

1 **MEETING MINUTES - GEORGETOWN PLANNING BOARD**

2 Wednesday – September 24, 2014 – 7:00 PM
3 Memorial Town Hall – 3rd Floor – One Library Street, Georgetown MA
4

5 The Meeting was opened by Chair, Mr. Rob Hoover, at 7:00 PM, and was held at
6 Georgetown Memorial Town Hall - One Library Street - Georgetown, MA
7

8 Board Members Present: Mr. Rob Hoover (RH); Mr. Tim Howard (TH) (Arrived at 7:29 PM); Mr. Bob
9 Watts (BW); Ms. Tillie Evangelista (TE); Mr. Harry LaCortiglia (HL)

10
11 Mr. Howard Snyder (HS), Town Planner - Ms. Mary-Ellen Feener, Administrative Assistant (MEF)
12

13 **Approval of Minutes**

14 The Board reviewed the Meeting Minutes of July 23, 2014, August 13, 2014 and September 10,
15 2014.
16

17 HL moved to approve the Meeting Minutes of 7/23/2014, 8/13/2014 and 9/10/2014 as amended.

18 TE seconded the motion.

19 RH abstained from voting due to the fact he did not attend the 08/13/2014 Meeting

20 The motion was approved 4:0.
21

22 HS explained to the Board that the Meeting Minutes of 08/27/2014 were provided to the Board
23 due to the fact one of the Agenda Items for that meeting would be an Agenda Item during the
24 meeting this evening. They were provided for information purposes only and were not complete.
25 The Board unanimously agreed to review the completed minutes at the next regularly scheduled
26 meeting.
27

28 **Correspondence**

29
30 **MVPC: Citizen Planner Training Collaborative: Workshop Schedule for fall 2015**

31 HS explained to the Board that both he and the Administrative Assistant will be attending
32 workshops hosted by CPTC which will be paid for by the department. HS encouraged Board
33 Members to attend the workshops and suggested they inform him if they choose to attend so the
34 department may reimburse them for the cost.
35

36 **Kopelman and Page, P.C. – Town Counsel**

37 The Board agreed they would review the Memo from Attorney Jonathan D. Eichman of K&P when
38 they would be reviewing the ANR Application and Plan for 100 & 102 Pond Street.
39

40 **Vouchers**

41 The Board reviewed the following voucher:
42

- 43 • Joseph Meritt for the Plotter / Scanner – Total Expense: \$39.17.
44

45 HL moved to approve the voucher.

46 TE seconded the motion.

47 The motion was approved 5:0; unanimously.
48

49 The voucher was signed by the Board Members.
50

51 **ANR**

52

53 **ANR Application - 48 & 50 Tenney Street**

54 48 Tenney Street - Assessors Map 15 Lot 13- Niles L. Hatch (present).The application was also
55 signed by the owner of 50 Tenney Street – Assessors Map 13 Lot 14 - Robert C. Page (not
56 present).

57

58 The owner of 48 Tenney Street, Niles L. Hatch shared with the Board a brief history of the
59 properties and the reason for the ANR Application.

60

61 Parcels A & B are to be conveyed from Page to Hatch and are to be combined with Lot 1 to form
62 one lot containing 92,411 square feet/2.122 acres. Prepared by Donohoe Survey, Inc., 363 Boston
63 Street, Topsfield MA; dated August 28, 2014.

64

65 The Board reviewed the Application and the Plan.

66

67 HL: I make a motion the Board endorse a plan of land in Georgetown, Niles L and Kathleen C.
68 Hatch and Robert C. Page, Donohoe Survey Incorporated, dated August 28, 2014.

69 TE seconded the motion.

70 The motion was approved 5:0; unanimously

71

72 The Board Members signed the Form B and the Plan.

73

74 **100 & 102 Pond Street**

75 102 Pond Street (1, 3-7 Pond View Lane) – Victoria & Jamie Roberts - (Jamie Roberts present) -
76 100 Pond Street – Assessors Map 12 Lot 10B – Justin Collamore (present)

77

78 The plan was intended to combine Lots 1,3,4,5,6,7 and Parcel A and the roadway as shown on
79 Plan Book 431, Plan 61 into one lot. Prepared by Surveyor, Edward J. Farrell, 110 Winn Street,
80 Suite 203, Woburn MA; dated September 18, 2014. The Lots are located in Residential B & the
81 Water Resource District.

82

83 HS presented an overview of the recent history of the applications that had been presented.

84

85 The Board discussed the email sent by Town Counsel. A copy of the email will be filed in the public
86 folder for the property. The email was sent from Attorney Jonathan D. Eichman, Kopelman and
87 Paige, PC, to Howard Synder, CC'd to Mike Farrell, Town Administrator and Thomas McEnaney,
88 and it was dated Tuesday, September 2, 2014.

89

90 The second paragraph of the email states, "As we discussed, the Planning Board may nonetheless
91 be required by law to endorse a so-called perimeter plan showing lots 1 and 3-7 combined as
92 one..."advise the Board that the zoning issues presented here will likely no justify refusing to
93 endorse an ANR "perimeter" plan. "A copy of the email was given to the applicant.

94

95 The Board reviewed the Application and the Plan.

96
97 TE moved to endorse the ANR Plan dated September 18, 2014, for 102 Pond Street, Victoria &
98 Jamie Roberts and 100 Pond Street, Justin Collamoreto, to combine Lots 1,3,4,5,6,7 and Parcel A
99 and the roadway as shown on Plan Book 431, Plan 61 into one lot, as prepared by Surveyor
100 Edward J. Farrell.
101 BW seconded the motion.
102 HL opposed.
103 TH abstained.
104 The motion was approved 3:1.

105
106 RH: I guess the only discussion I would like to point out is this is where the Planning Board is
107 being given clear direction from its Town Counsel... In fact it's one of the clearest direction I
108 have seen from them in a long time. The job, in my opinion, of the Planning Board is to enforce
109 the Ordinance as written and if you don't like the Ordinance to change it... because if you don't
110 follow that protocol what happens is you start introducing, with all the best intent, everybody has
111 the best intent of the Town in mind, you start introducing your own personal agendas,
112 opinions... regardless of what is written and that's when the Town gets in trouble, that's when
113 the applicants, when they are coming before the Board, don't know what the rules of the game
114 are and it comes back to bite everyone; often. I wanted to share that in light of this folks.

115
116 HL: Unusual circumstances may leave some people in the position, by endorsing this ANR, we
117 as a Planning Board; exacerbate a mistake we made earlier and thus making us more culpable
118 in the long run. Keep in mind the opinion we are getting that states we must endorse is coming
119 from the attorney that would be getting the billable hours if we were sued. I'll leave it at that...

120
121 RH: My only comment on that is that I have a great deal of respect for that firm ,in many ways, I
122 am not concerned about billable hours; One. Two, the fact that both the applicants are sitting
123 here and they are both clearly aware of all of this we have talked about.. It seems to me the
124 Planning Board is doing their job very good.

125
126 The Board Members signed the Form B and the Plan.

127
128 Within the past few months, the Applicant had presented an ANR Application to the Board.
129 Board Members had encouraged the applicant to withdraw their application; which they did. HS
130 asked the Board to waive the application fee.

131
132 BW: I move to waive the Application fee for the Applicant.
133 TE: I second the motion.
134 The motion was approved 5:0; unanimously

135
136 **Member or Public Report**

137 There were not any concerns of a Planning Board Member and/or a Member of the Public voiced or
138 presented at this time.

139
140 **Old Business**

141
142 **60 East Main Street Athletic Facilities**

143 The Board signed a Form H for an Extension of Time for the Special Permit.

144
145

146 Site Plan Approval – 105 East Main Street – Applicant: Donna Mouslison of Bedrock Realty Trust,
147 LLC - Assessors Map 10B, Lot 33A

148 The Applicant was present for the review of the Board Decision and the Board signing of the Mylar
149 copy of the Plan.

150
151 HL removed himself from the room and the discussion due to the fact he was not present for the
152 Public Hearing held on September 10, 2014.

153
154 The Board reviewed the Decision prepared by HS based upon the outcome of the Public Hearing
155 held for this property on September 10, 2014. The Site Plan Approval Application was required for
156 a Change of Use.

157
158 HL made a motion to approve the Decision for the Site Plan Approval for 105 East Main Street, as
159 amended.

160 TE seconded the motion.

161 HL abstained.

162 The motion was approved 4:0.

163
164 HL returned to meeting at 7:58 p.m.

165
166 Turning Leaf Definitive Subdivision Plan Revised Decision

167 Applicant: Artisan Development, LLC, Manager Thomas O'Connell (present)

168 Representing the Applicant Attorney Jill Mann; Mann & Mann Counselors At Large (present)

169
170 HL asked when the Public Hearing was closed.

171
172 HS replied it was on June 25, 2014 and he also explained that the applicant has stated he will not
173 extend the time for the decision.

174
175 The Board reviewed the draft Decision and suggested edits.

176
177 TE: *(The question was directed at the members of the Affordable Housing Task Force who were*
178 *present for this portion of the meeting and sitting in the audience).* Anyway, I just wanted to be
179 confirmed that you are in fact that you are, in fact, still wanting to have the money for the affordable
180 requirement, in lieu of building on-site.

181 TE: Are you confident that by the next census, which is... 2020, that you will have promoted an
182 increased affordable units in Georgetown to be placed on our list that would be generated at the
183 next census.

184 There were comments from Board Members, the Town Planner and the attorney representing the
185 attorney all agreeing that the topic brought forth by TE was not a topic discussed during the Public
186 Hearing.

187 TE responded that she could discuss the topic because the 'Bylaws states it so it can be
188 discussed'.

189 The Board agreed that it was new information.

190 TE: (to the developer): Have you, is your stand still the same as it was previously and that you still
191 want to build the house on the site and not pay the money?
192 The attorney representing the applicant answered the question by stating that the applicant was
193 willing to do what is best for the Town and it was stated at a Public Hearing the applicant would
194 consider 'in lieu of'.
195
196 There were further discussions between the Board and Applicant's Attorney regarding what the
197 applicant specifically would offer.
198
199 RH read to the Public in attendance a Motion completed by the Affordable Housing Task Force
200 dated July 21, 2014: In response to the request of the Georgetown Planning Board relative to our
201 opinion of certain matters pertaining to the in-lieu of payment of the Inclusionary Zoning By-law the
202 Affordable Housing Task Force recommends the following as per the minutes of our meeting on
203 June 19, 21014 (attached) and this vote on July 21, 2014. 1) That the in-lieu of payment option best
204 meets the affordable housing needs of Georgetown. 2) That Section G(1) of the Inclusionary Zoning
205 Bylaw is the relevant part of the bylaw controlling in-lieu of payments. 3) That the basis for the
206 average selling price of a unit in line with the formula that is part of Section G(1) is the average
207 sales price of a fully developed unit by the developer to an unassociated buyer. Undeveloped lots
208 are not considered in the by-law and the proper context for a unit in the by-law is a "housing unit". 4)
209 The number of affordable units as shown in the formula Section G(1) is the total number of units
210 approved by the planning board divided by 10
211
212 RH concluded his reading of the Motion by sharing the mathematical equation that the AHTF used
213 as an example for Number 4.
214
215 BW: I am reading this (*the draft decision*) now and this is what we decided; right?
216
217 RH: We haven't voted on it but there was a consensus at that meeting.
218
219 TH: I would say the consensus could go either way... I would say there are at least two of us...
220
221 The Board reviewed the draft decision.
222
223 HL made a motion to take a vote for the Notice of Decision for the Definitive Subdivision Plan for
224 Turning Leaf, as revised, dated September 24, 2014.
225
226 RH: All in favor?
227 HL: Aye.
228 BW: Aye.
229
230 RH: All apposed?
231 TH: Aye.
232 TE: Aye.
233

234 The motion failed.

235

236 **Planning Office**

237

238 **Georgetown Planning Board: Annual Report – Draft**

239 The Board reviewed the Draft Annual Report. Suggestions were made to HS. HS will
240 complete the edits and submit the Annual Report.

241

242 **Planning Board Meeting Dates**

243 The Board discussed the meeting dates for November and December.

244

245 HL: Before we adjourned, and since this is board business since we are not locked in any public
246 hearing at time, may I make a motion again, Mr. Chairman, if you will hear it, to approve the Notice
247 of Decision, final draft for the approval of a Definitive Subdivision, dated September 10th, changed
248 to September 24th for Turning Leaf Subdivision; I make the motion again.

249 TH: I second it.

250 The question was called.

251 All in favor?

252 HL: Aye.

253 BW: Aye.

254 TH: Aye.

255

256 TE: I am abstaining.

257 RH: Good Enough.

258 TE: I want to say why I am abstaining... I think this is morally wrong. I myself feel that it is
259 circumventing when people are not present and we are voting not in front of them.

260 RH: I hear what you are saying and we will

261

262 Three affirmative votes.

263 Two Board Members abstained.

264

265 The motion was approved.

266

267 HL made a motion to adjourn the meeting.

268 TH seconded the motion.

269 The motion was approved 5:0; unanimously.

270

271 The Meeting was adjourned at 9:40 PM.

272 The Next Regularly Scheduled Meeting will be held on October 8, 2014
273 at the Georgetown Memorial Town Hall.

274