P. Trapini: No one on the Board of Selectmen said let's get this passed, and then see what happens. As a  
116 historic commission member and I am on the Affordable Housing Trust. It would be great to see more 1  
117 bedroom units as well.

118 D. Surface: I support that. It was procedural. It was either a citizen's petition or this. I apologize if that  
119 came across as let's get this passed.

120

121 E. Dejardines: When you are through with any input here from the audience, I would like to hear the  
122 Planning Board give us the advantages, and give us the disadvantages of each so we can weigh.

123

124 R. Hoover: I can't speak for any other board members. I know where I am with this. It may or may not  
125 give you the answer you are looking for.

126

127 Paul Shilhan: From ZBA. I am certainly not representing the whole board here. Everyone else was tied up  
128 with other things. We were surprised that this is yet another way that you can change laws in this town.  
129 For example the Affordable Housing took several years for them to change a wording on a little bylaw.  
130 If there is any way for this to happen in this particular property it cannot happen in the time period they  
131 are asking. There is no way that we can measure the impact of changing bylaws summarily and wondering  
132 what the impact is later. It is ok to look at it. No one in town wants to see it fall apart. What Alan has  
133 done is great; he has bought us some time. It will stay around for a little while we sort this out. As one  
134 individual, I am not sure that 10 units are appropriate. The board and neighbors felt that was overkill and  
135 too high an impact on that part of town. There are other possibilities, two units, and maybe three units.  
136 We had to grant him a variance on that. I don't recall the particulars of that meeting and that case,  
137 whether we did allow three units. Clearly, a lot of homework needs to be done by everyone. The  
138 Planning Board is going to make a recommendation back to Selectmen on whether it should go to town

139 meeting? Could someone be clear about what is happening here? At that point, the Board of Selectmen  
140 is presenting at town meeting? Is that what is happening?

141

142 R. Hoover: This Board will vote whether or not to recommend to Board of Selectmen whether or not to  
143 put the Article on the Warrant. We are making a recommendation to the Board of Selectmen.

144

145 P. Trapini: It is on the Warrant. The question is whether we will support it or not based on your  
146 recommendation. Our challenge is timing.

147

148 P. Shilhan: Well again, these things take time. I do love the building; I understand what Alan is trying to  
149 do. It can be a fantastic project, or it can be a terrible project. In the Zoning Board, we think something  
150 is going to happen, we grant the permit, and then something else entirely happens. By then we have lost  
151 control of the situation. I hope at Town Meeting this does not become the Hatfield's and McCoy's. I  
152 would be happy to do due diligence on this and really sort through all the issues. We certainly want to  
153 save the building, but we should not feel there is a gun to our head, like there is some time limit and the  
154 town needs to save one building. It is not the way you should do planning.

155

156 A.Aulson: Is the Zoning Board hamstrung by the current bylaws? We were instructed to come back later;  
157 it was case law, a sea wall case law. It was case law that would allow for a variance here. We were  
158 instructed to find better case law. We were told we can't get a variance because of the 10,000 sq. foot  
159 thing, and that it the question that keeps being asked here by many people tonight. And I don't think  
160 anyone has gotten an answer. That is what we are dealing with---those 10,000 sq. feet. I am not trying to  
161 open a floodgate, or cause unintended consequences.

162

163 Frank Puopalo: This should be about the change – the effect this is going to have on the town. I was on  
164 the Zoning Board for five years. The issues here are two fold. Currently in the RA district, a multifamily is  
165 up to 3 units, or an apartment house up to four units. This is allowed with a special permit. However, you  
166 have to meet density controls. Those are spelled out; those are what are in the footnotes. In the RA you  
167 have to have 10,000. For every unit you want to put on you have to have 10,000 sq. feet. Do you have  
168 10,000 sq. feet?

169

170 A.Aulson: No, ¼ acre.

171

172 F. Puopalo: For every unit you want to put on, you have to put on 10,000 sq. feet. The downtown is very  
173 wet. The Bank has a lot of water. It's not an issue with the use; it's an issue with the density. I am not an  
174 engineer. This could change things drastically for a lot of different areas downtown. I think that maybe  
175 10,000 isn't the right number, but that takes a lot of consideration, and study. Pushing this through in 3  
176 weeks, this is putting the cart in front of the horse.

177

178 R. Hoover: Is there anyone else who hasn't spoken yet?

179

180 G. Fowler: Is the intention of the bylaw to control density because of the water tables? Or is that more  
181 controlled by the BOH, and what can pass?

182

183 F. Puopalo: BOH controls septic system, size of system, looks at one unit, yes it's satisfactory. Zoning does  
184 the whole district. Special permits, is a pretty low bar. Can be appealed to Superior court and are  
185 regularly overturned because they are somewhat loose. Variances are tough to overcome and based on  
186 set criteria.

187  
188 G. Comisky: To further clarify on what Gary is asking. BOH is looking at nutrients. Mounding analysis,  
189 someone on a small lot so that you won't affect the basement of the abutter. It's limited.  
190  
191 R. Hoover: In the end, BOH tells how large a septic can you put, and that really drives the number of units.  
192 That's where that goes. Anyone else?  
193 Traditionally I would hold back and not say anything. This time I am going to say something first and then  
194 let the rest of the Board speak. The idea is an interesting idea, I have no idea whether it's a good idea or  
195 not. For 33 years, the work that I do is based on bylaws. A bylaw like this is a lot more complicated than it  
196 appears on the surface. In terms of hang your hat for why not to support this; I haven't had the time to  
197 study it. It's not due diligence. It is not good practice, it could very well be a good idea, but it needs more  
198 time and more discussion. I was surprised to see it show up at the last minute, last week we got it.  
199  
200 T. Evangelista: I feel along the same lines. It does need more study. The citizen petition came in first,  
201 and the Selectmen latched on to it. It sounds like they need a lot of training and what the zoning is all  
202 about. I have never seen anything, and we have done a lot of studies, nothing since 1971 have I seen  
203 come through the pike through us that would have such a severe impact for everyone in town. Everyone  
204 in town could potentially see a multifamily building. To think that this would be such an extreme  
205 population development. The developers would be so fast getting down here; you are talking about an  
206 impact on the town, the water, police, and schools. We would need more room for the schools. I  
207 applauded Alan for picking up that old building. It was a beautiful building at one time. So, every zoning  
208 bylaw has to have at least a paragraph---this is the purpose of this bylaw. It should improve the quality of  
209 resident's life.  
210  
211 D. Surface: Otherwise cost the taxpayers more money.  
212  
213 R. Hoover: I want to stay focused on this Article. I think the process has worked exactly how it should  
214 work.  
215  
216 B. Watts: Can you put up the map, Howard, and show us on the map where these impacts will be?  
217  
218 B. Watts: We can't understand the potential consequences. We can't even put it on a map. I totally am  
219 with you Rob. This is looking at this in the 11th hour, there are engineering questions, there are all kinds  
220 of questions, what density can support, is that in the master plan? It sounded like, what are some of the  
221 potential consequences of this. Literally, that is my question. What could go wrong? Very little has been  
222 clarified.  
223  
224 T. Howard: I think this is like a years' worth of effort to analyze this. About water flow. Senior housing we  
225 grant because it didn't impact the schools this could possibly impact the schools. Three weeks wasn't  
226 enough time for me to give you any real answer you are looking for. If this was specific to the RA district,  
227 that would be different. It's such a complicated question; maybe spot zoning is a better answer for this.  
228 We don't set a precedent by allowing spot zoning, if that's allowed at town meeting. Benefit to town, I  
229 like that building too.  
230  
231 P. Trapini: Your opinions, some science behind it. We tried to do something with the zoning when I got  
232 the economic development committee together. If it's too fast, I understand.  
233

234 R. Hoover: This is from Harry; summarizes H. LaCortiglia's following email. I would like to let the Board  
235 know that I believe it is not in the best interest of the town. I believe this can be accomplished with a  
236 friendly 40B. I believe the 40B is valuable and worth going after. The contiguous building area, the CBA.  
237 That issue came up as a very important density calculation. The whole idea of 10 units, has anyone  
238 studied maybe 5 units?

239  
240 R. Hoover: If ten units went in, where do those cars go, where are those parking spaces go?

241  
242 G. Comisky: To go to multifamily on those setbacks? You can have unlimited development as far as height  
243 and lot size, but we want to drive out commercial sites and go to residential Industrial A. There footnotes  
244 under that too?

245  
246 E. Dejardines: The clock is ticking, we have six months.

247  
248 R. Hoover: To hold planning and master planning.

249  
250 A. Aulson: This wasn't by anyone's design, not mine. We have had 25 years to find the effect of this. In 25  
251 years we haven't done a damn thing downtown. It isn't just 3 weeks. The effect is that nothing happens  
252 downtown.

253  
254 G. Fowler: I want to thank you for taking the time, for me this is what it is about. You say how you feel  
255 about it; you educated the public right now. What this Warrant article is about is town meeting at work.  
256 The system does not appear to be working out for a citizen, a landowner. Might not be the education  
257 that you want. The town's people will be able to make a decision. This is what town meeting is all about.  
258 Thank you for taking the time.

259  
260 T. Evangelista: We did try to do the 40R, it lost by 2 votes. The previous planner did a ton of work. We  
261 got stifled because of the waste water issues.

262  
263 H. Snyder: So many things to be considered. What normally happens in the past is there is a public  
264 hearing. These things get evaluated, discussed, brought forth. There have been issues brought up relative  
265 to the Article in the sense that can things be modified instead of wholesale removed. Maybe you modify  
266 one completely because you want to change the density that is downtown, but you keep the 10,000 sq.  
267 feet outside of town to keep the character of the town. For the Affordable Housing Trust, in creating  
268 apartments, it is appropriate for that type of density to be downtown. There will be an ability of people in  
269 affordable housing to have access to public transportation. Board of Health should have the ability to  
270 weigh in. All this needs to happen in a public hearing process that cannot happen in one night.  
271 The 40R is a great mechanism for this because it can bring in historic district. 40R allows commercial on  
272 first floor and residential on the 2nd. Again BOH would need to weigh in on that. Where this impacts the  
273 town? What needs to be modified, what needs to be changed? We as the Planning Board and the town in  
274 the public hearing process can bring that change to what areas they think is best and remove from what  
275 areas are detrimental. It is a concern that discussion is about specific property. It needs to be brought as  
276 an example. But it needs to be brought forth into what the historic district could be, and town wide. I  
277 know the economic development committee is interested in this because of the ability to attract  
278 appropriate development to the town and how that occurs relative to the commercial and industrial area.  
279 There is a conflict of use. This is an idea about density, not about the use. The density; and the ability to  
280 control and bring appropriate density in order to increase tax and the vibrancy of the town. This

281 development that recently went through the permitting process is the catalyst to discuss, it shouldn't be  
282 the focus. This is just the first impressions from the Planning Office.  
283  
284 T. Howard: Motion to close Public Hearing for Article 33.  
285  
286 B. Watts: Second.  
287 Motion carries 3-0 unanimously.  
288  
289 B. Watts: Motion that the Planning Board members vote to recommend Warrant Article 33 as currently  
290 written to Selectmen.  
291  
292 T. Evangelista: Second.  
293  
294 Motion does not carry 0-3 unanimously.  
295  
296 R. Hoover: Motion to authorize Howard to send a memo to the Board of Selectmen?  
297  
298 T. Howard So moved.  
299  
300 B. Watts: Second.  
301  
302 H. Snyder: I ask that the planning board have a discussion so I can clearly state the opinions of the  
303 planning. If you would just give bulleted points.  
304  
305 T. Evangelista: I don't see any benefit at all to the town for this request. I researched 7 neighboring  
306 communities and they had similar zoning as we did for apartments and multifamily homes. If Georgetown  
307 votes to remove the density restriction we will be the only town in the area to do this. The developers will  
308 be dancing to get applications filed resulting in the town's population exploding.  
309  
310 T. Howard: There hasn't been enough time to adequately process.  
311  
312 B. Watts: High risk with no mitigation because potential consequences are unknown.  
313  
314 R. Hoover: I am not saying it is or isn't a good idea. I think the dialoged that has been generated is  
315 wonderful. I concur with everyone, needs a lot of to figure out what is in the best interest of the town.  
316  
317 T. Howard: Perhaps it should not apply to all zones, perhaps only the RA zone.  
318  
319 H. Snyder: Would the Planning Board agree there are other mechanisms to explore that could provide for  
320 the desired change?  
321  
322 R. Hoover; Yes, 40R.  
323  
324 T. Evangelista: I think the planning board ought to work on that, as well as protect the historical houses.  
325 We should be working on something for that. That is something all the residents want.  
326  
327 R. Hoover: All in favor of authorizing Howard.  
328

329 D. Surface: I would ask, through the chair, that the applicant for that particular project downtown, rather  
330 than support this also, seek alternate ways such as a friendly 40B. For that particular project, that is my  
331 request to the Chair. Being a member of the Affordable Housing Trust also.  
332

333 P. Trapini: Thank you. And there are several of us, Mass Economic Council, instrumental in getting that 43  
334 D, industrial zone done. If you recall that happened, we went right into a recession and there was not  
335 economic development. It has been a very slow growth period over the last eight years or so here.  
336 Something like this may be a motivation for us to get back into that again.  
337

338 **List of Documents and Other Exhibits used at Meeting:**

339 *Documents and Other Exhibits used at meeting will be available for review at the Georgetown*  
340 *Planning Office.*

341 Motion to adjourn was made by T. Howard. B. Watts seconded the motion.  
342

343 Motion approved 4-0. The meeting was adjourned at 8:45pm.  
344

345  
346 Next Meetings:

347 Date: April 22, 2015, May 13, 2015, May 27, 2015, June 10, 2015

348 Time: 7pm.

349 Place: Georgetown Town Hall, 3rd floor conference room