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

Present: Mr. Harry LaCortiglia; Ms. Tillie Evangelista; Mr. Tim Howard (arrived at 7:50 PM); Mr. Bob Watts; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

Absent: Mr. Christopher Rich

Meeting Opens at 7:10 PM.

Approval of Minutes:

1. Minutes of January 22, 2014.

Mr. Watts - **Motion** to approve the January 22nd, 2014 minutes subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

Motion Carries: 3-0; Unam.

2. Minutes of February 12, 2014.

Mr. Watts - **Motion** to approve the February 12th, 2014 minutes subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

Motion Carries: 3-0; Unam.

Correspondence:

1. John Maglio: Request to be placed on the March 12th Agenda - Citizen's Petition.

Mr. Snyder - This is the person that recently purchased 5 Elm Street. He requested to be placed on the March 12th agenda for the Planning Board to discuss a Citizen's Petition. The BOS have not yet formally met and referred it to the Planning Board. Once this occurs at their next meeting a public hearing notice will be made and the Citizen's Petition held.

Mr. LaCortiglia - Do we want to explain to him that he is more than welcome to come but it would be preferable if he came to the hearing that we have to hold?

Mr. Snyder - I have advised him of that.

Mr. LaCortiglia - He can come to the March 12th meeting but it may be late. Isn't it 14 days for the BOS to send it to the Planning Board and then the Planning Board has to turn around and we have to notice it for 2 weeks or something?

Mr. Snyder - I have advised him not to come to the March 12th meeting as the hearing will be on March 26th.

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Mr. LaCortiglia - If the BOS hold a meeting next Monday to refer it to us.

Mr. Snyder - Mr. Fowler, you are meeting next Monday correct?

Mr. Fowler - Hope so.

Mr. LaCortiglia - The timing might work out.

Ms. Evangelista - Since Mr. Fowler is here, usually what happens when you get a Citizens Petition is that it goes right to the town clerk's office to verify the signatures.

Mr. Snyder - That had been done.

Mr. LaCortiglia - And then it goes to the BOS and then they refer it to the Planning Board.

Mr. Snyder - In a formal vote.

Mr. LaCortiglia - Right and we have 14 days to do it or something like that.

Ms. Evangelista - I thought at one of the meetings that I heard it was going to town council first and I couldn't get an explanation as to why. Is that so Mr. Fowler?

Mr. Fowler - There was talk of that. I believe the talk was about everything goes to counsel. I would hope that they wait till after the hearing.

Vouchers:

Mr. Snyder - Both of these vouchers are being drawn from established M-Accounts.

- 1. **H.L. Graham: Turning Leaf.**
- 2. **H.L. Graham: Jefferson Court.**

Ms. Evangelista - **Motion** to accept the vouchers as presented with a total of \$4445.00.
Mr. Watts - **Second.**
Motion Carries: 3-0; Unam.

Mr. LaCortiglia - Just so everyone in the audience knows, we have a number of proposed bylaw amendments tonight. To my knowledge all of these have been noticed in the papers for two weeks. There are basically three new bylaws that we need to deal with. I know we have them numbered one through seven but I think the best way is to start with solar and then go to wind and then to marijuana and then at that point go to the accessory Apartment modification and then go back and do the first three.

90 **Public Hearing:**

91 **1. Bylaw Amendment #4: §165 Article XVIII Solar Energy Facilities -New Bylaw.**

92 Mr. LaCortiglia - We are reopening this hearing. I think we can go through this in a half hour.

93
94 Mr. Snyder - The planning board has continued this hearing from September 11th without any
95 new discussion. The bylaw draft in your packet has been discussed through §165-140. So we
96 don't need to start right at the beginning.

97
98 Mr. LaCortiglia - I went thru it fresh and I see a couple of things. Maybe the best would be
99 to go thru it in its entirety and then continue to another hearing.

100
101 Mr. Snyder - We should hold a second hearing for all of the hearings opened tonight.

102
103 Mr. LaCortiglia - Let's make some corrections now and hopefully we will have a nice clean
104 copy for the continuation. That could be relatively quick and then we can report to the BOS.
105 The first page, section 136B, states that a solar application may also be reviewed by another
106 town board. I think what we want to say is other Georgetown boards or commissions.

107
108 Ms. Evangelista - I question that nowhere here does it mention that the electric manager be
109 involved.

110
111 Mr. Snyder - The municipal light department has a section in here about review.

112
113 Mr. LaCortiglia - The idea of this is that it is an as-of-right in any of the town and zoning
114 districts - this is my understanding.

115
116 Mr. Snyder - As-a-right does not imply somebody can go ahead and develop. They need to
117 get a building permit and there is certain oversight thru the site plan approval process. It does
118 mean it is permitted in all zoning districts.

119
120 Mr. LaCortiglia - It is a permitted use but you need to come for a site plan approval. We are
121 talking about solar installations and it will break down into two categories. The first is
122 someone that has a business or a home and they want to use the power in their own home for
123 onsite. I believe that is what is being referred to as an on-site solar energy facility. This is
124 section 138.

125
126 Ms. Evangelista - This does not say anywhere about it on the roof.

127
128 Mr. LaCortiglia - That is interesting because I see that for residential. However, I can picture
129 a business with a flat roof that would cover their roof.

130
131 Mr. Snyder - If it is for a residential it is not considered in here.

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Mr. LaCortiglia - What if I had an industrial building and wanted to put solar panels on the roof to generate enough power for onsite and to sell? That would then be considered a commercial solar energy facility?

Mr. Snyder - Right.

Mr. LaCortiglia - Then under the definition of commercial solar energy facility I am reading that a ground mounted unit is. Where in here - I see that someone has a lot of land or someone wants to rent or buy the land and wants solar panels in the field that are ground mounted and this fits the definition. What about a business that wanted it on their roof exclusively to sell? Where would that happen? My concern is that I could see some problems with the way it is written right now. If I owned a business and this passed I believe I don't need a review. I could mount anything I want on the roof - there is no oversight in this bylaw. Where that would be addressed?

Ms. Evangelista - Applicability under §165-137(C) reads that nothing shall be construed to prevent the installation for roof mounted installations on residential structures.

Mr. LaCortiglia - I am all in favor of that. If a homeowner wants to put panels on their roof then go for it. I think that should be the building inspector to go there and say you need a sign-off from the electric company and the department.

Mr. Watts - Where are those requirements articulated - for a roof mounted residential?

Ms. Evangelista - Is the building inspector inspecting the roofs now?

Mr. LaCortiglia - Yes. There are three or four residential roof installations that are already done.

Mr. Snyder - General provisions B reads construction and operation of all solar energy facilities shall be consistent with all applicable local, state and federal requirements including but not limited to medical, safety requirements. All buildings and fixtures forming part of an energy facility shall be constructed in accordance with the state building code. Under that section should all dimensional controls requirements be added as it would add height?

Mr. LaCortiglia - My concern right now is where C under applicability gives a clear go ahead to the residential structure and I see nothing about roof mounted for industrial. We are defining commercial as ground mounted and we are defining onsite solar energy facilities as ground mounted. I think at the very least we ought to look to the onsite solar energy definition and we should modify that.

174 Mr. Snyder - For the purpose of this bylaw, solar energy facilities shall consider both onsite
175 and commercial and such facilities shall include transmission, storage and so forth. There it is
176 defined and it doesn't say ground mounted.

177
178 Mr. LaCortiglia - This is on page three. A ground mounted solar installation for the purpose
179 of electrical generation where the facility is an accessory use to the principal use of the
180 property. We should add in something that says this also applies to roof mounted. Maybe we
181 could say ground mounted or roof mounted?

182
183 Mr. Snyder - The section I read I thought covered it by saying all solar energy facilities.

184
185 Mr. LaCortiglia - I am not reading anything here that would help the building inspector. I
186 think it is a huge hole here.

187
188 Mr. Snyder - So if someone comes in and wants to install on the roof what would it be
189 called?

190
191 Mr. LaCortiglia - It depends on its purpose. Any facility will falls under either A an onsite
192 solar energy facility or B a commercial solar energy facility. I don't see anything that also
193 includes a roof mounted.

194
195 Mr. Snyder - So you are looking for the term of roof mounted? On page 139B at the end of
196 the page it states all solar energy facilities. You want to include in the definition the words
197 ground mounted and/or roof mounted?

198
199 Mr. LaCortiglia - Yes.

200
201 Ms. Evangelista - To begin with there is way too much stuff in here for a bylaw. When you
202 are saying as-a-right it says to me that you cannot deny it. It is something they have a right to
203 do based on state and federal law. Item C on page 2, nothing is this section shall be
204 construed to prevent the installation of roof mounted... I think that holds true for everything
205 here, you cannot prevent it.

206
207 Mr. LaCortiglia - You can condition it.

208
209 Mr. Snyder - Projects cannot be prohibited that can be reasonably regulated by the building
210 inspector.

211
212 Ms. Evangelista - That sentence is unnecessary I think.

213
214 Mr. Snyder - Projects can't be prohibited but they can be denied.

215

216 Mr. LaCortiglia - I think it is termed to show that a residential structure wouldn't be
217 prohibited in any way on a roof.
218
219 Ms. Evangelista - Anywhere you can't. You cannot deny them.
220
221 Mr. LaCortiglia - If you want to put solar panels on your roof you don't come to this board
222 for approval.
223
224 Ms. Evangelista - That's what it should say. Does it say a site approval is not required? No,
225 and I think it should say that installation on residential structures does not require site plan
226 approval.
227
228 Mr. LaCortiglia - On single family residential.
229
230 Mr. Snyder - I don't know if you can say that as there are multi families in town.
231
232 Mr. Watts - What is the dwelling is residential and they punch it back into the grid?
233
234 Ms. Evangelista - That is allowable, the difference is the use is just for selling.
235
236 Mr. LaCortiglia - Essentially it would be a track of land that will be developed into a facility.
237
238 Mr. Watts - I am wondering about someone putting it on an apartment building.
239
240 Mr. LaCortiglia - On an apartment building there would be a pretty big draw and probably no
241 extra to sell. It doesn't sound like anything we can regulate.
242
243 Ms. Evangelista - The other thing is that I think it should say that this is not a special permit.
244 It is a site approval process and I think that should be on the scope of authority. It talks about
245 it but it would be simpler to just say it.
246
247 Mr. LaCortiglia - I think it does say it. We talk about a permit granting authority and not a
248 special permit granting authority. It is in our definitions. This is a PGA.
249
250 Mr. Snyder - Under definitions it says that the developer may proceed without the need for a
251 special permit...
252
253 Mr. LaCortiglia - The only question I had was the second sentence and the word "may" be
254 subject to... should the word be "shall"?
255
256 Ms. Evangelista - It should be "shall" as we are requiring it.

257
258 Mr. LaCortiglia - Under building inspector, is it necessary to define building inspector?
259 Maybe if we define building inspector shouldn't that be the building inspector of Georgetown
260 MA? It would be much clearer. We know who the building inspector is.
261
262 Mr. Fowler - You may want to say inspection department. Electrical, plumbing etc... are
263 under one department under the building inspector.
264
265 Mr. LaCortiglia - What do you think Mr. Snyder?
266
267 Mr. Snyder - Building inspector.
268
269 Mr. LaCortiglia - The zoning compliance officer is not always the building inspector. The
270 zoning compliance officer is whoever the board of appeals says is.
271
272 Ms. Evangelista - It is in our bylaw, he is it.
273
274 Mr. Snyder - "The building inspector designated by local ordinance or bylaw in in charge of
275 enforcement in Georgetown."
276
277 Ms. Evangelista - I would just put the building inspector is the enforcement officer.
278
279 Mr. LaCortiglia - I like what Mr. Fowler said, the building inspection department.
280
281 Mr. Watts - Does that exists?
282
283 Mr. Fowler - You can confirm it but he is pretty much the lead man of the gas, plumbing and
284 electrical inspectors.
285
286 Mr. Watts - Is there any spot in the bylaw where that role is defined?
287
288 Ms. Evangelista - It is in section 40A that says our building inspector is the enforcement
289 officer.
290
291 Mr. Watts - It may change in the future.
292
293 Mr. LaCortiglia - Mr. Snyder can you find that out for the next meeting?
294
295 Mr. Snyder - Yes.
296

297 Mr. LaCortiglia - Under designated location: I think we can say as designated by town
298 meeting.
299
300 Ms. Evangelista - I don't think we should say anything there.
301
302 Mr. LaCortiglia - I think you can take the whole first sentence out.
303
304 Ms. Evangelista - All zones will be able to do this.
305
306 Mr. LaCortiglia - Yes, but there will be an overlay map.
307
308 Ms. Evangelista - I think that's all you should say - all districts in town. If you want to say
309 overlay...
310
311 Mr. Snyder - That's what on the official map in Georgetown for a districts map. We have a
312 Town of Georgetown Zoning and District Overlay Map.
313
314 Mr. LaCortiglia - Is the definition of the zoning enforcement good? Or would it share the
315 definition with building inspector?
316
317 Mr. Snyder - I can add that into the building inspector role.
318
319 Ms. Evangelista - On page three, I think that the electric department is supposed to be in here
320 somewhere. He will be the knowledgeable person.
321
322 Mr. LaCortiglia - You want to make sure we involve the electrical department.
323
324 Mr. Snyder - Item number 7 was language given to us from the municipal light department.
325
326 Mr. LaCortiglia - They talk about requirements of two documents that they publish. I assume
327 they are on the Georgetown web site.
328
329 Ms. Evangelista - On number 6 you have special permit.
330
331 Mr. LaCortiglia - Pull the word special out on number 6, second line.
332
333 Ms. Evangelista - On number 4 I thought 4 and 8 should be consolidated as it refers to the
334 vegetation. How can we handle that as you need sunlight for solar panels?
335
336 Mr. Snyder - Number 4 is for visual impact and number 8 is for clearing. They are different.

337
338 Ms. Evangelista - How can a person accomplish that if it is on the lawn or the roof? I am
339 looking for examples of what we could be getting.
340
341 Mr. LaCortiglia - This is something for the engineer's to deal with.
342
343 Mr. Snyder - If they have a transformer on the roof they will have to put up a fence or screen.
344
345 Mr. LaCortiglia - The visual impact will be addressed. Number 8 talks about the limits of
346 clearing of natural vegetation.
347
348 Ms. Evangelista – Talks about roads in number 9. What if they need a curb cut?
349
350 Mr. LaCortiglia - I don't think we need to address it.
351
352 Mr. Snyder - In site plan approval if a curb cut is required then approval from the highway
353 surveyor.
354
355 Mr. LaCortiglia - Whatever district you are in there are frontage retirements. I think that
356 would be dealt with in the site plan approval.
357
358 Ms. Evangelista - On page 5 you have zoning districts designation and in here you only
359 mention zoning map and not...
360
361 Mr. LaCortiglia - When you go for site plan approval you need certain documents and one of
362 them is the zoning designation for the parcel.
363
364 Ms. Evangelista - You're not listing it like you did over here.
365
366 Mr. Snyder - I consider that to be something of a document provided by MIMAP.
367
368 Ms. Evangelista - Maybe you should put MIMAP in there?
369
370 {Mr. Howard arrives at 7:50 PM.}
371
372 Ms. Evangelista - So what is J, K and L, are they new numbers?
373
374 Mr. LaCortiglia - Yes they are new with the adoption of this bylaw.
375
376 Ms. Evangelista - Why are they in here like this?

377
378 Mr. LaCortiglia - It is calling out the documents that need to be submitted. So someone that
379 wants a permit knows clearly what they need to bring in.
380
381 Ms. Evangelista - It seems repetitious. I don't think you need that.
382
383 Mr. Howard - Are you planning on going thru all this stuff tonight?
384
385 Mr. LaCortiglia - We are going to roll along. I am good up to section 8 the site plan approval
386 and procedures. The term "may or may not" I think we want to say "are below but not
387 limited to." "Those certain requirements are inclusive of but not limited to the following."
388
389 Ms. Evangelista - We can't prevent it or deny it.
390
391 Mr. Snyder - We can put conditions on it.
392
393 Mr. LaCortiglia - {Read the whole sentence.} We may grant a site plan approval with no
394 conditions.
395
396 Ms. Evangelista - I think it still should be "shall."
397
398 Mr. LaCortiglia - What if there are not conditions for approval? Can we go to setbacks now?
399
400 Ms. Evangelista - I don't care for that statement "PGA may grant." You are giving the
401 opinion that we can turn it down and then you will run into the same situation where you are
402 violating the law.
403
404 Mr. LaCortiglia - How about at the end of this process that this will be reviewed by town
405 council?
406
407 Ms. Evangelista - Why not send the whole thing to them?
408
409 Mr. LaCortiglia - On page 10 setbacks: front yards shall have a depth of at least 20 feet from
410 property line.
411
412 Mr. Howard - Where did that come from?
413
414 Mr. Snyder - This bylaw was created from many town bylaws and based on the state model.
415 This was done so if a commercial entity wants to install on the ground next to residential it
416 has to be set back farther.
417

418 Mr. Howard - This whole section is for commercial?

419

420 Mr. Snyder - Any solar energy facility including commercial or on-site.

421

422 Mr. LaCortiglia - Not at all residential gets a green light we clarified that earlier. Ground
423 mounted commercial industrial and what are the setbacks and conditions. Essentially they
424 will need to put a six foot security fence around these things and what is the setback for that?
425 The first is the front yard - is 20 feet enough of a setback from the road? Is that enough if it
426 is next to a park or residential zone?

427

428 Mr. Howard - Who cares?

429

430 Mr. LaCortiglia - They don't need to push back in my opinion.

431

432 Mr. Howard - I think you should delete that front yard and not be less than 50 feet then.

433

434 Mr. LaCortiglia - the front yard shall not be less than 20 feet is that what you are saying?

435

436 Ms. Evangelista - No, in the district downtown, the front yard is right up to the street. You
437 have to compare it to the districts we have in place.

438

439 Mr. LaCortiglia - This is a special use for a lot and wherever it is going in.

440

441 Ms. Evangelista - You have to take in consideration the zoning requirements in each district.
442 To make it compatible to all districts you have to consider the RA is not 20 feet in the front.

443

444 Mr. LaCortiglia - Bear in mind that it can be waived.

445

446 Mr. Howard - Why don't we just say that the setback should be appropriate for what zone it
447 is located in?

448

449 Mr. LaCortiglia - I am not good with that.

450

451 Ms. Evangelista - Then each application will be treated on its own merits.

452

453 Mr. LaCortiglia - We are presuming it will go in the middle of the parcel and we are looking
454 at front yard and side yard setbacks.

455

456 Mr. Snyder - The idea with the setbacks is to incorporate a visual buffer.

457

458 Mr. LaCortiglia - Does the front need a buffer? I think 20 feet is good. I think it should be
459 at least 20 feet from the property line.

460
461 Mr. Howard - I don't think it matters if it abuts conservation, recreational or residential use.
462

463 Mr. LaCortiglia - Not for the front yard, no.

464
465 Ms. Evangelista - I am for keeping it with the district requirement and some is less than 50
466 feet.

467
468 Mr. LaCortiglia - This is a special facility with a fence around it for security purposes.

469
470 Ms. Evangelista - We have a district outline and we should stick to it.

471
472 Mr. LaCortiglia - That is for structures.

473
474 Ms. Evangelista - This is a structure. I want it to be the same as our established zoning
475 districts.

476
477 Mr. Watts - It is tough to take in consideration every property in town. In some places it may
478 not be appropriate.

479
480 Mr. LaCortiglia - So number 2 would kick in then. PGA can grant a waiver if the applicant
481 can demonstrate. If it is a unique situation and is in a district with a 5 foot setback then the
482 board can take that into consideration.

483
484 Ms. Evangelista - I don't feel this should be compared to Georgetown because most of this is
485 from Amesbury.

486
487 Mr. Snyder - I used five or six different municipalities' bylaw and the state's to create this.

488
489 Ms. Evangelista - My point is that I think this is from a city and we are not. Twenty feet for
490 them is common but for Georgetown I don't think it is.

491
492 Mr. LaCortiglia - Both solar and wind will deal with identical numbers. I think we need to
493 think what the setback should be for ground mounted solar panels or a building making
494 power. What is the setback appropriate for the front yard? I think we can live with 20 feet
495 because in other situation you can waive that 20 feet.

496
497 Mr. Watts - I agree with that.

498

499 Ms. Evangelista - I am not keen with that.
500
501 Mr. LaCortiglia - Front yard shall have a depth of at least 20 feet and kill everything after that
502 word. Now the side yard – I like that line.
503
504 Mr. Watts - I like that.
505
506 Mr. LaCortiglia - I think 50 feet should be a starting zone as it can be waive able. 50 feet is a
507 good starting zone. There is enough patchwork zoning where there is residential very close to
508 industrial and there is no 100 foot setback it is waived in the bylaws. I think this is
509 appropriate.
510
511 Mr. Howard - I don't understand why the front side and rear are different anyway.
512
513 Mr. Snyder - If you are located in a less intensive residential or conservation area it is for a
514 greater buffer on the property.
515
516 Mr. LaCortiglia - I don't understand why the rear yard setback is 25.
517
518 Ms. Evangelista - I have no problem with anything but the front yard.
519
520 Mr. LaCortiglia - Make it consistent rear yard shall not be less than 50 feet. Minimum shall
521 be three acres.
522
523 Ms. Evangelista - I don't see how that can work. How many parcels in all the districts are
524 three acres?
525
526 Mr. LaCortiglia - How many parcels are greater than three acres in Georgetown?
527
528 Ms. Evangelista - The assessors may know.
529
530 Mr. Snyder - I have three acres as from research it was determined to be a minimum for a
531 viable facility.
532
533 Ms. Evangelista - We are supposed to make it compatible for all districts so we are eligible
534 for the green community act.
535
536 Mr. Watts - Is it our responsibility as to whether it is a smart deal or not with three acres?
537
538 Mr. Snyder - You have the option that you can take it out or get a waiver.
539

540 Mr. Howard - I think we should dump that.
541
542 Mr. LaCortiglia - Lose D entirely - no minimum lot area. With respect to dimension: if
543 someone was doing an industrial onsite and we have a 35 foot height restriction in town what
544 happens when I mount solar panels and I angle them then I am above my building height.
545
546 Mr. Howard - They don't do that. I have never seen one like that.
547
548 Mr. LaCortiglia - Ever look at Boston? I have seen them. How does the board want to add
549 dimension to the height?
550
551 Ms. Evangelista - I think chimneys are exempt from the height on a building.
552
553 Mr. LaCortiglia - I don't want a building inspector to be presented with a plan and then say
554 you are over the height limitation and you need to go to zoning.
555
556 Ms. Evangelista - The measurement is to the roof ridge.
557
558 Mr. LaCortiglia - What about a flat roof? So anything you mount on top of a roof is OK?
559 Mr. Snyder, please explore that a bit with the building inspector?
560
561 Ms. Evangelista - Maybe with the state building code?
562
563 Mr. LaCortiglia - On page 10 on signage I think we should add something that says that if
564 you want a sign it needs to be put on with site plan approval.
565
566 Mr. Snyder - I will put in that any signs proposed signs shall be permitted as part of the site
567 plan approval.
568
569 Mr. LaCortiglia - Strike E cause it's a reprint?
570
571 Mr. Snyder - Right.
572
573 Mr. LaCortiglia - Down to F: natural buffer and wildlife corridors. This would only be
574 required on those projects that abut residential property with residential dwellings that would
575 have direct view of the facility.
576
577 Mr. Snyder - Do want just residential district and take the rest out?
578
579 Mr. LaCortiglia - That would be the best way to clean it up.
580

581 Mr. Howard - If there are going to be trees that are higher than the panels then there is no
582 power going to them.

583

584 Mr. Snyder - Later in the section it reads that if the natural buffer would have a detrimental
585 effect on the ability to generate power, an alternative screening buffer may be proposed.

586

587 Ms. Evangelista - I had a discussion about that with the solar and they said the best rays are
588 right directly over it.

589

590 Mr. Watts - It is not straight down it is 90 degrees.

591

592 Ms. Evangelista - Is it possible to put a buffer?

593

594 Mr. LaCortiglia - That is something the site plan would have to show.

595

596 Ms. Evangelista - Concerning the electric department on page 12 section 2B. I think it
597 should read electric department and the fire department.

598

599 Mr. LaCortiglia - I think it should be the highway surveyor and throw in light department and
600 most importantly the fire department. Are there any comments or questions from the public?

601

602 Mr. Watts - **Motion** to continue this hearing to the March 26th meeting.

603

Mr. Howard - **Second.**

604 **Motion Carries: 4-0; Unam.**

605

606 **2. Bylaw Amendment #5: §165 Article XVIV Wind Energy Facilities- New Bylaw.**

607 {Mr. Snyder reads the public notice.}

608

609 Mr. LaCortiglia - The way I look at it is that we are 25 minutes behind schedule. I do see a
610 good number of very similar language in this that we just dealt with. Can we have Mr.
611 Snyder go back and make the changes that are parallel? This bylaw is a model from the solar
612 and a lot of corrections we made to the solar apply to this as well.

613

614 Mr. Snyder - It is very similar in approval and documents requirement.

615

616 Ms. Evangelista - This is five pages longer than the other one.

617

618 Mr. Snyder - One reason why is more consideration is made to visual as well as the auditory
619 impacts. You have flickering and shadow as well as ground vibrations.

620

621 Mr. LaCortiglia - Is everyone good with that? Let's have Mr. Snyder make the changes and
622 bring back a clean copy. Is there anyone in the audience that would like to make a comment?
623 Please sign in.

624

625 Mr. Puopolo (129 Pond Street) - I am question that you are allowing these in residential
626 districts as a matter of right and I understand that a residential solar package and wind turbine
627 would not be covered in this bylaw. So do you really want to give people the right to put a
628 wind turbine in a residential area?

629

630 Mr. LaCortiglia - I don't think I'd want to give anybody the right to put a huge wind turbine
631 in their backyard in a residential area.

632

633 Mr. Snyder - What these represent and the clearance required they are out of the downtown
634 and residential areas. There is a possibility they could be located on larger properties. No
635 one would install one of these for a home.

636

637 Mr. Puopolo - I understand that but you are giving them a by right.

638

639 Mr. Snyder - They would have to go thru a site plan approval process.

640

641 Mr. Puopolo - Doesn't that make it easier to put one in a residential area? Why wouldn't
642 you make it a special permit? If it is not an accessory use for the property for their own
643 purposes. I think it should be a use variance so at least you are getting that review process as
644 well. These really aren't conducive to residential areas.

645

646 Mr. Watts - One question, are the turbines we are talking about a particular type?

647

648 Mr. Snyder - Mono tubular.

649

650 Mr. Watts - How would other technologies be handled?

651

652 Mr. Snyder - This bylaw considers the one that turns similar to a vertical a fan. As
653 technology changes then the bylaw will have to keep up with those changes.

654

655 Mr. LaCortiglia - This is a tough one. I would be happy to get it to town meeting to have
656 something on there. We will need some time on this one.

657

658 Ms. Evangelista - If you look at page three the amount of kilowatts would determine the type
659 that you are approving.

660

661 Mr. LaCortiglia - That is talking about the lines.

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701

Mr. Snyder - The bylaw considerers a threshold of what to consider for residential consumption and if it's over that then it would be considered for commercial purposes.

Mr. LaCortiglia - I think the first to do is clean it up and get into the nuts and bolts of it; A clean copy with a fresh eye that we can get at the continuation. I would encourage you to leave the three acre minimum in here and see what it looks like.

Mr. Snyder - The wind energy facility bylaw then will not be ready for annual town meeting.

Mr. LaCortiglia - Maybe for the fall town meeting?

Mr. Howard - There is too much on our plate between now and then.

Mr. LaCortiglia - We have medical marijuana, a citizen's petition, some definitions...

Mr. Watts - I wouldn't want to rush thru this.

Mr. Howard - You don't see too many people complaining about solar but people complain about windmills.

Ms. Evangelista - But if we did get an application and we don't have anything in place then they could put it anywhere they want we have to have some kind of regulation.

Mr. LaCortiglia - Not if we make it not permitted in any district.

Mr. Snyder - You have the use schedule.

Ms. Evangelista - Isn't section 3 that says you cannot prohibit it? So how can we stop them?

Mr. Howard - No one is coming in.

Mr. Snyder - There is more benefits for this bylaw to get the town qualified as a green community.

Mr. Watts - **Motion** to continue this hearing to the June 11, 2014 meeting.

Mr. Howard - **Second.**

Motion Carries: 4-0; Unam.

702 **3. Bylaw Amendment #6: §165 Article XX Medical Marijuana Dispensary.**

703 {Mr. Snyder reads the Public Notice.}

704
705 Mr. Snyder - The Planning Board previously referred this bylaw to the Selectmen. The
706 selectmen decided not to hold a special town meeting. After a zoning amendment is referred
707 to the selectmen it needs to go to town vote within six months. If this does not occur then the
708 process needs to be restarted. The bylaw in the packet is what the Planning Board vetted,
709 referred to the selectmen and was also reviewed by town counsel.

710
711 Mr. LaCortiglia - So what we have before us what we previously approved and recommended
712 to the selectmen and town counsel made some changes. A clean copy is under Exhibit 2 in
713 the packet.

714
715 Mr. Snyder - The copy from town counsel makes the statement to remove a lot of the bylaw
716 because it's covered under the state and other location.

717
718 Mr. Howard - So we go thru the lawyer's changes?

719
720 Mr. LaCortiglia - We can take it on faith that town counsel has removed anything that is
721 redundant. I feel comfortable with it.

722
723 Mr. Howard - There is a change here on page ten. The three acres is on it and needs to be
724 taken away.

725
726 Mr. LaCortiglia - The question by town counsel is if that is possible in the medical marijuana
727 district.

728
729 Mr. Howard - The answer is no. It is irrelevant.

730
731 Mr. Watts - I agree we can't put in a provision that would make it impossible.

732
733 Mr. Howard - No one building is going to have three acres in the industrial zone.

734
735 Mr. Snyder - This is considering both the dispensary and the growing facility.

736
737 Mr. Howard - I think we should get rid of the three acre lot thing.

738
739 Ms. Evangelista - I agree with you.

740
741 Mr. Snyder - The clean version has it in there and I just struck it out. It is on page 9. At a
742 previous discussion it was decided that a growing facility was going to need enough area.

743
744 Mr. LaCortiglia -Should we strike D under density requirements?

745
746 Mr. Watts - Yes.
747
748 Mr. Howard - Yes.
749
750 Mr. Snyder - It is better that way, it gives more options for location.
751
752 Mr. Howard - On page six. One talks about the town needs to be prepared with a rational
753 basis requiring distances from alcohol in the event of a legal challenge. Mr. Snyder what did
754 you do with that? I am interested in the lawyer's comments.
755
756 Mr. Snyder - It was stated to remove or keep. I put it in there to have a discussion as this is a
757 place where people will go for medication and if it is right next door to a liquor store does the
758 board see that it would be detrimental if it located right next to a bar or a liquor store?
759
760 Mr. LaCortiglia - So are we striking 15?
761
762 Mr. Watts - Yes.
763
764 Mr. Howard - Yes.
765
766 Ms. Evangelista - What does the state law say about that?
767
768 Mr. LaCortiglia - We will strike it by general consent.
769
770 Ms. Evangelista - They didn't put in school bus stops.
771
772 Mr. Watts - They put in anywhere minors congregate.
773
774 Ms. Evangelista - How would you determine how far away it should be?
775
776 Mr. Snyder - There are distances outlined in here. The distance is 300 feet and the Planning
777 Board could grant waivers for that.
778
779 Ms. Evangelista - On page 5 I have a question on section 165-161(I).
780
781 Mr. LaCortiglia - It talks about separation.
782
783 Mr. Howard - On the marked up one on page 8 the lawyers say this needs to be identified.
784 What did you do about that Mr. Snyder?
785
786 Mr. LaCortiglia - Yes it has been defined.

787
788 Mr. Snyder - I corrected the reference. I believe is site plan and special permit.
789
790 Mr. LaCortiglia - Article 13 Chapter 165; do you want to call it that instead of saying 183 for
791 site plan approval.
792
793 Ms. Evangelista - Page 11 says light pollution - I think it should be exempting the light for
794 surveillance cameras.
795
796 Mr. Snyder - That is what counsel means by that is that sufficient light for surveillance can be
797 granted by waiver.
798
799 Ms. Evangelista - I think it should be written out.
800
801 Mr. Snyder - Lighting of the R and D should be sufficient for surveillance cameras to obtain
802 a readable image.
803
804 Mr. Howard - That sounds good.
805
806 Ms. Evangelista - If the lighting is more than for surveillance then the option of cutting it off.
807
808 Mr. Howard - Good job Mr. Snyder.
809
810 Mr. Watts - This is a tough one with all the cultural change.
811
812 Ms. Evangelista - On 7 it says that the special permit lapses in five years, is that a state law?
813
814 Mr. Snyder - That came from a model bylaw from the state.
815
816 Ms. Evangelista - That is different from a special permit. According to 40A in 2 years it
817 lapses and this is 5 years.
818
819 Mr. LaCortiglia - It is running alongside the permit with the state. Remember that the
820 Department of Public Health regulates this on a state level.
821
822 Ms. Evangelista - It just mentions special permit and doesn't say anything about the state on
823 page 7 C4.
824
825 Mr. Snyder - I think that was an edit put in by town counsel.
826
827 Mr. LaCortiglia - Get rid of it or keep it?
828

829 Mr. Snyder - I think we should keep it but I will look into it.

830

831 Mr. Howard - You can't undo the state laws.

832

833 Mr. Howard - **Motion** to continue the hearing to the March 26th, 2014 meeting.

834 Mr. Watts - **Second.**

835 **Motion Carries; 4-0; Unam.**

836

837 **4. Bylaw Amendment #7: §165-69 Accessory Apartment – Modification of bylaw.**

838 Mr. Snyder - {Reads the public notice.} This is in regards to amending the text of the bylaw
839 and is being sponsored by the Georgetown Affordable Housing Task Force. Two members
840 of the task force are in the audience tonight. Provided in the packet is the edited version.

841

842 Mr. LaCortiglia - Can you give us a brief overview of why you are bringing this forward?

843

844 Mr. McGee (124 North Street) - We feel there is a need to get some of these accessory
845 apartments out in the forefront of the town as people may have some illegal apartments or a
846 special permit where someone came in and had requested as accessory use for an in-law or a
847 parent and once these relatives are gone they may continue to rent to someone outside the
848 agreed upon permit. We feel that if you include some of the language in the accessory
849 apartments to get these units in the SHI list so we can include them as part of our numbers as
850 affordable units in the town. I think that there is a great opportunity here to add more units to
851 the town under the accessory apartments.

852

853 Mr. Puopolo - Right now the only way to get an accessory apartment is if you have an in-law
854 situation. This opens up a second opportunity for the people to rent the apartment on an
855 affordable basis and will allow the town to have more affordable spaces. It will probably
856 bring a lot of the illegal apartments which are currently operating forward because now they
857 can get a legal permit and rent to somebody that qualifies.

858

859 Mr. Howard - It adds to our affordable housing. Has that been approved by the state?

860

861 Mr. Puopolo - Yes. If you go to exhibit 3 and look at the description paragraph, that shows
862 what is required. The apartments have to meet the DHCD criteria which are basically a deed
863 rider. It stipulates that the landowner will only rent the apartment on an affordable basis.
864 There are other requirements. There is an application process the town has to go thru to get
865 the apartment onto the housing inventory. There has to be local approval.

866

867 Mr. LaCortiglia - For the apartment itself? Maybe what I need to do here - I am not familiar
868 with the accessory bylaw per say. My understanding is that if someone wanted to expand
869 their house to have a relative through blood or marriage move in, they would have to go to
870 the special permit granting authority for this and that is the zoning board of appeals. You are
871 removing the "special permit shall be issued to the owner of the property."

872

873 Mr. Puopolo - That would remain the same if granted for an in-law situation and the permit
874 will expire on the sale of the property. The permit is to the owner not to the land.
875
876 Mr. LaCortiglia - You want to remove that?
877
878 Mr. Puopolo - That would stay in place for that particular permit. You would either apply for
879 an in-law apartment or an affordable apartment. If you came in to apply for an accessory
880 apartment that would be one permit and an in-law rental would be another.
881
882 Mr. Howard - So you could discontinue one go to the other at any point?
883
884 Mr. Puopolo - Yes they can do that.
885
886 Mr. LaCortiglia - I am confused. The special permit for an in-law runs with the land?
887
888 Mr. Howard - No, that runs with the owner.
889
890 Mr. McGee - So if grandma moves to FLA, I can't legally rent it.
891
892 Mr. LaCortiglia - How does anyone know if I am renting that?
893
894 Mr. Puopolo - That is an issue we have in town. We have a lot of illegal apartments in town.
895
896 Mr. LaCortiglia - How many are out there?
897
898 Mr. Puopolo - My guess would be under 100.
899
900 Mr. LaCortiglia - What does the ZBA say?
901
902 Mr. Puopolo - I am sure they could find out. At one point we did a mailing for all
903 multifamily property announcing the rental property program and I was not on the list even
904 though I have an in-law apartment. It does not show up on the assessor's records you would
905 have to research the deeds to see if there was a permit granted.
906
907 Mr. LaCortiglia - How would we track these?
908
909 Mr. Puopolo - Right now there is no good way to track them. The affordables would be
910 tracked very closely because they have to meet certain standards every year. We will know
911 exactly what is going on with them. It would be like a 40B and there would be a monitoring
912 agent to make sure you are in compliance.
913
914 Mr. LaCortiglia- Is that an agency?
915

916 Mr. Puopolo - The landlord would have to provide that as part of the process. DHCD wants
917 to make sure that the apartments are being rented on an affordable basis. These would be
918 very closely tracked.

919
920 Mr. Snyder - They would not run with the owner and would run with the land.

921
922 Mr. Puopolo - The reason for that is this is what the DHCD requires.

923
924 Mr. LaCortiglia - So there is no flipping back.

925
926 Mr. Puopolo - Yes you can. You can give it up and take the deed rider off and then it no
927 longer qualifies for the SHI.

928
929 Mr. Snyder - You could go back and rent to an in-law if you wanted.

930
931 Mr. McGee - Or incorporate it back into your family home and have it part of your home.

932
933 Mr. Howard - I think it's a great idea.

934
935 Mr. Puopolo - A lot of people get caught when they go to re-finance or try to sell.

936
937 Ms. Evangelista - Other communities have the building inspector, when people leave or
938 come in, inspect the property. They don't get an occupancy permit until everything is correct.

939
940 Mr. LaCortiglia - You need an occupancy permit for an apartment?

941
942 Ms. Evangelista - Yes you should have one. I don't know what our building inspector does.

943
944 Mr. Snyder - If people come in, have an in-law apartment and want to rent for affordable
945 housing, an inspection by the building inspector is made as DHCD requires it.

946
947 Ms. Evangelista - Other communities do this like if you leave the premises the landlord needs
948 to notify the building inspector and he would inspect it.

949
950 Mr. Fowler - Or the BOH does that.

951
952 Mr. Puopolo - This will be closely monitored because the DHCD requires it. The in-law has
953 always been an issue and will probably always be one. The only way to find out is if a
954 neighbor reports someone.

955
956 Ms. Evangelista - How would the BOH get involved?

957
958 Mr. Puopolo - The affordable will be much more controlled than the current bylaw this will
959 make it better.

960
961 Mr. Howard - It's good for the town to have increased affordable housing.
962
963 Mr. Snyder - This furthers the housing production plan that was approved. The limitations
964 on apartment size would limit family size.
965
966 Mr. Puopolo - The current bylaw requires that the accessory apartment not be more than one
967 third of the total livable space of the building.
968
969 {Mr. LaCortiglia reads that section of the bylaw.}
970
971 Ms. Evangelista - What is the difference between a two family and an accessory apartment?
972
973 Mr. Puopolo - A two family would be even in building area.
974
975 Mr. Puopolo - This is not a two family residential house. It is a single family with a unit
976 accessory to the primary property.
977
978 Mr. Snyder - There is a special permit for an accessory apartment to an in-law that goes with
979 the owner and you have an accessory apartment with a special permit that goes with the land.
980
981 Mr. Puopolo - The DHCD requirement is that this would survive the sale of the property.
982
983 Mr. LaCortiglia - I am having this problem, with a special permit when you sell the dwelling
984 the special permit goes away. But now we are putting a special permit as a deed writer.
985
986 Mr. Puopolo - Only for affordable housing apartments. It will survive the sale of the
987 property.
988
989 Mr. LaCortiglia - How do you revoke it?
990
991 Mr. Puopolo - You as an owner can remove the deed writer. If they take it off then we no
992 longer get credit for it. And he can no longer rent it as an apartment. In order for it to be
993 affordable it has to be on the SHI.
994
995 Ms. Evangelista - Both uses you need a special permit?
996
997 Mr. Puopolo - Yes. Both are special permit wither for an in-law or affordable housing.
998
999 Mr. Howard - So the ZBA is the granting authority?
1000
1001 Mr. Puopolo - Yes.
1002
1003 Mr. Fowler - Does an owner have to live there?

1004
1005 Mr. Snyder - Yes, for both special permits.
1006
1007 Mr. Puopolo - Owner occupancy is required.
1008
1009 Mr. Snyder - The owner occupancy requirement stops someone from buying the home with
1010 an accessory apartment and not living there and renting both.
1011
1012 Mr. LaCortiglia - What if you just move? How do you track it?
1013
1014 Mr. Puopolo - That is part of the monitoring process. You need to show them that the
1015 owners are occupying.
1016
1017 Mr. Snyder - You need to show the owners occupying it and who's renting the affordable
1018 unit and the income requirements.
1019
1020 Mr. Puopolo - The DHCD will find renters if you can't find them. With the rental subsidy
1021 program we have plenty of people who wanted rental assistance and there were no places to
1022 rent.
1023
1024 Mr. Snyder - Many people in the program are looking for a more affordable place to live.
1025
1026 Ms. Evangelista - Based on what income, 80 percent?
1027
1028 Mr. Snyder - No more than 50 percent of the area medium income which is established by
1029 HUD.
1030
1031 Mr. Puopolo - For this it is 80 percent or less. I'm sure they would be happy if we made it 50
1032 percent. These are the DHCD requirements not ours. These are going to be small
1033 apartments. The rents will be affordable as they will be small.
1034
1035 Mr. Howard - I wouldn't want to see bigger. Hard to get my vote for that if they are bigger.
1036
1037 Mr. Snyder - The maximum affordable area for an apartment shall not exceed 700 square feet
1038 or 33 percent of the livable space.
1039
1040 Mr. Howard - I'd be inclined to cap it at 700 square feet.
1041
1042 {Discussion held in regards to the wording of the size requirement.}
1043
1044 Mr. Puopolo - It is greater of either. If you guys want to make a recommendation we are the
1045 affordable housing task force.
1046
1047 Mr. LaCortiglia - Right now I am saying yea. Personally but I want to hear form the ZBA.

1048
1049 Mr. Puopolo - We have spoken with the ZBA as well.
1050
1051 Mr. Snyder - They have one more meeting before the Planning Board will continue.
1052
1053 Mr. Puopolo - They had the same concerns you do. There shouldn't be as the monitoring
1054 will be done by the monitoring agent assigned by the DHCD.
1055
1056 Mr. Puopolo - I have been extremely involved with 40B and a spokesman for the 40B
1057 program. One of the issues is that they don't want the town involved at all with the finances.
1058 They like to keep the towns in the dark and the result is a lot of fraud - that is another issue.
1059
1060 Mr. LaCortiglia - My concern is that the DHCD is a little busy.
1061
1062 Mr. Puopolo - The landlord is responsible of paying the monitoring agent.
1063
1064 Mr. Howard - Who is the monitoring agent?
1065
1066 Mr. Puopolo - There are people who are designated by DHCD.
1067
1068 Ms. Evangelista - I like the last part that the landlord cannot raise the rent without prior
1069 approval. And if there is any extra rent then it goes to the town.
1070
1071 Mr. Puopolo - One of the problems is that they have not been watching that and they are now
1072 finding the excessive profits.
1073
1074 Ms. Evangelista - They will do the list every year? If I remember there are 369 apartments in
1075 Georgetown.
1076
1077 Mr. Howard - Under affirmative fair marketing it says accessory apartments shall be subject
1078 to the same affirmative fair marketing under the discrimination policies. In general a
1079 landlord can discriminate for any reason they want if they live in the house.
1080
1081 Mr. Puopolo - As long as they are not getting HUD money. If they do then they would have
1082 to abide by the appropriate requirements.
1083
1084 Mr. LaCortiglia - What is the penalty for people that don't have a permit?
1085
1086 Mr. Puopolo - For an illegal apartment it is \$300 per day. The building inspector would
1087 revoke the occupancy permit.
1088
1089 Ms. Evangelista - I email the ZBA and I said you could create an amnesty program and have
1090 the building inspector check it out to see if it safe. I am thinking of young people coming in
1091 and they don't know what's in there.

1092
1093 Mr. McGee - Those are illegal apartments though.
1094
1095 Ms. Evangelista - Then they would come in for the special permit and not be penalized.
1096
1097 Mr. Puopolo - This would be a tremendous incentive for people to come forward because
1098 they will gain rent and an increase in property value.
1099
1100 Mr. Howard - The limitation is between \$1000 to \$1100 - that could almost pay the taxes.
1101
1102 Mr. Puopolo - This will bring a lot of problems out of the wood work.
1103
1104 Mr. Howard - Kudos to you guys it is a fabulous idea.
1105
1106 Mr. Fowler - Does the owner have to occupy the larger of the two apartments?
1107
1108 Mr. Puopolo - It states that the owner shall occupy at least one of the two units. We had a
1109 family come in and they were building a new house and wanted to do 50/50 and we told them
1110 they could not. If I want my kids to move in they can live in the house and I can live in the
1111 apartment.
1112
1113 Mr. Fowler - Do you have to partner up with the state or could the town do this?
1114
1115 Mr. Puopolo - We have to partner with the state.
1116
1117 Mr. LaCortiglia - You have to have the deed rider.
1118
1119 Mr. Fowler - But if you found out that there were two apartments in Georgetown that a
1120 duplex was each renting for \$800 a piece wouldn't that go towards an affordable apartment?
1121
1122 Mr. Puopolo - There's requirements beyond that. Merrimac has 300 trailer mobile homes
1123 and they are trying to get the state to get credit for those. But the state says that in order for it
1124 to be on the HSI it has to be granted thru the town.
1125
1126 Mr. Howard -I think the owner would have to have the bigger side.
1127
1128 Mr. LaCortiglia - That's a good question that we can bring up at the continuation of this. I
1129 hope we can hear in writing from the ZBA.
1130
1131 Ms. Evangelista - I think the building inspector should have some import here.
1132
1133 Mr. LaCortiglia - That is an excellent point.
1134

1135 Mr. Puopolo - We are hoping those are things that so could happen in subsequent years. If
1136 we can get this on the books

1137
1138 Mr. LaCortiglia - If the ZBA is good with it then I think I am.

1139
1140 Mr. Watts - **Motion** to continue to the March 26th, 2014 meeting.

1141 Mr. Howard - **Second.**

1142 **Motion Carries: 4-0; Unam.**

1143
1144 **5. Bylaw Amendment #1: §165-7 Definitions and Word Usage: Subtraction of Term.**

1145 **6. Bylaw Amendment #2: §165-7 Definitions and Word Usage - Addition of Terms**

1146 **7. Bylaw Amendment #3: §165 Appendix A.3 Use Regulations Schedule Modifications.**

1147 {Mr. Snyder reads the Public Hearing Notice and shows it on the screen.}

1148
1149 Mr. LaCortiglia - Under text we are getting rid of planned unit development, great idea. No
1150 discussion on that one. What about adding definition for accessory apartment within a single
1151 family property for relatives through blood or marriage or for rental as an affordable housing
1152 unit.

1153
1154 Mr. Snyder - Again, these are changes to the definition section.

1155
1156 Mr. LaCortiglia - These changes, 1, 2 and I guess 3 on the town warrant at the town meeting
1157 need to come after the votes for the bylaws.

1158
1159 Mr. Snyder - The warrant is still open so I can coordinate it.

1160
1161 Mr. LaCortiglia - If the affordable housing bylaw should not get approved at town meeting
1162 then I would think we can go back and amend this.

1163
1164 Ms. Evangelista - I don't like that definition at all, it needs work. I think it should have to
1165 begin with it doesn't say - you have "or" for affordable housing unit. In your bylaw it
1166 doesn't say "or" it says "either" or something like that. One thought I had is that probably
1167 there should be two different bylaws so there would be a clear and clean distinction.

1168
1169 Mr. LaCortiglia - I understand what you are saying but that hearing has been continued and
1170 we are talking strictly definition right now. What makes you comfortable with the definition
1171 that this board can recommend?

1172
1173 Ms. Evangelista - On the first sentence "contained living area" it should be "owner occupied
1174 property" I think. Or rent it to non family members as an affordable housing unit.

1175
1176 Mr. LaCortiglia - With a special permit from the ZBA?

1177
1178 Mr. Snyder - I would take out "special permit" because it outlined in the actual bylaw. You
1179 don't need it in the definitions.
1180
1181 Mr. Howard - A self-contained area including a kitchen within an owner occupied, single
1182 family property and relatives through blood or marriage or for rental as an affordable housing
1183 unit.
1184
1185 Mr. Watts - What problem does this solve?
1186
1187 Mr. Snyder - Well non-relative would be unrelated for one.
1188
1189 Ms. Evangelista - The one bylaw is good for both, relative and non-relative.
1190
1191 Mr. Howard - It doesn't hurt to put it in there.
1192
1193 Ms. Evangelista - "Medical office" I think should be a "suite of rooms including a laboratory
1194 including where a physician provide health services for patients."
1195
1196 Mr. LaCortiglia - What's the matter with "receive and treat patients?"
1197
1198 Ms. Evangelista - That is unnecessary.
1199
1200 Mr. Snyder - I think you need it in there as that is a doctor's office and a lab.
1201
1202 Ms. Evangelista - Some don't have labs. We also have it is called in the Dunkin Donuts
1203 plaza, a medical office and it is a re-hab.
1204
1205 Mr. Watts - When I read it, I read it as a suite of rooms that had to include a laboratory.
1206
1207 Mr. LaCortiglia - Inclusive of a laboratory.
1208
1209 Mr. Howard - Maybe put "possibly" including a laboratory?
1210
1211 Mr. Watts - I don't think we need to state that it may include a laboratory.
1212
1213 Mr. Snyder - The other reason I am concerned about wording is that there is overlap with the
1214 medical marijuana dispensary.
1215

1216 Mr. LaCortiglia - But that has its own special permit.
1217
1218 Ms. Evangelista - Maybe Mr. Snyder can work on it but I don't think it should be like it is
1219 now.
1220
1221 Mr. LaCortiglia - Maybe sleep on it Mr. Snyder and tweak it?
1222
1223 Mr. Snyder - I would like to get a lot of this resolved tonight.
1224
1225 Mr. LaCortiglia - Well, we are not going to by getting hung up on this one. Moving on to
1226 open space residential development.
1227
1228 Ms. Evangelista - On this one my idea was to remove "method of planning" and put in
1229 "residential cluster development." What does adequately compensating land owners mean?
1230
1231 Mr. Snyder - It considers how the bylaw allows for density bonus.
1232
1233 Mr. LaCortiglia - I was looking at that myself. Strike it.
1234
1235 Mr. Snyder - This definition it largely taken from many planning organizations such as the
1236 American Planning Association so I believe it is a relative term. I don't think cluster should
1237 be included as not all open space residential development is clustered.
1238
1239 Mr. LaCortiglia - "Cluster", that is an old term it was replaced with open space residential
1240 development.
1241
1242 Mr. Watts - Is this usage a development or a process?
1243
1244 Mr. Snyder - OSRD is more of a process in planning a development. It is in the bylaws but
1245 not defined.
1246
1247 Mr. Watts - Would it be worthwhile to put in OSRD?
1248
1249 Mr. LaCortiglia - Yes, I like it. Solar energy facility: kill "ground mounted."
1250
1251 Mr. Snyder - I will take it out.
1252
1253 Mr. LaCortiglia - Wind energy facility... I am alright with it.
1254

1255 Mr. Fowler - Since you took that one through to June do you just not want to put it in there
1256 this time? It looks like you are not putting it on the warrant so could you continue your
1257 hearing till June?
1258
1259 Mr. LaCortiglia - It wouldn't hurt to have a definition of that.
1260
1261 Mr. Snyder - It is being considered in the intensity use schedule as well.
1262
1263 Mr. LaCortiglia - So we might want to get it on there even though we don't have anything to
1264 back it up. Mr. Snyder will go back and work on medical office so we can see it with a fresh
1265 head the next time.
1266
1267 Mr. Snyder - The third amendment is pretty straight forward.
1268
1269 Ms. Evangelista - Under residential use that is the state housing I think. You should put in
1270 the state I think.
1271
1272 Mr. LaCortiglia - What is the definition currently for housing for the elderly?
1273
1274 Mr. Snyder - We don't have one.
1275
1276 Mr. LaCortiglia - Why don't we add it?
1277
1278 Mr. Snyder - Housing for elderly in our current 165 has a P under RA and an A under all the
1279 others.
1280
1281 Mr. LaCortiglia - This is showing a P for some reason. On this sheet we are adding
1282 registered medical dispensary not registered marijuana dispensary. Typos aside how do we
1283 feel about this?
1284
1285 Mr. Snyder - The biggest part of this exercise is currently in the use schedule there is a
1286 category of "other uses." These uses need to be moved to more appropriate locations. I have
1287 spoken with the zoning code enforcement officer and he gave advisement about temporary
1288 structures under rural use and commercial and radio under industrial.
1289
1290 Mr. LaCortiglia - Pipe organ making I am not going to comment on. Signs got changed to
1291 business uses. Solar and wind energy facilities are under business uses. Medical marijuana
1292 is allowed under Commercial B and C and Industrial A and B district by special permit from
1293 the Planning Board.
1294

1295 Ms. Evangelista - I thought that solar and wind should be a P/S so they know it is a site
1296 approval process.

1297

1298 Mr. LaCortiglia - Everything that is permitted you need to go to the building inspector.

1299

1300 Mr. Howard - Permitted doesn't mean you have it by right. You still have to follow the rules.

1301

1302 Mr. LaCortiglia - Mr. Snyder has a couple of typos and then we can fly thru this.

1303

1304 Mr. Howard - **Motion** to continue to the March 26th, 2014 meeting.

1305 Mr. Watts - **Second.**

1306 **Motion Carries: 4-0; Unam.**

1307

1308 **Member or Public Report:**

1309 **1. Any other concern of a Planning Board Member and/or member of the Public.**

1310 Ms. Evangelista - The 20th was our cutoff date for our opinions for the zoning board hearing
1311 for Dunkin Donuts and I submitted something as a citizen and not as the board and I thought
1312 the board should have a discussion about it and give your comments as well. My concern is
1313 that the home that was built in 1841 and the business want to put a parking lot and move the
1314 septic to this property. I think to preserve the downtown we have to step up to the plate and
1315 say you are changing the character by granting this request.

1316

1317 Mr. LaCortiglia - They want to knock down the house.

1318

1319 Ms. Evangelista - We already lost two very historic houses on North Street and there was not
1320 much to-do about it.

1321

1322 Mr. Howard - We don't have anything to say about it though.

1323

1324 Mr. LaCortiglia - The historic commission has a bylaw in place to let them delay the
1325 demolition of any historic structure.

1326

1327 Ms. Evangelista - I think we should say something because our responsibility as the planning
1328 board is to do the master plan and every time we do a survey the residents are concerned
1329 about preserving the character of the town. By us not following thru then I think we are
1330 renegeing on our duties.

1331

1332 Mr. LaCortiglia - There is a Cultural and Historical Map that was created. 60 Main Street
1333 does not show up on that map.

1334

1335 Ms. Evangelista - It does show up. The state did not update their map.

1336

1337 Mr. LaCortiglia - Here is a map created by the MVPC and it is not there.

1338
1339 Ms. Evangelista - It was drawn the state data center. The state did not get all of the last
1340 survey from the historical commission and they did not update their data base.
1341
1342 Mr. LaCortiglia - That map was generated with data provided by the historical commission.
1343
1344 Ms. Evangelista - They will bring a copy of the 1841 house and it is quite interesting and
1345 there are 4 pages about family etc...
1346
1347 Mr. LaCortiglia - That is up to the historical commission to decide to try to preserve it.
1348
1349 Mr. Fowler - If you read the housing production plan one things in there was having
1350 something to prevent tearing down homes.
1351
1352 Mr. LaCortiglia - That is wrong. We have the demolition delay bylaw for any building over
1353 75 years old. Before you can tear it down you have to get a permit...Supposed to be a
1354 hearing and the commission rules on the demo and if they say no then there is a 6 month
1355 delay.
1356
1357 Mr. Fowler - There was also something in there about zoning and I don't know who moves
1358 these things forward would it be the Board of Selectmen? Planning Board?
1359
1360 Mr. LaCortiglia - If the historic commission thought it was such an important house how
1361 come they didn't wrap the historic district around it?
1362
1363 Ms. Evangelista - They did. They just finished a survey and those are the two streets.
1364
1365 Mr. LaCortiglia - Is it on the warrant? Oh, it's not on the warrant.
1366
1367 Mr. Snyder - Please look at the Citizens Planning Training information provided in the
1368 packet. Pick out which seminars you would like to attend and let the planning office know.
1369
1370 Mr. Watts - **Motion** to adjourn.
1371 Mr. Howard - **Second.**
1372 **Motion Carries: 4-0; Unam.**
1373
1374 **Meeting adjourned at 10:20 PM.**
1375