

1 **MEETING MINUTES - GEORGETOWN PLANNING BOARD**  
2 **Wednesday – August 27<sup>th</sup>, 2014 – 7:00 PM**  
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4

5 The Meeting was opened by Chair, R. Hoover, at 7:10 PM, and was held at Georgetown Memorial Town Hall,  
6 One Library Street, Georgetown, MA.  
7

8 Board Members Present: Rob Hoover, Bob Watts, Tillie Evangelista, Harry LaCortiglia, Tim Howard  
9

10 Howard Snyder, Town Planner

11 Mary-Ellen Feener, Administrative Assistant  
12

13 **Correspondence**  
14

15 The Board Members reviewed the following correspondence:

- 16 • Town of Georgetown: Building Inspector: 1 Industrial Way.
- 17 • Town of Georgetown: Building Inspector: 3 Farm Lane.
- 18 • Town of Georgetown: ZBA – 64-74 East Main Street.
- 19 • Mitch Kroner: Jefferson Court Maintenance Agreement.
- 20 • Kopelman and Page: Inclusionary Housing Bylaw.  
21

22 The Chair asked if there were any comments from the Board Members.  
23

24 There were no comments at this time.  
25

26 **Vouchers**  
27

- 28 • Massachusetts Association of Planning Directors: Annual Dues
- 29 • North of Boston: Georgetown Record – Legal Advertisement  
30

31 H. LaCortiglia: Motion to approve the voucher for the Massachusetts Association of Planning Directors  
32 for annual dues in a total amount of \$35.00 and the second voucher payable to the Georgetown Record  
33 for a legal advertisement in the amount of \$257.18. The total of the vouchers was \$342.18.

34 T. Evangelista: Second.

35 Motion Carries: 5:0 - Unanimous.  
36

37 **ANR Plan Application**  
38

39 **100 & 102 Pond Street**

40 102 Pond Street (1, 3-7 Pond View Lane) – Victoria & Jamie Roberts - Jamie Roberts; present–

41 100 Pond Street – Assessors Map 12 Lot 10B – Justin Collamore; present  
42

43 The ANR plan is intended to combine Lots 1,3,4,5,6,7 and Parcel A and the roadway as shown on Plan Book  
44 431, Plan 61 into one lot.  
45

46 The ANR Plan was prepared by Surveyor, Edward J. Farrell, 110 Winn Street, Suite 203, Woburn MA.

47

48 The Lots are located in Residential B Zone District and the Water Resource District.

49

50 H. Snyder: gave a brief history for the property. Explained why the current application was currently before  
51 the Board. Owner of 102 Pond Street had met with the Conservation Commission and that they had agreed  
52 to move the location of the current driveway because the driveway is located within a 100 foot buffer zone  
53 due to a vernal pool not located on the lot. Shared opinion of H. LaCortiglia that the Applicants could decide  
54 to submit an OSRD (Open Space Residential Design) due to the fact that if an ANR plan was endorsed one of  
55 the lots (100 Pond Street) would be left as a non-conforming lot due to a lack of frontage.

56

57 The Board discussed the ANR Application and the current plan as well as any possible future applications.

58

59 H. Snyder: Read an email from Jon Metivier, Georgetown Building Inspector, for the record, dated August  
60 27, 2014: "Howard, I reviewed the situation of returning the previously approved subdivision back into one  
61 lot. As you know 100 & 102 Pond was originally subdivided with a ZBA frontage variance (1967?). Should the  
62 Applicant return the lot lines to the 1967 configuration and maintain the 1 house per lot condition from that  
63 variance no further action would be required (the earlier variance would still be in effect. Planning Board  
64 Endorsement of the plan although not required is recommended. Should the Applicant choose to draw new  
65 lot lines: If the Planning Board feels the new plan provides frontage adequate to serve each lot (30 foot  
66 minimum) and the lots have at least 15,000 square feet in area; a Planning Board endorsed plan is required.  
67 Jon"

68

69 T. Evangelista: Agreed with the Building Inspector and that an ANR Application and Plan should be what the  
70 Applicants submit to the Planning Board for endorsement.

71

72 The Board discussed with the Applicants their possible options for subdivision.

73

74 R. Hoover: Asked if there was any further discussion. There were no comments from the Board.

75

76 Two people who reside near 100 & 102 Pond Street were in attendance and they asked to speak to the  
77 Board. Alida Joyce of 115 Pond Street, and Raymond Denis Jr, 8 Lake Avenue, both spoke in favor of a plan  
78 that would keep 102 Pond Street as one lot and that there would not be any further subdivision of the land.

79

80 H. LaCortiglia: Stated he was not willing to sign an ANR plan that created a non-conformity on an abutting  
81 lot.

82

83 It was suggested that Town Counsel be contacted regarding the previous variance issued for the property,  
84 the finding by the ZBA, and the issue of the lot frontage and non-conformity if the proposed roadway layout  
85 was removed.

86

87 The Applicants withdrew their application without prejudice.

88

89 H. LaCortiglia: Motion to accept the withdrawal of the ANR Application without prejudice.  
90 T. Evangelista: Second.  
91 Motion Carries: 5:0 - Unanimous.

92

93 **Old Business**

94

95 Turning Leaf Definitive Subdivision Plan Revised Decision

96 Applicant: Artisan Development, LLC - Manager Thomas O'Connell; present  
97 Attorney Jill Mann, representing the Applicant, was also present.

98

99 H. Snyder: Presented a review of the revisions made to the draft Decision of Approval for the Turning Leaf  
100 Definitive Subdivision.

101

102 The Board Members reviewed and discussed the revisions made to the document.

103

104 H. Snyder: Only aspect of the revised decision that was not addressed at the last meeting as it was then  
105 agreed to discuss at tonight's meeting is the inclusionary housing component.

106

107 R. Hoover: With regards to the decision does anybody else have any other comments? I have just a couple...  
108 and I wasn't here at the last meeting. (Shares with the Board his suggested edits to the decision.)

109

110 T. Howard: I have a few...On "G", on page 6, it talks providing an off-street... it talks about the developer  
111 offering an off-street parking area; did we ask for a particular number? Like a size of the parking area?

112

113 H. Snyder: It is shown on the plan; three parking spots with room for two more.

114

115 There was discussion as to the wording in the Decision regarding 'two on street parking spaces should be  
116 land banked in case future demand.'

117

118 H. Snyder: Explained that the Applicant is installing three spaces with room for two more in case the three  
119 parking spaces become inadequate. If more parking is needed then the Town of Georgetown would dig out  
120 the dirt and pave the area to add an additional two parking spaces.

121

122 Attorney Mann explained that due to the fact the area is not currently handicap accessible and if the path  
123 became handicap accessible in the future the area would be land-banked to allow more space.

124

125 T. Howard: In "J" you are talking about cutting back at the intersection of Marlborough and Tenney Street as  
126 you are exiting 2 Tenney Street and it says essentially that they are going to cut back by approximately 40  
127 feet at the intersection to the extent that the visual impediments lie within the Town's right of way by  
128 cutting back the bank and relocating the existing sign for westbound traffic for Tenney. My only comment  
129 on this is that if you cut back that banking bank anymore there are trees that will come down.

130

131 Attorney Mann replied that wording in the Decision was a result following the traffic report.

132  
133 The Board discussed the removal of trees, the warranty of the trees by the developer and when would be  
134 the best time to plant new trees.  
135  
136 The Board, Applicant and Applicant's Attorney discussed the stone wall and timing of acceptance of the  
137 ways at a Town Meeting.  
138  
139 The Board and the Town Planner discussed the trees to be planted on the streets of the subdivision.  
140  
141 H. LaCortiglia: Asked if the Applicant had submitted a revised set of plans. The Applicant stated he had  
142 delivered a revised set of plans to the Planning Board Office.  
143  
144 H. Snyder explained he did not recall the receiving the revised plans but he would make sure if the revised  
145 plans were in the office or not. Reminded the Board Members of the fact that in the Supplemental Packet  
146 provided at the August 13<sup>th</sup> Meeting of the Planning Board contained information about the inclusionary  
147 housing and the Affordable Housing Task Force.  
148  
149 Members of the Affordable Housing Task Force were in attendance.  
150  
151 R. Hoover: With regards to the affordable housing... the public hearing is closed... the Applicant is here to  
152 answer questions... Amongst the Board; we had a response from Town Counsel and we have Howard's  
153 comments in his section, per each project, as he typically puts forth... and I guess, I wanted to ask the Board;  
154 each Member, if they were prepared to comment on their questions or opinions on what Town Counsel said  
155 and what they think we should be doing on this affordable housing issue and how we are going to do it.  
156  
157 A copy of the correspondence from Town Counsel was provided to the Applicant.  
158  
159 H. Snyder and R. Hoover provided the Board and the Public an update regarding affordable housing and the  
160 subdivision and the correspondence from Town Counsel.  
161  
162 The Board discussed affordable housing and the subdivision and the payment by the Applicant.  
163  
164 T. Evangelista and H. LaCortiglia said they would recommend that the decision be the developer will build  
165 two units on site with a system in place for fractional payments.  
166  
167 R. Hoover said that though he could not vote, he agreed with T. Evangelista and H. LaCortiglia.  
168  
169 In very general terms, as they specifically pertain to the proposed subdivision, the Board discussed  
170 bylaw Section 165-71, Inclusionary housing balance bylaw; as well as the Definition for Vacant  
171 Affordable Rental Housing Units .  
172  
173 R. Hoover: So basically; tell me if I'm miss-stating anything...Town Counsel has said that they see no  
174 Planning Board Authority to determine how many undeveloped lots vs. how many developed lots are  
175 made as part of this arrangement?

176  
177 H. Snyder: In respect to the Bylaw.  
178  
179 R. Hoover: The authority with this resides with the Permitting Authority; which is the Planning Board.  
180  
181 H. Snyder: Yes.  
182  
183 R. Hoover: And... Town Counsel was suggestion two options for how to do this...One is in selling  
184 undeveloped lots it would be 6% of the undeveloped lot when you sold and then another 6% of  
185 whatever the improvement vale is... So when the house goes on it is the value with the house and those  
186 improvements on it would be on another 6%.  
187  
188 H. Snyder: Right; but the cost would be for the original developer not the person building the house.  
189  
190 R. Hoover: The other option is that you build two on site.  
191  
192 H. Snyder: ...that is clearly what is in the Bylaw.  
193  
194 T. Evangelista: The purpose of the Bylaw is to get two units. No matter how anything else works out...  
195 For a 22 house lot subdivision we need 2 units and a fractional payment of point two and what  
196 discretionary power the Board has is when you want that payment and how, *and when*, you want to  
197 receive the payment on the lot and the house on the lot; that's basically what we have... We are  
198 supposed to get advice from the Housing Task Force and the Trust and whatever which we got, which  
199 was that they would prefer getting the money rather than building it on the in the subdivision. You can  
200 do it at the time of sale before the Occupancy Permit and that's basically spelled out here. The part I  
201 was surprised at, for security, is that Town Counsel said that a Covenant or a Bond will not work.  
202 Therefore, I am totally in the dark about mortgages.  
203  
204 R. Hoover: Suggest the Board let Town Counsel work out the mechanism for the security.  
205  
206 H. Snyder: To address Tim's concern; if a homeowner builds a home they need to get a CO (Certificate of  
207 Occupancy). At the time they get the CO the Appraiser can come in and add a valuation of the property.  
208  
209 T. Howard: So who is going to do the appraisal?  
210  
211 H. Snyder: The Assessor.  
212  
213 T. Howard stated there is a difference between an appraisal and an assessment.  
214  
215 T. Evangelista: I spoke with him and he said it was based on the market price; whatever it sold for,  
216 roughly within ten percent.  
217  
218 R. Hoover: The assessed value is based on comps.  
219  
220 T. Howard: At the end of the day the Town will get more money... the developer will get more money....  
221  
222 T. Evangelista: When they talk about 'Developer' in this Bylaw they are talking about the original  
223 Developer. If there was a house built on the lot it is the responsibility of the original Developer.

224  
225 H. Snyder reminded the Board that the Bylaw doesn't allow the Board to state or address the number of  
226 undeveloped lots. In conversations with the Authority and the Trust, they saw it as being more  
227 beneficial that the in lieu of payments come with each transaction.  
228  
229 T. Howard asked if there was an agreement in place. The Town Planner and the Board agreed that there  
230 wasn't a Decision yet nor had a vote occurred.  
231  
232 T. Howard: It seems to me like it will cost them more money if we do it with the 6% for the lot and the  
233 6% with the addition of when the house is built...the Town will end up with more money that way...  
234  
235 R. Hoover: It will, but the Town will end up with the value of the unit. Town Counsel was clear that unit  
236 means the lot plus the house.  
237  
238 H. Snyder reminded the Board that the Public Hearing for the Definitive Subdivision Plan Application was  
239 closed.  
240  
241 T. Howard stated that he didn't like haranguing someone into doing something that no one wants to see  
242 done.  
243  
244 R. Hoover: My attitude about that Tim is that you follow the Ordinance (*Bylaw*) as written and then if  
245 there is room for interpretation, you get Town Counsel's opinion and then if you follow that and if you  
246 don't like it you change the Ordinance. I agree with you it's not a perfect solution by any stretch of the  
247 imagination.  
248  
249 B. Watts said he was concerned because the Board was not taking into consideration the value of a  
250 building (on a lot).  
251  
252 R. Hoover asked the Board Members if they would like to decide upon a number (for the average market  
253 value) or say two units and we are done.  
254  
255 H. LaCortiglia: The reason I am looking to it because we are looking at all kinds of money and I am  
256 looking at it as the Planning Board and sometime s it is the right thing to reach out and find out what the  
257 developer wants, what the task force wants, what this one wants, that one wants... Sometimes I am  
258 sitting here and I feel I should take responsibility for what a Planning Board should do and with all due  
259 respect to the Task Force and the Trust, I have been seeing the numbers for the ISH go down. We are  
260 kicking 22 units in and the numbers haven't been going up and we are getting closer and closer to that  
261 10% and what I am hearing from you folks is that we need more rental housing which isn't going to raise  
262 that number and so I look at it as what can I do from my seat here? I can vote for two new houses and  
263 raise some money for you. That's where I am coming from as simplistic as that may be.  
264 R. HOOVER: I agree with you. The caveat is this is how the Ordinance is written and we are doing the  
265 best with how the Ordinance is written.  
266  
267 T. Howard and B. Watts stated that they would like to see the developer pay cash in lieu of and H.  
268 LaCortiglia and T. Evangelista stated they would like to see the two units in the subdivision with  
269 fractional payments.  
270

271 On behalf of the Applicant, Attorney Mann, withdrew his offer of in lieu of/ a cash payment and she  
272 stated he would only offer the two units and fractional payments.

273  
274 H. LaCortiglia: I would suggest one of the conditions be that the first affordable housing unit be created  
275 no later than the creation of the eleventh unit and at that time the fractional payment be due in total.

276  
277 R. Hoover suggested that the Board may want to have the affordable housing unit be earlier.

278  
279 T. Evangelista suggested the fifth unit and the eleventh unit.

280  
281 H. Snyder suggested the Board not specify an exact lot but that the Board give a time frame and he gave  
282 an example which was, 'the first affordable housing unit be created on or before the eleventh unit is  
283 sold.'

284  
285 T. Evangelista asked about the fractional payment.

286  
287 H. LaCortiglia replied that he had already suggested the payment be due in its entirety upon the creation  
288 of the first affordable housing unit.

289  
290 Site Plan Approval – Revised Decision

291 17-19 West Main Street - The Spot Restaurant

292  
293 The Application was submitted by Serenitee Restaurant Group for the exterior alteration of an existing  
294 façade and for the occupancy of the existing building. The site is located in the Business and Commercial  
295 A District (CA). Assessors Map 11A, Lot 28.

296  
297 H. Snyder: The Site Plan Review Decision has been revised. At the last meeting the Board asked the  
298 Applicant to revise the Mylar (*copy of the plan*) with the date of approval and a revised date; and those  
299 dates have been added to the mylar that will be recorded. Rob and Tim were not at the last meeting so  
300 this would be a time for them to add any comments.

301  
302 The Board reviewed the draft Decision and suggested edits.

303  
304 The Board signed the Mylar copy of the Site Plan.

305  
306 **Planning Office: Zoning Bylaw Amendment – Special Town Meeting 2014**

307 H. Snyder shared with the Board a brief history of what occurred at the last Annual Town Meeting. He then  
308 explained what could be proposed for the upcoming Special Town Meeting.

309  
310 The Board and H. Snyder discussed the proposed Zoning Bylaw Amendment.

311  
312 B. Watts: Motion to adjourn.

313 T. Howard: Second.  
314 The motion was approved 5:0; unanimously.

315  
316 Meeting adjourned at 9:22 PM.

317