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MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, March 26th, 2014
Memorial Town Hall – 3rd Floor
7:00 p.m.

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Present: Mr. Harry LaCortiglia; Ms. Tillie Evangelista; Mr. Bob Watts; Mr. Tim Howard (arrived at 7:10 PM); Mr. Rob Hoover; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

21
22

Meeting Opens at 7:03 PM.

23
24

Mr. LaCortiglia – Welcome to our newest member, Mr. Rob Hoover.

25

Approval of Minutes:

26

1. Minutes of March 12, 2014.

27
28

Ms. Evangelista – **Motion** to accept the March 12, 2014 meeting minutes with any changes requested at this meeting.

29

Mr. Watts – **Second.**

30

Motion Carries: 3–0; 1 Abstention.

31

Correspondence:

32

1. Town of Rowley: Legal Notice - Amend the Rowley protective Zoning Bylaw.

33

2. Town of Rowley: Legal Notice - Modifications to an Approved Site Plan.

34

3. Town of Rowley: Legal Notice - Application - Flood Plain District.

35

4. DEP Waterways Regulation: Notice of License Application.

36
37

Mr. Snyder – We received a notice of work that will be done on culverts. This is for informational purposes.

38
39

Mr. LaCortiglia – This is down on Central Street by Nunan’s correct?

40
41

Ms. Evangelista – There is another one on Thurlow Street.

42
43

Mr. LaCortiglia – I am sure we will hear more when it goes through ConCom.

44

5. Town of Georgetown: ZBA – Accessory Apartment Bylaw.

45
46

Mr. Snyder – This was a memo from the Zoning Board of Appeals regarding a matter that the board will take up later in the meeting.

47

6. Town of Georgetown: ZBA – Use Variance at 70 West Main Street.

48
49
50

Mr. Snyder – We received a public hearing notice regarding efforts to move the Richdale store across the street. Once the Zoning Board of Appeals is done with the permitting I am sure they will be here for a special permit or site plan review.

51

Mr. LaCortiglia – Assuming it gets the use variance right? They are tough to get.

52

Vouchers:

53

1. H.L. Graham: Hydraulics Plus; Turning Leaf; 6 Norino Way; Jefferson Court.

48 **2. Gatehouse Media: Legal Notices for Zoning Amendments.**
49 Mr. Snyder – We have five vouchers tonight. One is from the general account and four will
50 be drawn from 53G accounts.

51
52 Mr. Watts – **Motion** to accept the vouchers as presented with a total of \$ 4,046.64.

53 Ms. Evangelista – **Second.**
54 **Motion Carries: 3-0; 1 Abstention.**

55
56 {Mr. Howard arrives at 7:10 PM}

57
58 **Old Business:**

59 **1. 6 Norino Way: Decision of Approval for Minor Modification to Approved Site Plan.**

60
61 Mr. LaCortiglia – This is pretty much ministerial- the hearing is closed - we just need to sign
62 it. We have received all the comments.

63
64 Mr. Snyder – The planning board closed the public hearing and signed the mylar but
65 requested a few changes to the decision.

66
67 **2. Park and Recreation: Athletic Fields – Extension of Time Form H.**

68 Mr. Snyder – This was approved at the last meeting but there was a scribner error.

69
70 Mr. LaCortiglia – So this is just a correction of it.

71
72 **3. Turning Leaf: Definitive Subdivision Plan – Extension of Time Form H.**

73 Mr. Snyder – This needs a vote and motion in order to sign.

74
75 Mr. LaCortiglia – We are not reopening the hearing - this is ministerial. We have a request for
76 an extension of decision time - a Form H.

77
78 Mr. Howard – **Motion** to grant the Form H request.

79 Ms. Evangelista – **Second.**
80 **Motion Carries: 4-0; 1 Abstention.**

81
82 Mr. Watts – I have a question regarding Mr. Hoover’s new role and what he can engage in.

83
84 Mr. LaCortiglia – My understanding is that he is now appointed and sworn on the board. He can
85 sit at all meetings, ask questions and take information. Anything that started prior to his
86 appointment he cannot vote at the end of it.

87
88 Mr. Snyder – Yes and any new applications he will be able to participate in and vote on.

89
90 Mr. Watts – I just wanted to make sure that was in the record.

91
92 **Public Hearing:**

93 **1. 105R East Main Street: Site Plan Approval.**

94 Mr. LaCortiglia – We are now opening the continuation of the public hearing. Mr. Ricci is
95 proposing to rent the rear area. Mr. Graham added some signage and the board asked for the
96 parking to be moved and now there is proper signage and I think there was a meeting
97 between Mr. Snyder and Dana about a request to move the islands for easier snow removal.

98
99 Mr. Snyder – We also thought moving the islands would be more effective for traffic control.

100
101 Mr. LaCortiglia – My understanding is that we have a mylar with the relocated islands on it.

102
103 Mr. Snyder – The other comments from the board were the signage on the pillars which have
104 been installed. On our site walk last Thursday, we talked about the sign that needed to be on
105 the column and not the building as the column obscured the sign from view.

106
107 Mr. Ricci – I will have the sign up on Friday.

108
109 Mr. LaCortiglia – Do we have a decision and a date on this Mr. Snyder?

110
111 Mr. Snyder – Yes. Meeting held on March 26th and the board voted to approve. I would like
112 to submit these pictures of the signage as exhibit one.

113
114 Mr. Watts – **Motion** to approve the decision dated March 26th, 2014.

115 Mr. Howard – **Second.**

116 **Motion Carries: 4-0; 1 Abstention.**

117
118 Mr. LaCortiglia – Any comments or questions from the audience?

119
120 Mr. Howard – **Motion** to close this hearing.

121 Mr. Watts – **Second.**

122 **Motion Carries: 4-0; 1 Abstention.**

123
124 **2. Amendment: Definitions and Word Usage 165-7.**

125 Mr. LaCortiglia – We are now reopening this hearing. This is for the board to make a
126 recommendation to the Board of Selectmen.

127
128 Mr. Snyder – All amendments being discussed are in the second packet. Find the changes are
129 reflected in the document using track changes.

130
131 {Reading of the requested changes.}

132
133 Mr. LaCortiglia – We actually have two hearings going on here. The first is for subtractions.
134 We will deal only with the first one now. Are there any comments from the audience? This
135 is just removing that definition from the bylaw.

137 Mr. Watts – **Motion** to close this public hearing.

138 Mr. Howard – **Second.**

139 **Motion Carries: 4-0; 1 Abstention.**

140

141 Mr. Watts – **Motion** to ask Mr. Snyder, the Town Planner to create a report that
142 recommends this change to the Board of Selectmen.

143 Mr. Howard – **Second.**

144 **Motion Carries: 4-0; 1 Abstention.**

145

146 Mr. LaCortiglia – We are now opening the continuation of the public hearing for the
147 additions to the bylaw.

148

149 {Reading of the requested changes.}

150

151 Ms. Evangelista – So this is for assessor apartment, medical office, open space residential
152 development, registered marijuana dispensaries, solar energy facilities, and wind energy.

153

154 Mr. LaCortiglia – Yes, we are adding these to the definition section of Chapter 165 section 7.

155

156 Ms. Evangelista – Somehow we must have wanted the ground mounted solar removed
157 however in the bylaw it is still ground mounted.

158

159 Mr. LaCortiglia – The reason we asked to have those words removed... Remember these are
160 the definitions. A solar energy facility can be either a ground mounted or a roof mounted.
161 Later on in the bylaw itself we will further define it.

162

163 Ms. Evangelista – The whole bylaw is only addressing ground so why would you have
164 something different here?

165

166 Mr. LaCortiglia – The definition includes both ground and roof mounted.

167

168 Mr. Snyder – I thought the bylaw was to be revised as to not exclude roof mounted in terms
169 of commercial facilities.

170

171 Mr. LaCortiglia – Yes, and we will get into that when we get into that hearing.

172

173 Mr. Snyder – The actual bylaw considers both roof and ground mounted. This is in the
174 description of what a solar energy unit is, not where it is located. The bylaw is addressing
175 roof and ground mounted being commercial. It excludes roof mounted residential.

176

177 Mr. LaCortiglia – This includes everything it is broad based for a solar energy facility.

178

179 Mr. Watts – **Motion** to close the public hearing.

180 Ms. Evangelista – **Second.**

181 **Motion Carries: 4-0; 1 Abstention.**

182
183 Mr. Watts – **Motion** to ask Mr. Snyder the Town Planner to create a report that
184 recommends this change to the Board of Selectmen.

185 Mr. Howard – **Second.**

186 **Motion Carries: 4-0; 1 Abstention.**

187
188 **3. Amendment: Use Regulations and Intensity of Use Schedule.**

189 Mr. LaCortiglia – We are now opening the continuation of the public hearing. These are
190 modifications to the table. There were some changes requested at the last meeting.

191
192 Mr. Snyder – Changes made at the request of the board were to correct typos.

193
194 Ms. Evangelista – I still feel, which I brought up at the February 26th meeting, that you are
195 looking at this and only seeing a site approval process. When someone looks at this with all
196 these “P’s” and that means just go to the Building Inspector and get a permit.

197
198 Mr. Snyder – A permitted use doesn’t mean they can just go and get a permit with the
199 Building Inspector. The bylaw states that they need to have a site plan review.

200
201 Ms. Evangelista – I have looked at several communities and they all have if a site approval is
202 required it is there in the use schedule in the charts.

203
204 Mr. Snyder – Then we need to discuss changing the whole chart.

205
206 Ms. Evangelista – Only adding “S’s” to it.

207
208 Mr. Snyder – That would be changing the whole schedule.

209
210 Mr. LaCortiglia – Does anyone have a copy of the zoning bylaw?

211
212 Mr. Snyder – This is taken directly from the bylaw.

213
214 Mr. LaCortiglia – Perhaps what would help is under solar energy facilities - it shows the
215 districts and one thing we are not seeing is the rest of the table of the use intensity table.

216
217 Mr. Snyder – There are about 50 different uses that are defined under use categories such as
218 residential, commercial and industrial.

219
220 Mr. LaCortiglia – At the end of that table are a series of notes further explaining. Perhaps to
221 be clearer we could add a note so that they are not under any illusion that this is a by-right
222 thing. Many of the other designations have notes.

223
224 Mr. Watts – I think that is a real good idea.

225
226 Mr. Howard – It is kind of common sense too.
227
228 Mr. LaCortiglia – I understand what Ms. Evangelista is saying. It is a bit more involved than
229 that depending on the size of the facility and where it is located.
230
231 Mr. Snyder – Add a note to the Use Regulation Schedule, after the words solar energy
232 facilities, you would add a 33.
233
234 Mr. LaCortiglia – How is the rest of the schedule with the note designations?
235
236 Mr. Snyder – The description of the use has the number at the end.
237
238 Mr. Watts – In the bylaw does it say what an A is? It doesn't say it here.
239
240 Mr. Snyder – A is a use authorized by special permit granted by the Board of Appeals. It just
241 was not included in the schedule to keep it simple.
242
243 Mr. LaCortiglia – Add we would add a 33 after wind and solar energy facilities.
244
245 Ms. Evangelista – I think we should add it may require site plan approval.
246
247 Mr. Watts – I think what Mr. LaCortiglia is saying makes sense. It is not saying that under
248 all situations it is required. This is a filter and I think that is sufficient.
249
250 Mr. Snyder – The whole permitting process is outlined in the bylaw. To me it is redundant.
251 If the board wants to add because when they see it is permitted they will look at the bylaw to
252 see how it is permitted.
253
254 Mr. LaCortiglia – A little bit more information in the use chart...
255
256 Ms. Evangelista – I think the use chart needs more work on it. If the ground one is the only
257 one to require a site approval then we should list it and it would be by itself and you could
258 put the 33 there. When you put “may” into something like this you are opening possibilities
259 for other things.
260
261 Mr. Watts – We could turn this into a very complicated document and that is not its purpose.
262 Also a “permitted use” can be pronounced two ways. It depends on the accent of the word.
263
264 Mr. Snyder – As an example, in note 12 it states earth removal and importation is in
265 accordance with the earth removal and importation bylaw.
266
267 Mr. LaCortiglia – Perhaps that's the solution, in accordance with our solar bylaw. So note 33
268 would say in accordance with the solar bylaw and it all falls within that.

269
270 Mr. Howard – Does the solar bylaw differentiate between roof and ground mounted?
271
272 Mr. Snyder – It differentiates in the fact that it excludes residential roof mounted and
273 considers roof mounted and ground mounted for commercial.
274
275 Ms. Evangelista – When you look at this chart it doesn't - it is identical.
276
277 Mr. Snyder – The chart is to state what type of permit is required for the use.
278
279 Mr. LaCortiglia – There is also nothing on here that points to a sign bylaw.
280
281 Mr. Watts – That is the point. We could maintain the parallelism by putting nothing in. Or
282 we could do it the same way as the earth removal. I tend to think that nothing might be the
283 better way to go.
284
285 Mr. Hoover – It is a slippery slope when you try to identify the same issue in a number of
286 places. Typically in an ordinance you want to try to limit it to just one place so when
287 changes happen you can really keep track of it. Another thing is when you try to cross
288 reference, if you are not consistent with it throughout the entire process. I have seen
289 applicants come back to the board and say well you said it here but you didn't say it for this
290 one here and we never looked for it and therefore we did this. My recommendation is at the
291 most add a 33 to reference the bylaw or do nothing at all. I think it is clear that this is telling
292 what is allowed.
293
294 Mr. Howard – I vote for nothing at all.
295
296 Mr. LaCortiglia – This is a public hearing. Is there anyone in the audience that has
297 comments?
298
299 Mr. Puopolo – I am confused, there is private and commercial uses for solar and wind.
300
301 Mr. LaCortiglia – We will be getting in to that when we do the bylaw itself. Right now we
302 are adding a use to the use schedule.
303
304 Mr. Puopolo – So the bylaw only applies to commercial correct?
305
306 Mr. LaCortiglia – No.
307
308 Mr. Puopolo – If I want to put solar panels on my roof that wouldn't require a visit here. If I
309 wanted to put 600 solar panels in my back yard that require a visit to the planning board?
310
311 Mr. LaCortiglia – Yes.
312

313 Mr. Puopolo – So there is a difference. So I would not have to come in for my own
314 residential purposes but if I was going to do something commercial I would?

315
316 Mr. LaCortiglia – You would not have to come for a site plan review. But you just can't go
317 and put that on your roof - you have to go to the Building Inspector. You need a building
318 permit.

319
320 Mr. Puopolo – Do you really want people to go into a residential neighborhood and put 600
321 panels I their back yard without going thru... I think a site plan review basically is more of
322 an engineering review to make sure it is safe. I am sure my neighbors would not be happy if
323 I put 600 panels in my back yard. I would like to see a differential between the residential
324 and commercial districts in town.

325
326 Mr. LaCortiglia – Getting back to the use table, are we adding a note that says 33 that
327 references the solar bylaw.

328
329 Mr. Howard – **Motion** to accept the Intensity of Use Modifications as written in the draft.

330 Mr. Watts – **Second.**
331 **Motion Carries: 3-1; 1 Abstention.**

332
333 Mr. Howard – **Motion** to close this public hearing.

334 Mr. Watts – **Second.**
335 **Motion Carries: 4-0; 1 Abstention.**

336
337 Mr. Watts – **Motion** for the Town Planner to make this recommendation to the Board of
338 Selectmen.

339 Mr. Howard – **Second.**
340 **Motion Carries: 3-1; 1 Abstention.**

341
342 **4. Amendment: Solar Energy Facilities.**

343 Mr. LaCortiglia - We are now reopening this public hearing.

344
345 Mr. Snyder – Included in the packet is a revised copy with tracked changes. Of note on page
346 2, 165-137C was the addition of the sentence: “Installation of residential structures shall not
347 require site plan approval.”

348
349 Mr. LaCortiglia – That was something we added in. Did everyone hear that? We are adding
350 a term that says installation on residential structures as in a roof mounted system, shall not
351 require a site plan approval.

352
353 Mr. Snyder – Note that the first sentence states that nothing in this section shall be construed
354 to prevent the installation of accessory roof mounted solar on residential structures.

355

356 Ms. Evangelista – The first part of that as I had mentioned before - the first sentence,
357 “purpose and intent” (165-135) is to promote the creation of new ground mounted solar. Is
358 that going to stay in there?
359

360 Mr. LaCortiglia – Nice catch Ms. Evangelista. We have to strike the words “ground
361 mounted” from Chapter 165, section 135, purpose and intent A.
362

363 Mr. Snyder – Under 165-138 definitions there was discussion about the term of Building
364 Inspector. Building Inspector is defined in the Georgetown code and does not need to be
365 defined here.
366

367 Mr. LaCortiglia – So we are striking the term Building Inspector.
368

369 Mr. Hoover – Backing up to 137, is there a definition of residential structures anywhere?
370

371 Mr. Snyder – Not in 165. I don’t know about other Georgetown code sections.
372

373 Mr. Hoover – My reason is that when I first saw it that someone could have something in
374 their backyard that they make and if there is not a definition for it then it is a home or
375 dwelling.
376

377 Mr. Snyder – Are considering it should only be on the actual dwelling?
378

379 Mr. Hoover – Well, it should be defined somehow.
380

381 Mr. LaCortiglia – I don’t think the Building Inspector would define it that way. A barn is not
382 a residential structure. If it was a residential structure and it was a separate building you
383 would need a permit from the Planning Board.
384

385 Mr. Howard – Why can’t a garage or a shed or a barn have solar panels?
386

387 Mr. LaCortiglia – If they are separate they would not be considered a residential structure.
388

389 Mr. Howard – I think it should be.
390

391 Mr. LaCortiglia – The state building code doesn’t.
392

393 Mr. Hoover – I think to encourage if someone had a barn that was structurally supportive I
394 don’t see why they couldn’t put those on there. So the lack of definition on this can be used
395 against you either way you turn.
396

397 Mr. Howard – I think a residential structure is a structure built on a lot that is zoned
398 residential and is or has a dwelling on it..
399

400 Mr. Hoover – What if you were to build a series of raised planters to install a series of these
401 panels later?

402
403 Mr. LaCortiglia – That would be ground mounted.

404
405 Ms. Evangelista – The way this is written is that any roof at all you can put the solar on it.
406 Residential structures, assessor roof mounted and you say here it does not require a site plan
407 approval. So we would never see any of those solar panels.

408
409 Mr. LaCortiglia – So if I have a building which is an assessor to my residential structure,
410 like a barn then it is a gimme?

411
412 Mr. Howard – Yes, I think you should be able to put one there.

413
414 Ms. Evangelista – I am in the negative about this. In this I would like to consider that the site
415 approval plan doesn't have anything other than dimensions from the side yard. If someone
416 does something horrendous and the neighborhood is upset about it they don't have an
417 opportunity to have a hearing.

418
419 Mr. LaCortiglia – My understanding is that a community that does not have a solar bylaw
420 anyone under state law if I am not mistaken can come in and demand to put one anywhere in
421 any size.

422
423 Mr. Snyder – The purpose of this solar energy bylaw is control the creation of installations
424 and also to regulate the locations and size. State law prohibits zoning regulations of roof
425 mounted solar panels on residential structures.

426
427 Mr. LaCortiglia – So we are not in conflict with that. I know we are beating this to death and
428 are trying to get every last correction in before town meeting.

429
430 Ms. Evangelista – The other concern I have about how it is written is in C.

431
432 {Reading of the section in question.}

433
434 Mr. Snyder – Maybe it should say on residential dwelling structures where people reside?

435
436 Ms. Evangelista – We don't really say what size like for a 3,000 foot ranch and they put it all
437 along with the intent to provide for the house and to sell the excess.

438
439 Mr. Snyder – Selling onto the grid it is regulated. For own use it is not regulated.

440
441 Mr. LaCortiglia – Technical reality is - blazing hot high noon sun you are turning the meter
442 the other way. The other months of the year you are saving a bit of money but still sucking
443 from the grid.

444
445 Ms. Evangelista – What I am concerned about is... I have been driving about looking at
446 peoples roofs and there is one in Newburyport that the entire roof is covered and it is a small
447 cape and the first thing you see is the panels. It looks like a neon light as it is so bright and is
448 distracting. I think something that huge should be monitored.

449
450 Mr. LaCortiglia – Is there any law about putting mirrors on my roof right now?

451
452 Ms. Evangelista – People don't do that.

453
454 Mr. LaCortiglia – What would stop me if I wanted to? There is a certain esthetic that you
455 wish to control.

456
457 Mr. Snyder – I would say that if there is glare off of the property it would be considered a
458 nuisance and the property owner needs to rectify. Enforcement is by the Building Inspector.

459
460 Ms. Evangelista – What would the Building Inspector do?

461
462 Mr. Snyder – He could enforce the fact that it is a nuisance.

463
464 Mr. DeJardins (Historical Commission) – If I had building 200 years old, a piece of the
465 town's history, we should not allow someone to fill the roof with these panels. Someone
466 should say that if it is something over 75 years old or so that it should be reviewed or run by
467 the Historic Commission to say you cannot cover that with solar panels. There should be
468 some restriction whether through the Building Inspector or you put a blurb in the bylaw to
469 come before the Historical Commission and let them know your plans.

470
471 Mr. LaCortiglia – You are only referring to historic stuff. The only way to do that is if you
472 establish a historic district.

473
474 Mr. DeJardins – That's true however many of the buildings ultimately will come before the
475 town and we will see if it is possible to get a historic district. If they are on the states data
476 base as being historic they have been surveyed. It is unfortunate to say that if they are not in
477 a historic district to let them go and put them on.

478
479 Mr. LaCortiglia – If they were culturally significant they would be in a historic district.

480
481 Mr. DeJardins – They could be off in the woods somewhere.

482
483 Mr. LaCortiglia – My understanding is that there could be numerous historic districts.

484
485 Mr. Watts – What is the data base you referred to?

486

487 Mr. DeJardins – It is Macrus. We have had about 120 houses in the village center that will
488 be voted upon at town meeting as a historic district.

489
490 Mr. LaCortiglia – The way it works for communities that have solar bylaws and communities
491 with historic districts is that the first filter would be the Building Inspector going through the
492 solar bylaw and the next part is the signoff because that would flag that it is in the district.
493 At that point I understand that many historic districts have design review committees.

494
495 Mr. DeJardins – We are not quite there yet. I want to be able to slow them down a bit before
496 someone fills up a roof with panels.

497
498 Mr. LaCortiglia – I understand but there are certain legal constraints and this is not the
499 appropriate one. If someone wanted to build a garage and there was a river going thru the
500 back yard the Building Inspector would say that you have to go to another board that is how
501 that works.

502
503 Mr. Snyder – If this bylaw is adopted at town meeting and the overlay district is adopted, you
504 could come back and add to the bylaw. If a structure is historic, how is it designated
505 historic? By age?

506
507 Mr. DeJardins – By age usually.

508
509 Mr. Snyder – If on the state database and exterior changes to the structure is wanted, what
510 happens?

511
512 Mr. DeJardins – Technically unless you are within the district approved by the town then
513 some restrictions can be put on it. But until that happens I am just trying to save the town's
514 history before it becomes a historic district.

515
516 Mr. Snyder – If it is designated by the state as historic are they able to modify it without any
517 local permits?

518
519 Mr. DeJardins – If it were on the national register I'd say yes but we are not. We have a few
520 houses in town that fall into that.

521
522 Mr. Puopolo – I may have something that will put an end to this. Chapter 48 concludes any
523 zoning ordinance that would architecturally affect the property that zoning cannot dictate
524 architecture. So there is no way to do this through zoning.

525
526 Mr. LaCortiglia – A historical commission does have that authority under a local historic
527 district. I understand not wanting to see a historic structure changed on the exterior.

528
529 Mr. DeJardins – We do have demolition delay bylaw funding from the state. At that point
530 you can talk to the folks to see about other options.

531
532 Ms. Evangelista – What I found is that there is an application that is required if you are going
533 to do something on a historical house - that is federal and state. By letting people think they
534 can put it on and no permit required is a fallacy because it doesn't have to be a district.
535
536 Mr. LaCortiglia – That might resolve a lot of issues. Maybe we should ask town counsel
537 before town meeting. This is something a lot of people will be concerned about.
538
539 Mr. DeJardins – You want to look at it prior to it being - once the panels are up you will have
540 a tough time getting them down.
541
542 Ms. Evangelista – That's right the Building Inspector isn't going to say tear them down.
543
544 Mr. Puopolo – You have a definition of dwellings within your zoning bylaws and it does
545 stipulate that it is a building for use by families.
546
547 Mr. Sullivan – It sounds like we digressed from the original topic. You may want to take in
548 consideration the construction of the solar panels because a lot are not permanent
549 installations. And also I think the design is to absorb light and not to reflect it.
550
551 Mr. DeJardins – If they are mounted on the rear of the building it is not as objectionable.
552
553 Ms. Evangelista – I think the only way is to make that determination is through a site
554 approval.
555
556 Mr. Snyder – This bylaw cannot consider roof mounted solar on residential structures.
557
558 Ms. Evangelista – We are doing the bylaw we can do what we want. This is our site
559 approval. There is nowhere that I have read that you can't have a site approval as long as it's
560 within reason. We have a letter from town counsel, K and P from 2011 that says that.
561
562 {Reading of the memo from K and P.}
563
564 Mr. LaCortiglia – Perhaps we need a clarification before town meeting.
565
566 Mr. Snyder – If this bylaw isn't done tonight it won't be at town meeting.
567
568 Mr. LaCortiglia – If this bylaw doesn't go to town meeting, then I can open up my solar
569 facility anywhere and anytime and you cannot say anything.
570
571 Mr. Hoover – Not to minimize the concerns but it is pretty impossible to get something like
572 this perfect first time around and there will probably be modifications in the future. The
573 homes that are historic and registered are protected. I would hate to see you lose it for the
574 Board of Selectmen coming up.

575
576 Mr. Howard – People that buy antique homes don't but them to make them look ugly.
577
578 Mr. Watts – Which is to say that the risk of this problem is minimal.
579
580 Mr. Howard – Let's get it approved and at least have a foundation.
581
582 Ms. Evangelista – I think you are hung up on the district.
583
584 Mr. LaCortiglia – I think that's the only methodology you can use.
585
586 Ms. Evangelista – We sent the medical marijuana to town counsel. Why don't we send this
587 to them?
588
589 Mr. Snyder – It is going to go to town counsel.
590
591 Mr. LaCortiglia – Are there any other concerns?
592
593 Mr. Watts – Is Building Inspector and building permit defined elsewhere?
594
595 Mr. LaCortiglia – This is how it is defined in this ordinance.
596
597 Mr. Snyder – It states “including those governing energy solar facility.”
598
599 Mr. Watts - I think Mr. Hoover is right in regards to defining things in multiple places.
600
601 Mr. Hoover – If you do want to keep it you may want to check to make sure it matches the
602 other one.
603
604 Ms. Evangelista –I think it is on the code and not bylaws so it is not clear in the zoning at all.
605
606 Mr. LaCortiglia – Keep in mind that it is defined under this ordinance.
607
608 Mr. Snyder – On page 10 there is discussion about dimensional controls.
609
610 {Reading of and discussion held about the setbacks and facility description.}
611
612 Ms. Evangelista – We are talking apples and oranges if you are talking residential and then
613 commercial. That's a whole different thing.
614
615 Mr. Howard – But we will have the same setbacks either way, correct?
616
617 Mr. LaCortiglia – No. If you are residential you don't have any setbacks - no site plan
618 approval.

619
620 Ms. Evangelista – That’s not true.
621
622 {Reading of the setback section.}
623
624 Mr. Snyder – On the ground for residential use has to conform to setbacks.
625
626 Mr. LaCortiglia – If it is roof mounted then the structure has setbacks.
627
628 Mr. Howard – The word solar energy facility sounds so commercial to me. That’s my only
629 problem, combining those two into one.
630
631 Ms. Evangelista – I think the electrical department should be involved with this.
632
633 Mr. Snyder – We do have it in the permitting and decommissioning section, 139B on page 4
634 number 7.
635
636 Mr. Fowler – On your setbacks in regards to emergency vehicles - is this the type of thing
637 you need an emergency vehicle get in and able to turn around in?
638
639 Mr. LaCortiglia – That would have to be answered by the professionals in town and when we
640 do site plan approval we always send them to the fire and police departments. That is part of
641 site plan approval process.
642
643 Mr. Snyder – It is written into the bylaw that they are required to provide a proposed
644 installation plan including access to them in emergencies.
645
646 Mr. LaCortiglia – Most importantly, at the end, they can’t just abandoned it.
647
648 Ms. Evangelista – On page 5 - I think the locations of the flood plains should be identified in
649 our site process.
650
651 Mr. Snyder – It is written into the bylaw that any site plan approval for solar energy facility
652 must meet all the other boards and requirements
653
654 Ms. Evangelista – I also added location of active farm land, wetlands, protected open space,
655 habitat areas and critical natural landscapes that we have not addressed. The reason for it to
656 be appealed as I understand it is wild life habitat. I thought that should be added in the site
657 plan approval process.
658
659 Mr. Snyder – If you look at page 11, item E; clearing of natural vegetation shall be limited to
660 what is necessary for construction. {Reading of the section.}
661

662 Mr. Watts – Wherever you put ground mounted it will have an impact on whatever is
663 beneath.
664

665 Mr. LaCortiglia – I think Ms. Evangelista is referring to the 40A exemption as some people
666 think they don't need permits at all for things pertinent to farming. You cannot regulate a
667 structure on a farm.
668

669 Ms. Evangelista – I got this from the state model bylaw. After K on page 6, I would like to
670 add the locations of active farmlands and prime farmland soils, wetlands, permanently
671 protected open space, prioritize habitat areas and core habitat space.
672

673 Mr. Snyder – You want this on the proposed installation plan. Some of those are already
674 required under site plan approval. If you want to add NHESP Zones 1 and 2 we can.
675

676 Mr. LaCortiglia – What would the wording be Mr. Snyder?
677

678 Mr. Snyder – All pertinent documents shall include the following information and write in
679 NHESP zones and delineation of.
680

681 Mr. LaCortiglia – Priority habitat map?
682

683 Ms. Evangelista – It is a critical national landscape priority habitat map.
684

685 Mr. LaCortiglia – Wouldn't ConCom take that under theirs? I think we are reaching here.
686

687 Ms. Evangelista – They wouldn't unless it is wetland.
688

689 Mr. Hoover – Mr. Chairman, are you planning on voting on this tonight?
690

691 Mr. LaCortiglia – Yes if we don't vote then it dies.
692

693 Mr. Hoover – I think you need to let this die or move it ahead. You are asking for trouble to
694 be adding this at this point of time. I think the dialog needs to be wrapped up. I don't know
695 who these people in the audience are here for but I would recommend to the chair that we
696 address these people.
697

698 {Clapping from the audience.}
699

700 Mr. DeJardins – The majority people are here for the Elm Street situation and I think to sit
701 through 2 to 3 hours for this definition thing is a drag on the public.
702

703 Mr. LaCortiglia – Does anyone have any comments on solar bylaw? I will now accept a
704 motion.
705

706 Mr. Howard –**Motion** to approve and recommend the bylaw to the Board of Selectmen
707 with amendments made at this meeting.

708 Mr. Watts – **Second.**

709 **Motion Carries: 3–1; 1 Abstention.**

710

711 Mr. Watts – **Motion** to close this hearing.

712 Mr. Howard – **Second.**

713 **Motion Carries: 3-1; 1 Abstention.**

714

715 Ms. Evangelista – I sympathize with the people waiting it has been a drag for me as well but
716 I think we need to finish this and I had two more things. You did not put in the habitat that
717 took about 20 minutes to read so I think that was a waste of time.

718

719 Mr. LaCortiglia – I understand. Sometimes it is easier to write your thoughts out and get
720 them to Mr. Snyder and he can have them written out. Moving on to- we are going to skip
721 Medical Marijuana and Accessory Apartment...

722

723 Mr. Nelson – Excuse me, why are you skipping Accessory Apartments?

724

725 Mr. LaCortiglia – Because everybody wants 5 Elm Street.

726

727 Mr. Nelson – There are 3 of us here.

728

729 Mr. LaCortiglia – Well Ok. You know what then, we are going to marijuana dispensary
730 then.

731

732 Mr. DeJardins – Come on!

733

734 Mr. LaCortiglia – If you can't decide. I want to keep it fair.

735

736 Mr. DeJardins – There was a notice in the paper saying this meeting was at 7:15 tonight. You
737 have had a 2 hour delay here from 7:15 to 9:15 and you are still going on with additional
738 stuff. That is wasting a lot of people's time including mine!

739

740 Mr. LaCortiglia – Well I am hearing objections from people in the audience I wanted to bring
741 it up. Is everyone in consensus that we can bring up 5 Elm?

742

743 Mr. Howard – Well you are the chairman.

744

745 **5. Citizen's Petition: 5 Elm Street.**

746 Mr. LaCortiglia – We are now opening the initial hearing.

747

748 Mr. Snyder – Request waive the reading of the public notice and note it is entered into the record
749 of this hearing.

750
751 Mr. LaCortiglia – All in favor say yea. We are waiving the reading of the public meeting notice.
752
753 {Mr. Snyder shows the citizen petition on the screen.}
754
755 Mr. Snyder – This is able to be on the warrant because he got a number of voters that signed the
756 petition. In brief it is to see if the town will vote to amend the zoning bylaw to remove
757 commercial B from portions of land, Map 10 lot B, and replace it with the zone designation of
758 residential A.
759
760 Mr. LaCortiglia – You bought a property and the district is split. Half is commercial and half is
761 residential. You are asking the town voters to remove the commercial so that it can be residential
762 designation.
763
764 Mr. Maglio – Exactly.
765
766 Mr. LaCortiglia – That could be a problem. Let’s have all kinds of discussion on it. What is
767 your feeling Mr. Hoover?
768
769 Ms. Evangelista – Let the applicant finish explaining.
770
771 Mr. Maglio – First I want to thank Mr. Snyder and Ms. Pitari. She originally gave me this idea
772 of asking for the community to make the decision. Originally I was going to ask for a variance.
773 I will focus on my construction and hopefully move my kids in. I have been in this town for a
774 while.
775
776 Mr. Hoover – What other than the obviously are you gaining by doing this?
777
778 Mr. Maglio – To move my kids there.
779
780 Mr. Hoover – Couldn’t you still do that?
781
782 Mr. Maglio – It is commercial so legally I can’t move in there. It would require a variance to
783 the use. I have been to the Zoning Board of Appeals and they gave me some ideas. So I thought
784 I would take their advice. I have been in this town for a long time. I have driven by this house
785 for a year before I decided to move on it. This is the right thing but there are some issues with
786 it. Originally it was a house and I just want to bring it back and do the right thing and I need
787 help. Or I could go the other way and apply for a variance which I know I can get it. I think the
788 community wants to see something here and bring it back to the way it was.
789
790 Mr. Hoover – I am interested in hearing what the people have to say.
791
792 Mr. LaCortiglia – Absolutely.
793

794 Mr. Maglio – I buy and fix old homes and I would not in a minute put solar panels on this house.
795
796 Mr. Howard – Why do you need us?
797
798 Mr. Maglio – I think the process to re-zone something at town meeting requires the Planning
799 Board blessings.
800
801 Mr. Snyder – The Board of Selectmen referred it to the Planning Board for a report back as the
802 petition is for and will change zoning designation.
803
804 Mr. Howard – If we change the zoning for him will other people want to do it too?
805
806 Mr. LaCortiglia – We aren't doing it the community at the town meeting will be.
807
808 Mr. Maglio – The community is voting for it. Do they want to see a house there or a restaurant?
809 Legally I could put a restaurant there or a bed and breakfast. It is not financially feasible to put
810 a commercial store in there.
811
812 Mr. Howard – I am fine with the idea to do that I just don't understand why you are talking to us.
813
814 Mr. Maglio – I don't either. Sometimes you need to go through a process to get the blessing for
815 a Citizens petition I guess and then it goes to the voters. The neighbors are all on board.
816
817 Mr. Snyder – The zoning district and overlay map will change.
818
819 {Area is shown on the screen.}
820
821 Mr. Howard – Seems fine to me.
822
823 Mr. Maglio – It is a unique lot.
824
825 Mr. Howard – Typically zoning draws a straight line.
826
827 Mr. Snyder – Changing this matches the zoning to the rest of Elm Street.
828
829 Mr. Hoover – This ends up going to the town and they decide correct?
830
831 Mr. LaCortiglia – Yes. They decide.
832
833 Ms. Evangelista – My concern is that our buffer says you need 100 feet between zones. We did
834 not consider that area a buffer as it was all commercial back in the 90's. So now you are moving
835 that line of the 100 foot between zones and if it goes through it will be abutting commercial.
836
837 Mr. Howard – This house is already close to commercial.

838
839 Mr. Maglio – Ms. Evangelista what are you getting at I don't understand.
840
841 Ms. Evangelista – For someone to move there you may be disturbed by lights or noise.
842
843 Mr. Maglio – But that is life.
844
845 Mr. LaCortiglia – I notice that there is a commercial district that involved a limited number of
846 parcels. To lose a commercial property in the town, although it may be to your benefit, it may be
847 detriment to the town. The voters need to take this into consideration. When we did the library
848 if the property were not commercial we would not have anywhere to go. It is a unique structure.
849 When I first heard this I thought you could get the use variance so the Zoning Board of Appeals
850 could condition it to have a historic condition on it. However, I don't think that was suggested.
851 It just seemed like a unique way to go if the Zoning Board of Appeals were able to meet the
852 criteria for the use variance which I am not certain it does.
853
854 Mr. Maglio – There are many elements to a use variance.
855
856 Mr. LaCortiglia – I wouldn't stand in the way of it. This should go to town meeting.
857
858 Mr. Watts – I think it is terrific.
859
860 Mr. LaCortiglia – Anyone in the audience that feels it should not go to town meeting?
861
862 Mr. Fowler – You brought up some excellent points. I just want to say that the Zoning Board of
863 Appeals could put some restrictions but in the future when someone else purchases it and has a
864 problem with the commercial next door. If they go thru the Zoning Board of Appeals those
865 things might get ironed out.
866
867 Mr. Maglio – I don't mean to interrupt you and I am not that old but I have been in this town for
868 a long time. I have seen this town go to where it is now. This property has been sitting for a
869 while because it is commercial. I am the guy to make this happen. I will make it a beautiful
870 home and the community is behind it. I will make it a home and move my kids there. I don't
871 even know why I am here but for me to ask the town to be on the warrant article I have to be
872 here. I am making the investment and I know it is the right thing.
873
874 Ms. Evangelista – I would like you to guarantee that you will not complain about the business
875 next door.
876
877 Mr. Maglio – Dana and I are like peas and carrots. Listen, I got 4 girls under 8, I can complain
878 about that all day.
879
880 Mr. LaCortiglia – Can I complain about how late it is?
881

882 Mr. Maglio – I am making it nice for the town.

883

884 Ms. Evangelista – Are you going to keep the columns?

885

886 Mr. Maglio – Absolutely.

887

888 Mr. Snyder – In the packet is a letter from the historic commission who is in support of it.

889

890 Mr. DeJardins – This is the oldest street in our community and was here long before the town
891 was settled. Over the last two years we did a 50 house survey and many of the buildings built in
892 the 1800's. Basically you have the heart and soul of the town in that one street. Unanimously
893 the historic commission supports it 100 percent as a residence. To know he is making a home
894 out of it, we are thrilled and think the entire community should be as well.

895

896 Ms. Comiskey (President of the Georgetown Historical Society) – As you know we have our
897 museum right across the street from the house and the Board of Directors are unanimously in
898 favor of this as long as he maintains the historic character of the building which we believe he is.

899

900 Mr. LaCortiglia – May I ask what your guarantee on that is?

901

902 Mr. Comiskey – I understand his intentions are to maintain the historic character.

903

904 Mr. Maglio – I will do everything I can to keep the exterior the way it is. The only thing that
905 will change is the back section which I got my demo permit today. It is coming down this week
906 and this section is a lot newer than the building - probably from the 20's or 30's. I wish I could
907 keep it but it comes down to budget.

908

909 Mr. Detwiller – I am a descendant of a great, great grandfather whose house in Pennsylvania
910 now has a Dunkin Donuts in it. This is preserving the appearance of the original use of this
911 building which is a major focal point. I am all in favor of keeping it residential.

912

913 Mr. Puopolo – Were the abutters notified of this hearing?

914

915 Mr. Snyder – Yes.

916

917 Ms. Harris (13 Elm Street) – The back end of his property backs up to mine. I just want to
918 address a couple of your concerns. One is the 100 foot buffer. I bet there is no 100 foot buffer
919 between the commercial district and 9 Elm Street. My point is that you are worried about losing
920 something that is not there.

921

922 Ms. Evangelista – There is 20 or 30 feet there.

923

924 Ms. Harris – The second thing is that you are concerned about losing a small commercial district.
925 If a store were to go in there, what happens to the residential property values around there? They

926 will drop if they put a store in there. Yes, you are losing one little commercial space but if it
927 stays commercial then it is the destruction of a whole neighborhood.

928
929 Mr. Maglio – What attracted me to this place is this is a house through and through. It was built
930 as a residential home.

931
932 Ms. Evangelista – Mr. Spaulding used to do his wood work in there.

933
934 Mr. Watts – Is the floor plan in these drawings the existing floor plan?

935
936 Mr. Maglio – No that is the proposed floor plan but I do have the existing one if you would like
937 to see it.

938
939 Mr. Hoover – **Motion** to approve the re-zone of 5 Elm Street to all residential and to make
940 that recommendation to the Board of Selectmen.

941 Mr. Watts – **Second.**
942 **Motion Carries: 5-0; Unam.**

943
944 Mr. Howard – **Motion** to close the hearing

945 Mr. Watts – **Second.**
946 **Motion Carries: 5-0; Unam.**

947
948 **6. Amendment: Registered Marijuana Dispensary.**

949 Mr. LaCortiglia – We are now opening the continuation of the public hearing. All in favor of
950 recommending is as written, say aye.

951
952 Mr. Howard – **Motion** to recommend this bylaw as written to the Board of Selectmen..

953 Mr. Watts – **Second.**
954 **Motion Carries: 4-0; 1 Abstention**

955
956 Mr. Howard – **Motion** to close this hearing.

957 Mr. Watts – **Second.**
958 **Motion Carries: 4-0; 1 Abstention.**

959
960 **7. Amendment: Accessory Apartment.**

961 Mr. LaCortiglia – We are now opening the continuation of the public hearing.

962
963 Mr. Snyder – There is correspondence in your packet from the Zoning Board of Appeals
964 regarding this public hearing.

965
966 Mr. LaCortiglia – Can I summarize by saying that the Zoning Board of Appeals has sent us
967 information that says that essentially they look at what you are doing and think it is a
968 wonderful idea but they look at the changes to the existing bylaw that you are proposing to
969 make and they are not ready. They are not detailed enough and do not include some

970 important elements. While they fully support and myself as well the idea of creating more
971 affordable housing. You are trying to modify with very little wording a bylaw and it does
972 not address a number of concerns the Zoning Board of Appeals and Building Inspector have.
973

974 Mr. Puopolo – Can I address that?
975

976 Mr. LaCortiglia – I will give you 5 minutes.
977

978 Mr. Puopolo – I would like to distribute this information to you. You have not seen our
979 responses to their questions.
980

981 Mr. LaCortiglia – Unusually we do not accept this kind of information unless it is a week
982 prior to the meeting.
983

984 Mr. McGee – We have been sitting here for a couple of hours and I think to give us 5
985 minutes is a little restrictive.
986

987 Mr. LaCortiglia – It probably is but that is the way it is.
988

989 Mr. McGee – But the other people got as much time as they wanted.
990

991 Mr. LaCortiglia – Would you like to discuss this for 5 more minutes? I have seen
992 communication from the Zoning Board of Appeals that basically says this is not ready.
993

994 Mr. Puopolo – Why don't we discuss that. That is not what I read. Let's start with the first
995 concern. Mr. Moore's suggestion is that the units be restricted to over 55. The guidelines by
996 the DHCD include discrimination due to age so that is not possible. His second concern is
997 that there should be a clear understanding that the future owner has the ability to convert
998 from an affordable unit back to an assessor apartment. If you look at my response there is a
999 voluntary termination clause built in.
1000

1001 Mr. Snyder – This information is language from the DHCD?
1002

1003 Mr. Puopolo – Yes. His 4th concern involves a conversion of one use to another should
1004 require a special permit and review by the Zoning Board of Appeals. I think his concern here
1005 is that it will be granted either for an in-law or an affordable housing apartment - not for
1006 both.
1007

1008 Mr. LaCortiglia – That is not clear in the bylaw, that's the problem.
1009

1010 Mr. Puopolo – I think it is. It says either in the bylaw.
1011

1012 Mr. Howard – I thought it was clear.
1013

1014 Mr. Puopolo – So it is either one or the other - can't have both. The DHCD will not approve
1015 it if it is rented to a family member. Point 5 is that a single permit could be for both but that
1016 would be confusing to track.

1017

1018 Mr. Snyder – You would need a deed restriction on your house for a family member.

1019

1020 Mr. Puopolo – Right that is not doable. He is concerned about the size of the rental property.
1021 The DHCD requires at least two bedrooms for a family of four. Any house less than 2700
1022 square feet would not be allowable under the current bylaw - it has to be a third of the livable
1023 space. I have sent this to the DHCD for their comments and have not heard back yet. I
1024 think this would be an incentive for people who have an apartment and don't have a family
1025 member using it. It would give real opportunity for affordable property in the community. If
1026 the unit is illegal eventually they will get caught when they refinance or sell.

1027

1028 Mr. Howard – When you say it will put it on the tax rolls actually a two family doesn't
1029 necessarily appraise any higher than a single family.

1030

1031 Mr. Puopolo – The bottom line is when you add income property to your house it does add to
1032 the value of the house.

1033

1034 Mr. Howard – An appraiser won't say it is worth more money.

1035

1036 Mr. Hoover – The assessment would be less from my experience.

1037

1038 Mr. Puopolo – Adding income to the property increases the property value. If approved as an
1039 in-law and they want to go affordable then yes they have to go to Zoning Board of Appeals.

1040

1041 Mr. Howard – The Zoning Board of Appeals is the only one to grant them the in-law status?

1042

1043 Mr. Puopolo – Correct.

1044

1045 Mr. LaCortiglia – Number 3 says the removal of the unit should be by the owners right with
1046 no hearing required.

1047

1048 Mr. Puopolo – You can remove the unit but to change it from or to an affordable unit you
1049 have to go to the Zoning Board of Appeals.

1050

1051 Mr. Snyder – If a lease for an affordable unit is terminated and it is not occupied, he can still
1052 continue to rent it as affordable housing because of the deed restriction?

1053

1054 Mr. Puopolo – If the regulatory agreement is still in place yes. If he rescinds it then he
1055 cannot rent the apartment. Any units that are affordable have to be put on the HIS - this is
1056 the same thing.

1057

1058 Mr. LaCortiglia – I think the problem is that you have not spelt out enough for the Zoning
1059 Board of Appeals. To be honest I don't think this should be tacked on to the assessor's
1060 bylaw. I think the assessor's bylaw should be cleaned up and in addition to that there should
1061 be another category for affordable apartment that should be a special permit through the
1062 Zoning Board of Appeals. I am not against the idea but I don't think the execution of how
1063 this is happening is workable.

1064
1065 Mr. Puopolo – How long the affordable unit can be rented? The DHCD guideline is a
1066 minimum term of 15 years.

1067
1068 Mr. LaCortiglia – Then I can remove it anytime I want.

1069
1070 Mr. Puopolo – It is a bit of a catch 22 you have to notify your tenant as you can't
1071 immediately throw your tenant out.

1072
1073 Mr. LaCortiglia – They could go for a special permit to move family back in. I don't
1074 understand how you can lose the deed restriction. I am sure the town counsel will explain
1075 that to the Zoning Board of Appeals if this passes.

1076
1077 Mr. Puopolo – It is in the regulatory agreement.

1078
1079 Mr. LaCortiglia – Required minimum term of 15 years...

1080
1081 Mr. Puopolo – This is a guideline they won't accept it onto the SHI unless there is a permit
1082 for at least fifteen years.

1083
1084 Mr. Nelson – The guidelines drive a deed rider and a deed rider is sitting on a property and
1085 all these things we are going over are clarified in the deed rider.

1086
1087 Mr. LaCortiglia – So I put the deed rider on my land and a year later I can change my mind
1088 and I lift it.

1089
1090 Mr. Nelson – This is different because basically you don't own it. You own it but you can't
1091 sell it without going thru the trust. You own the house but don't control the selling of it.

1092
1093 Mr. Snyder – That's if the whole house is restricted by this deed rider.

1094
1095 Mr. Nelson – It also has to be sold at an affordable price. All of these restrictions are in the
1096 deed rider. I can get you a copy if you would like.

1097
1098 Mr. Puopolo – It goes onto the deed but it is not technically a deed rider. It is a regulatory
1099 agreement.

1100
1101 Mr. Howard – What does DHCD stand for?

1102
1103 Mr. Puopolo – Department of Housing and Community Development. They control the
1104 subsidized housing inventory. This comes from their guidelines.
1105
1106 Mr. LaCortiglia – Essentially these guidelines is what the Zoning Board of Appeals will be
1107 locked into using for condition on special permits?
1108
1109 Mr. Puopolo – The regulatory agreement drives the whole thing. They have a model
1110 agreement they want towns to use. If you saw that you would see how specific this whole
1111 thing is.
1112
1113 Mr. LaCortiglia – Wouldn't the bylaw reference it?
1114
1115 Mr. Puopolo – Yes, it requires it. The bylaw requires it that the units be accepted onto the
1116 subsidizing housing inventory.
1117
1118 Mr. LaCortiglia – What it doesn't specify is how that works.
1119
1120 Mr. Puopolo – The guidelines will tell you how that works.
1121
1122 Mr. Nelson – What are you looking for?
1123
1124 Mr. Snyder – This may just not be not having enough information presented. What you
1125 provided is helpful. I think the confusion from the Zoning Board of Appeals is the ZBA does
1126 not know the DHCD covers a lot of this.
1127
1128 Mr. Puopolo – We tried to explain that to them but when you have 15 minutes with a group it
1129 is very hard to explain a complicated issue.
1130
1131 Mr. LaCortiglia – When you have 21 days for a decision it gets complicated too.
1132 Referencing all of these things if it is not established beforehand what it is you need to do
1133 makes it difficult.
1134
1135 Mr. Puopolo – All they have to do is tell the owners to go and get the unit on the HIS. It is
1136 not up to the Zoning Board to do anything if they agree to the special permit.
1137
1138 Mr. LaCortiglia – So I want to add an in-law apartment and I want it to be an affordable unit.
1139 How would I get my building permit to build it before I get...?
1140
1141 Mr. Puopolo – You can build it you just can't occupy it.
1142
1143 Mr. LaCortiglia – My special permit tells me I have to get on the SHI before I am issued a
1144 building permit. I can't get a building permit until I am on the SHI.
1145

1146 Mr. Nelson – You don't get on the SHI until you build it and rent it to the specs of the
1147 regulatory agreement.
1148
1149 Mr. Puopolo – You would go to the Zoning Board of Appeals to get your special permit.
1150 You would put the regulatory agreement onto your property that would satisfy the DHCD.
1151
1152 Mr. LaCortiglia – Moving further down.
1153
1154 Mr. Puopolo – Any violation would fall to the Building Inspector in town he is the one that
1155 would fine them.
1156
1157 Mr. Howard – Who determines that the units are safe?
1158
1159 Mr. Puopolo – The Building Inspector.
1160
1161 Ms. Evangelista – How come you left out bath in the bylaw.
1162
1163 Mr. Nelson – It needs all the facilities of an apartment.
1164
1165 Mr. Snyder – That is original language. As I understand an in-law apartment includes a
1166 kitchen and bedroom. For affordable housing it must meet whole different criteria.
1167
1168 Ms. Evangelista – I think you guys have done a lot of work and I think the scope and purpose
1169 is right. But my feeling is to let town counsel look at it so we don't have to use CPC money
1170 to buy an affordable housing unit like we did on Central Street and I did not vote for it. Let's
1171 not find ourselves in that trap again!
1172
1173 Mr. Nelson – Look at the housing plan approved by the Board of Selectmen. It states that
1174 one of the major missions is to not loose any of the affordable housing we have right now.
1175 That house was first sold incorrectly.
1176
1177 Ms. Evangelista – Which explains why you need all this detail.
1178
1179 Mr. Puopolo – It wasn't that we were trying to go the fast and easy way. Our feeling is that
1180 if we came to the town with something that was so restrictive it would be our downfall.
1181
1182 Ms. Evangelista – I appreciate all the work you have done.
1183
1184 Mr. LaCortiglia – You need more than a paragraph but less than a book.
1185
1186 Ms. Evangelista – I am willing to vote to send it to town counsel to see what they say.
1187
1188 Mr. LaCortiglia – The last thing the Building Inspector says is that all affordable units must
1189 comply with the building code as a separate dwelling unit. Includes egress and fire

1190 separation. Bottom-line is what may work for an in-law may not easily convert to an
1191 assessorly apartment.
1192
1193 Mr. Puopolo – This does not forgive any building codes.
1194
1195 Mr. LaCortiglia – An apartment cannot egress through another unit and must have a one hour
1196 fire separation between them.
1197
1198 Mr. Howard – As an in-law apartment you don't need to.
1199
1200 Mr. Puopolo – If it were a two family I would agree with you but it is an assessorly
1201 apartment.
1202
1203 Mr. LaCortiglia – You could have an in-law apartment thinking you can easily turn it and
1204 find that you can't.
1205
1206 Mr. Puopolo – That is up to the Building Inspector.
1207
1208 Mr. Puopolo – I have an in-law and he gets out of the house through our house.
1209
1210 Mr. Howard – In the case of an affordable unit it cannot be like that.
1211
1212 Mr. Snyder – Does DHCD have anything in their guidelines about this?
1213
1214 Mr. Puopolo – I think they leave it for the building code.
1215
1216 Mr. LaCortiglia – There are a lot of concerns from the Zoning Board of Appeals.
1217
1218 Mr. Puopolo – I think you are over stating that because we met with them. They have
1219 questions I don't know if they are concerns or not. They were concerned about who was
1220 going to monitor it. That will be left to an outside professional.
1221
1222 Mr. Snyder – It not the responsibility of the Zoning Board of Appeals.
1223
1224 Mr. LaCortiglia – What if I had one and didn't pay to monitor it?
1225
1226 Mr. Puopolo – You have to per the regulatory agreement. The town has to certify that it has
1227 been done either by the selectmen or someone designated by the town.
1228
1229 Mr. Nelson – Usually it is contracted.
1230
1231 Mr. LaCortiglia – If got my occupancy permit then now I have to pay someone to monitor.
1232 What if I don't want to?
1233

1234 Mr. Puopolo – You have no choice. Go to the last page.
1235
1236 Mr. LaCortiglia – In the bylaw who is the local person responsible?
1237
1238 Mr. Nelson – It could be the local housing partnership.
1239
1240 Mr. LaCortiglia – You have the definition but not the position.
1241
1242 Mr. Nelson – It is a function not a person.
1243
1244 Mr. Snyder – Would that designation be done as a condition in a special permit?
1245
1246 Mr. Nelson – Yes it is.
1247
1248 Mr. Howard – Does that unit have to be inspected every year?
1249
1250 Mr. Nelson – Yes.
1251
1252 Mr. LaCortiglia – How doe the town know if it happened?
1253
1254 Mr. Nelson – Because it is on the SHI. The monitoring agent has their name.
1255
1256 Mr. LaCortiglia – With all due respect there are 4 units on the SHI that have been on there
1257 for 13 years that don't belong there.
1258
1259 Mr. Snyder – They met the requirements at the time.
1260
1261 Mr. LaCortiglia – But they stayed on there for another 12 years. Who's going to watch the
1262 store now?
1263
1264 Mr. Puopolo – It is covered in the guidelines.
1265
1266 Mr. LaCortiglia – The guidelines are not in the bylaw.
1267
1268 Mr. Puopolo – You name a local project administrator. They are responsible for making
1269 sure it stays in line. Every year they audit the rents and tenants they report to the DCHD. It
1270 is the local project administrator that does this.
1271
1272 Mr. Howard – Will the DHCD give us a list of who is authorized?
1273
1274 Mr. Puopolo – It does define the type of person.
1275
1276 Mr. Snyder – If the person with the unit doesn't pay for the monitoring agent, do they lose
1277 their special permit?

1278
1279 Mr. Puopolo – Yes.
1280
1281 Mr. LaCortiglia – How do they get caught?
1282
1283 Mr. Puopolo – By the local project administrator to someone in town. I think they prefer the
1284 Board of Selectmen. It is in the guidelines.
1285
1286 Mr. Fowler – Does anybody know who monitors Longview?
1287
1288 Mr. Nelson – There are two monitoring agents from out of state firms.
1289
1290 Mr. Howard – They actually visit onsite every year?
1291
1292 Mr. Nelson – Theoretically, yes. Actually the agreement is that only the town administrator
1293 can make queries.
1294
1295 Mr. Howard – I would want that to be resolved as to who that person is.
1296
1297 Mr. Puopolo – Right now we are working with Harbor Lights a nonprofit community
1298 development. They would be qualified for this. The owner would go to them and ask them
1299 to do the audit and they would go to the town.
1300
1301 Mr. LaCortiglia – Maybe add it in the town meeting floor.
1302
1303 Ms. Evangelista – What is the average price for the affordable units?
1304
1305 Mr. Puopolo – It is in the guidelines. It depends on the size of the family.
1306
1307 Mr. Fowler – Does the homeowner choose their tenants?
1308
1309 Mr. Puopolo – The homeowner decides but the tenant has to qualify under the law.
1310
1311 Mr. Howard – He can discriminate who to rent to as long as he lives there.
1312
1313 Mr. LaCortiglia – OK kids it is very, very late. The 5 minutes grew to 40.
1314
1315 Mr. Howard – I think you are close there are just a few unanswered questions.
1316
1317 Mr. LaCortiglia – I will accept a vote to send this to the Board of Selectmen.
1318
1319 Ms. Evangelista – I motion to send this to the Board of Selectmen. I'd like to see what town
1320 counsel has to say.
1321

1322 {No Second is made.}

1323

1324 Mr. Snyder – It will be sent to them with all the other recommendations. It is my
1325 understanding town counsel must edit the warrant no closer than 14 days before town
1326 meeting.

1327

1328 Mr. Fowler – It is on there as a place holder.

1329

1330 Ms. Evangelista – I don't feel comfortable voting until I know this will work from town
1331 counsel because there are a lot of legalities and you really need a lawyer for strong direction.

1332

1333 Mr. Howard – I just feel that we are not going to get there for the town meeting. You are not
1334 leaving us much time. It is not the end of earth if it didn't...

1335

1336 Mr. Puopolo – No not the end of the earth.

1337

1338 Mr. Howard – It is better to have it well defined.

1339

1340 Mr. Puopolo – The problem is everyone's meeting schedules. We did go to the Zoning
1341 Board of Appeals but technically they have no role in this whatsoever.

1342

1343 Mr. Snyder – Because of the timeline for town meeting there is not time for another hearing.

1344

1345 Mr. Howard – There are too many unanswered questions.

1346

1347 Mr. Watts – It probably would need to be presented as these are the guidelines and this is our
1348 layer of it or whatever model is most easily communicated.

1349

1350 Mr. Snyder – The board could continue the public hearing or you can end this public hearing
1351 and then later start a new public hearing to open it up again.

1352

1353 Mr. Howard – I think we should continue it.

1354

1355 Mr. McGee – I agree if we can continue it rather than come back in. So you have time to
1356 review the regulations and guidelines.

1357

1358 Mr. Howard – And the Building Inspector too as he will play a part in this. Everyone that
1359 has a part in this has to be on board.

1360

1361 Mr. LaCortiglia – What are we continuing? My understanding is that this hearing is about a
1362 bylaw amendment for the annual town meeting. What are we continuing?

1363

1364 Mr. Snyder – The wind energy facility bylaw was continued for want of more information.

1365

1366 Mr. Howard – Why don't we close the hearing and then reopen the hearing when we have
1367 more information? Then Mr. Hoover will be able to participate and vote on it as well.
1368
1369 Mr. Puopolo – If it doesn't get on this year, we will be back next year.
1370
1371 Mr. Snyder – Mr. Howard brings up a good point, if you close it now and reopen then you
1372 can have the 5th member involved.
1373
1374 Mr. Puopolo – I am disappointed but I understand - it is very dense and complicated.
1375
1376 Mr. Nelson – What are you looking to see?
1377
1378 Mr. LaCortiglia – I'd like to see two parallel tracks. One that changes the existing Zoning
1379 Board of Appeals bylaw and a separate one...
1380
1381 Mr. Howard – Why do you want to do that?
1382
1383 Mr. LaCortiglia – Because there is no enforcement or monitoring for in-law apartments.
1384
1385 Mr. Howard – That's the Zoning Board of Appeals problem.
1386
1387 Mr. LaCortiglia – Ms. Evangelista did you withdraw that motion?
1388
1389 Ms. Evangelista – I guess so. I thought at least we could find out from town counsel whether
1390 this was appropriate. That's what I thought.
1391
1392 Mr. Howard - Let's get some more information before...
1393
1394 Mr. Snyder – There's not enough time to get town counsels opinion on this and the Planning
1395 Board to review it before town meeting.
1396
1397 Mr. LaCortiglia – Would anybody like to close the hearing?
1398
1399 Mr. Howard – **Motion** to close the hearing.
1400 Mr. Watts – **Second.**
1401 **Motion Carries: 3-1; 1 Abstention.**
1402
1403 Mr. Howard – The caveat in the minutes can be that we are closing it so that Mr. Hoover can
1404 participate in the hearing.
1405
1406 Mr. LaCortiglia – We have to make a report to the Board of Selectmen.
1407
1408 Mr. Snyder – The report can state the Planning Board is unable to make a recommendation at
1409 this time.

1410
1411 Mr. Howard – The Planning Board needs more information before we can make a
1412 recommendation.
1413
1414 Mr. Howard – **Motion** that the report states that the Planning Board needs more
1415 information to make a recommendation.
1416 Mr. Watts – **Second.**
1417 **Motion Carries; 4-0; 1 Abstention.**
1418
1419 Ms. Evangelista – They will probably pass it over at town meeting.
1420
1421 Mr. Nelson – I am still confused. How do we move this forward?
1422
1423 Mr. Howard – When you answer all the questions. We need procedures and to define who
1424 will administer and supervise the implementation of this bylaw and maintain oversight.
1425
1426 Mr. Puopolo – It is in the guidelines. When you read them you will know.
1427
1428 Mr. Nelson – Would you like to schedule some time to educate you on this process?
1429
1430 Mr. LaCortiglia – Informal meetings, you can schedule them with Mr. Snyder.
1431
1432 Mr. Watts – I am sure you can organize the information in a way that can be presented at the
1433 appropriate level.
1434
1435 Mr. Puopolo – The problem with this is that it is so wide ranging and you will have more
1436 questions.
1437
1438 Mr. Snyder – Going forward you have concerns of the Planning Board and questions that
1439 need to be answered. You are waiting to hear form the DHCD and to meet with the Building
1440 Inspector informally. Then come back to the board as a public hearing so it is all on record.
1441
1442 Mr. Hoover – Speaking for myself, what I would find helpful is that in this presentation you
1443 have points you are trying to make and the questions that come up. I will lose the picture of
1444 something that was talked about months ago so if there were a written record showing what
1445 was covered and what is outstanding that needs to be addressed. That helps me a lot.
1446
1447 Mr. Watts – **Motion** to adjourn.
1448 Mr. Howard – **Second.**
1449 **Motion Carries: 5-0; Unam.**
1450
1451 **Meeting adjourned at 10:25 PM.**