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MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, June 26, 2013
Memorial Town Hall – 3rd Floor
7:00 p.m.

Present: Mr. Harry LaCortiglia; Mr. Christopher Rich; Ms. Tillie Evangelista; Mr. Tim Howard (arrived at 7:45PM); Mr. Bob Watts; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

Meeting Opens at 7:06 PM.

Approval of Minutes:

1. Minutes of June 12, 2013.

Ms. Evangelista - One question I have is the OSRD process. In the minutes it is closed but it has to be voted on. I think we need a vote on whether we are supporting it or not.

{Discussion held in regards to the OSRD and whether it needs to be voted on to close it.}

Mr. LaCortiglia - Maybe we can make a motion at the next public hearing on July 24, 2013 meeting to close it up.

Mr. Rich - **Motion** to accept the minutes of June 12, 2013 subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

Motion Carries: 4-0; Unam.

Correspondences:

1. Town of Newbury: ZBA – Special Permit.

2. FEMA: Updated Preliminary Flood Insurance Rate Map and Flood Insurance Study.

Mr. Snyder - Newbury Zoning Board has a Special Permit regarding property on Plum Island. The FEMA update is just an FYI in regards to an updated preliminary flood insurance rate map. They have revised a portion of the Parker River in Newbury and it will not affect Georgetown.

Ms. Evangelista - Have you received complaints about the flood insurance from residents?

Mr. Snyder - Yes. There were two people in this week. It has actually slowed down.

Ms. Evangelista - Does this mean that they have already done a revised one and have now done another?

Mr. Snyder - The only update to Georgetown is an aerial overlay with streets as reference points. In terms of flood elevations, modifications have not been made.

Ms. Evangelista - I've had complaints from people and they now have to have flood insurance.

Mr. Snyder - If they own their house and don't have a mortgage the homeowners will not need it or know about it. It would become an issue when they do to sell or seek a home equity loan.

49
50 Mr. LaCortiglia - What about regular insurance, if someone didn't have flood insurance and the
51 new maps came out, would the insurance company notify them at that time?
52

53 Mr. Snyder - Everyone that has come in has stated that the mortgage company is telling them to
54 get it. When they go to sell, they are being told the property is in a flood zone. We had someone
55 into today with the flood designation only four feet on the property and a letter stating they
56 needed to have flood insurance.
57

58 Ms. Evangelista - Are they doing anything about it?
59

60 Mr. Snyder - Yes, they will have to have it certified by a surveyor or engineer and send it back to
61 FEMA to get a letter of map change.
62

63 **Voucher:**

- 64 **1. H.L. Graham: Bank of America.**
65 **2. H.L. Graham: 6 Norino Way**
66 **3. W.B. Mason: Planning Office.**
67

68 Mr. Rich - I noticed that Mr. Graham's invoice is from 2012 - how come?
69

70 Mr. Snyder - There was not enough money in the escrow account to pay the bill since late
71 December. I contacted BOA and Gensler repeatedly. When a building permit was requested I
72 told them it would not be signed. The engineering company, Stonefield, ended up sending the
73 check.
74

75 Mr. LaCortiglia - The M-Account now has the funds to pay the invoice.
76

77 Mr. Rich - It is interesting that the chairman of the Board of Selectmen told me that we held up
78 the BOA project. It is interesting that it took them so much time to pay the appropriate fees.
79 And our technical review agent has been waiting for his money since December 10th, 2012. I
80 would have brought them back in and re-opened the hearing and told them they had to re-file and
81 pay the filing fee if it wasn't paid. That is part of the application process isn't it, that they have
82 to maintain the M-Account?
83

84 Mr. LaCortiglia - From what I understand is that the M-Account is to be at a level of \$4000.
85 That is part of the application process.
86

87 Mr. Snyder - An initial deposit of \$4,000 with a minimum balance of \$2,000 that triggers our
88 request for additional funds.
89

90 Mr. LaCortiglia - We have to be vigilant when we close hearings and sign mylars. I need to ask
91 what the M-Account balance is when we sign the mylars.
92

93 Mr. Rich - Can we put that on our checklist?
94

95 Mr. Snyder - Yes. At the time you sign the mylars and if there is not going to be any site
96 inspection then there is no need for them to continue with an m-account.
97

98 Mr. LaCortiglia - We can refuse to sign at that point if we don't have money in the account.

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Mr. Rich - Mr. Graham is very responsive to us and I hate to see the man wait for his money.

Mr. Snyder - It was unique with the BOA project as it was requested in the decision for some future site discovery. The account is back up to \$2,000 and the bills have been paid.

Mr. Rich - **Motion** to approve and pay the vouchers.

Mr. Watts - **Second.**

Motion Carries: 4-0; Unam.

New Business:

1. Chapter §165: Scope and Schedule of Bylaw changes for coming Special Town Meeting.

Mr. LaCortiglia - Mr. Snyder this is the schedule we asked you to put together for us along with definitions right? So we can manage the solar and wind bylaw and the medical marijuana bylaw for the special town meeting in the fall.

Mr. Snyder - Yes. They have not scheduled a special Town Meeting date yet but I think it will be around October 28th.

{Discussion held in regards to the schedule and when to submit the public notices.}

Mr. Snyder - In a near future packet you will be receive draft bylaws for solar and wind energy facilities. Ms. Beaumont did some great research. We looked at model bylaws, not only that the state has written but also bylaws from neighboring towns such as Newburyport, Essex, and Ipswich.

Mr. Rich - Is it just large scale that we are dealing with?

Mr. Snyder - Yes, for solar and wind we are considering just large scale.

Mr. LaCortiglia - That would be non-residential.

Mr. Snyder - We will need to consider if it is generated on-site for a commercial property and if it is generated on the property and shipped off site.

Mr. LaCortiglia - Is anything made that is excess have to be bought back by the power company?

Mr. Snyder - I am going over some of these items with the light department next week.

Mr. Rich - Any excess they have to buy it back at the wholesale rate.

Ms. Evangelista - If there are no connections they can't do that as we have a town municipal light department.

Mr. Rich - There is no exception to the law.

146 Mr. LaCortiglia - The important thing is that this is a public hearing and I want to hear the
147 comments and also from the light department.
148
149 Mr. Rich - So we won't have a residential bylaw?
150
151 Mr. Snyder - The draft that I've come up with is just for commercial not residential. It
152 considers ground mounted units and capacity.
153
154 Mr. LaCortiglia - There are some large residential properties in Georgetown.
155
156 Mr. Snyder - Bylaws for residential solar is allowed by right, by the state.
157
158 Mr. LaCortiglia - Yes, if they want to put something on the roof etc...
159
160 Mr. Rich - There are companies going up with less than 5 acres and they want to put solar
161 farms on it and they pay so much per kW.
162
163 Mr. Snyder - Yes, they lease land from the property owner for often a twenty year term.
164
165 Mr. Rich - When that lease is up who's responsible for the dismantling and disposal of the
166 panels?
167
168 Mr. Snyder - The bylaws as written have a section on abandonment and discontinuance.
169
170 Mr. Rich - We want to make sure we have that base covered.
171
172 Ms. Evangelista - Your statement that residents in a residential zone because they sell it then
173 it is considered commercial?
174
175 Mr. Snyder - Not according to the zone the bylaws consider, facilities that generates power
176 that is sold off the property.
177
178 Ms. Evangelista - Why would that be our concern? Isn't it what district we want it in?
179
180 Mr. Snyder - Commercial is power generation for profit. I was not talking about the zone. It
181 can be in residential, industrial or commercial zones.
182
183 Mr. Rich - They will look at... We have a parcel in downtown Boston that is 2.5 acres that
184 they came to look at.
185
186 Mr. Snyder - The light department will also look into it. I believe they have four generation
187 districts.
188
189 Mr. Rich - I know in Saugus the energy companies are putting them on the roof of houses for
190 free. Nstar and other companies have facilities committed at no cost to the homeowner to put
191 these in.

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Mr. Snyder - It is being encouraged in MA in regards to solar so well that they've already met their kilowatt energy generation goals. Annually I think they are at a 3-6 megawatt production.

Ms. Evangelista - Newburyport as I understand it – that the conservation board denied it and it was appealed and they couldn't do it.

Mr. Snyder - I think you are speaking about the one off of Scotland Road in West Newbury. It was a special permit that was denied because enough of the board thought it was proposed to be located in a visual corridor that needed to be preserved.

Mr. Rich - Beverly runs their new school with the ground mounted solar farm that is right behind it.

Mr. LaCortiglia - So, we have a threshold of production. Where is that threshold - one or two?

Mr. Snyder - As I understand it, the state bylaw considers a limit at 125kW. One megawatt and above is considered very large energy generation facility. When we start discussing greater details, I will have a graphic that shows what it looks like in terms of acreage and maybe with overlays.

Mr. Rich - What does the average household use?

{Mr. Howard arrives at 7:45PM.}

Mr. Snyder - I am not sure. These are questions we will to get together and have a functional presentation. Wind generation is a lot more complicated as there is much more testing, items such as harmonics, shadow, and FAA regulation needs to be considered.

Mr. LaCortiglia - Is that also something that is triggered by a threshold of a certain amount of megawatts or under? I noticed in a catalog that for \$600 you can buy a wind generator turbine.

Mr. Rich - I know there's one in the making – the prototype is done and you plug it into an outlet in your house.

Mr. Snyder - Wind energy generators are considered in the bylaw at 60 kW. Roof mounted is not being specifically considered with the solar or wind bylaws but you certainly can consider the home use ones and certainly set back requirements are considered in the bylaws. The wind bylaws state that it has to be one and a half times away from the nearest property line.

236 Mr. Howard - I think there is one somewhere near the Falmouth area that I actually saw some
237 video on and with the neighbors, at the right time of the day it is horrible with the flicker and
238 it looked pretty annoying.

239
240 Mr. Watts - On Route 95 with the sun through the trees can be really distracting.

241
242 Mr. LaCortiglia - At this point Mr. Snyder has created a draft notice and we hope everyone is
243 happy with the way it is written out.

244
245 Mr. Rich - **Motion** to authorize Mr. Snyder to advertise the zoning amendment hearing
246 notices for the wind and solar bylaws.

247 Mr. Watts - **Second.**
248 **Motion Carries: 5-0; Unam.**

249
250 {Discussion held in regards to the notice schedules.}

251
252 Mr. LaCortiglia - So the first public hearings for solar and wind will be on the 21st of July
253 and August 28th will be for medical marijuana. In the supplement is information from the
254 town of Dennis and a template to go through and find what you do and don't like. Prior to
255 public hearing maybe we can get some comments from Koppelman and Paige and find out
256 what they think and if they have a template.

257
258 Mr. Rich - Have we been requested to support a moratorium?

259
260 Mr. Snyder - I offered up a moratorium to be considered as it would allow for more planning
261 time before actually implementing a comprehensive bylaw.

262
263 Mr. LaCortiglia - Maybe that is something we should consider.

264
265 Mr. Rich - I would like to know the feelings of the Board if they think we should go for the
266 bylaw or stick out neck out and wait two years with a moratorium.

267
268 Mr. Howard - Why do you say wait two years versus two months?

269
270 Mr. Rich - I'm not in favor of it. I just want to raise the issue.

271
272 Mr. LaCortiglia - So the issue is a moratorium versus a bylaw.

273
274 Mr. Rich - I am in favor of writing the bylaw now as there is no time like the present,
275 especially knowing that we have a potential applicant willing to bring their business to town.

276
277 Ms. Evangelista - How come they went to the town administrator's office?

278
279 Mr. Howard - They are already proposing to purchase this piece of property for the growing
280 of marijuana. Wouldn't that get in front of any rules and regulations at this point since
281 they've already proposed it?

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Mr. LaCortiglia - I would imagine that it would have to go to the building inspector for a permit.

Mr. Howard - By virtue of not saying you can't do it then you can do it.

Ms. Evangelista - You would be right if we didn't have an intensity of use but we do. That is why I was curious as to why they were inquiring at the selectmen's office.

Mr. Howard - They're not looking for a depository they are looking at growing.

Mr. Snyder - They are looking for cultivation only.

Mr. Howard - As long as it meets the state guidelines, I don't think we can say no.

Mr. Snyder - As I understand it they think there is a viable piece of property so they can do their growing operation and they're trying to see if there is an interest in Georgetown from the Selectmen. They still need to get a lot of other documentation together before they come to the Town for any type of permit.

Mr. Howard - There were classes being offered several months ago put on by organizations that have grown stations etc... in other states where it is permitted already. I believe if you went to one of these that you received all the information you need to bring to a town. I think they would be grandfathered as we have no bylaws in place right now.

Ms. Evangelista - It is exempt from any agricultural provisions that the state has.

Mr. Howard - I think of you wanted a dispensary that that would be a totally different thing.

Mr. LaCortiglia - So you see it as an agricultural exempt issue?

Mr. Howard - That is how I see it.

Mr. Snyder - The real thing is to consider which avenue to go before you start debating it. Do you want an actual bylaw or do you want to go with a moratorium at this point?

Mr. Rich - I'd like to address my question. Do we want to move forward with a bylaw or a moratorium?

Mr. Howard - I'd say a bylaw. That's my opinion. You can change a bylaw if you feel there is a mistake.

Mr. Snyder - A moratorium, from my perspective, will allow more time than the Board has between now and October. It is not delaying it for two years rather it offers protection until the annual town meeting. I just don't think you have enough time for all the public hearings, comments from all boards and commissions and all the other input from the Town to

328 consider a full bylaw by this October. If you draft a moratorium it says that we are not going
329 to consider any applications because we're still going through a planning process and that
330 planning process can be done, in my confidence, in time for May.

331
332 Mr. LaCortiglia - Have you read the Hill Law template?

333
334 Ms. Evangelista - If we don't have anything on the books for this provision and someone
335 applies for a permit – what happens?

336
337 Mr. Snyder - At this point if someone wanted to file a permit – I don't know what kind of
338 permit they would use.

339
340 Ms. Evangelista - As I read it – for any use – if the town does not have it listed then nobody
341 can do it till that time.

342
343 Mr. Snyder - Kay at Town Counsel specializes in medical marijuana bylaws and the
344 information she has provided to municipal clients has been distributed to this Board.

345
346 Ms. Evangelista - She indicated that a moratorium would be best. Is that the reason that they
347 would have to go to a variance or would the state law say that if anyone comes in here that it
348 is permitted?

349
350 Mr. Snyder - If you have the moratorium in place, you don't need to worry about if someone
351 files. If someone files before anything is on the books they would have to file for a finding
352 and a variance through that process. If you do the moratorium and they file it would
353 basically just halt their application.

354
355 Mr. LaCortiglia - I think the state said that you can't have a bylaw that excludes it wholly.
356 At this point it seems to me that we can't do anything either a moratoriums or a bylaw until
357 October or November at the fall town meeting. We can move forward and bring a
358 moratorium to town meeting in the fall or we can bring a bylaw. Mr. Snyder, I am in
359 complete agreement with the board as I think we can pull off a good bylaw in time.

360
361 Mr. Howard - I don't think there will be much public import.

362
363 Mr. Howard - **Motion** to proceed with writing a bylaw pertaining to medical marijuana.

364 Mr. Rich - **Second.**

365 **Motion Carries: 5-0; Unam.**

366
367 Ms. Evangelista - I think to make it a smooth process - we have so many examples. If you
368 checked off the provisions that you liked then we could go through them at one meeting.

369
370 Mr. LaCortiglia - The template created by Hill Law is actually set up that way. It is pretty
371 comprehensive.

372

373 Mr. Howard - Mr. Snyder could be right with a moratorium. We may not be able to come up
374 with a bylaw before October. But I think the sooner is better.

375
376 Ms. Evangelista - I think there is a lot of interest in this and for us to hold it up I think is
377 wrong – I think we need to move forward. If we have it there are always amendments later
378 on down the line.

379
380 Mr. LaCortiglia - If we put this off with a moratorium and it passes a town meeting then
381 everyone will think we have a year or two to address it and then we get real busy.

382
383 Mr. Howard - I don't think the town would vote for a moratorium.

384
385 Mr. Snyder - A moratorium is not to fight it – it is to make sure that you do a comprehensive
386 bylaw. You don't have to wait till the end of the moratorium to do that. You could do a
387 moratorium for two years and by the next town meeting which is six months away you could
388 have the bylaw done.

389
390 Mr. LaCortiglia - I think we'll get it done – it is already written for us.

391
392 Ms. Evangelista - I think this is more important than the other two.

393
394 Mr. Howard - I don't think that putting it off for a year is going to make it any easier to go
395 through this.

396
397 Mr. LaCortiglia - I think now we have the time to deal with it – we have an incredibly light
398 schedule right now. I hope we can tax any product that's growing. Mr. Snyder will start
399 writing us a bylaw. Should we have Mr. Snyder send our bylaw template to Kay at Town
400 Counsel? She said she would be happy to write us a bylaw.

401
402 Mr. Snyder - I will proceed and draft something up and then coordinate with her.

403
404 Mr. Howard - We should have enough time to review and discuss it.

405
406 Mr. LaCortiglia - I am sure that Town Counsel is more than familiar with it and they have
407 their markups to make it better. Mr. Snyder it sounds like you think it will be a long and very
408 involved process but I think we will get through this.

409
410 **Member or Public Report:**

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

412 Mr. Rich - I have a question. Have we ever done the reviews required by the personal board?
413 Mr. Snyder how long have you been here?

414
415 Mr. Snyder - I have been here over a year and a half and the answer is no, there has not been a
416 review.

417
418 Mr. Rich - We need to do it. The board reviews Mr. Snyder and Mr. Snyder reviews Ms.
419 Beaumont and the forms get sent to Mr. Farrell.

420
421 Mr. LaCortiglia - We don't do that at a public meeting do we?
422
423 Mr. Rich - You have to do it in a public meeting but he can request an Executive Session. It is in
424 the Open Meeting Law.
425
426 Mr. LaCortiglia - I never see the other boards do that.
427
428 Mr. Rich - It is in the Open Meeting Law in regards to discussion of personnel issues, it is the
429 employee's option.
430
431 Ms. Evangelista - I think in the Open Meeting Law it is about health issues and so forth.
432
433 Mr. Rich - It specifically states performance review.
434
435 Mr. Watts - That is a very sensitive thing and not something that you would not want to air.
436
437 Mr. Snyder - It is the option of the person subject to that review.
438
439 Ms. Evangelista - I don't think we can have it in executive session.
440
441 Mr. Snyder - There are standard forms I could distribute to the Board.
442
443 Mr. LaCortiglia - Do we want to this at the next meeting?
444
445 Mr. Rich - I just want to see, as I sit on this board and am also the chair of the personal board and
446 I want to make sure that we are on top of everything that is supposed to be done. I know that
447 other departments are not doing it.
448
449 Mr. LaCortiglia - We are going to make sure that this board does it right.
450
451 Mr. Snyder - I can send the documents out to the Planning Board and then you send them to Mr.
452 LaCortiglia as he is the chair.
453
454 Mr. Rich - It is the option of the employee, rather than have it discussed in an open meeting they
455 can request it to be at an executive session.
456
457 Ms. Evangelista - You are referring to reasons to enter into executive session. It specifically
458 says, not job performance in the OML.
459
460 Mr. LaCortiglia - I will review it. Mr. Snyder, please send out the forms and take care of Ms.
461 Beaumont's review.
462
463 **Planning Office:**
464 **1. Lisa Lane OSRD: Form H Extension of Time.**
465 Mr. Snyder - There was not a motion to accept this at the last meeting although the applicants
466 had it at that meeting.
467
468 Mr. Rich - We talked about this extension of time when they were here.
469

470 Mr. LaCortiglia - Yes but we did not accept it at that time.

471

472 Mr. Howard - Why did they have to extend it?

473

474 Mr. Snyder - The hearing timeline for the board to reach a decision was going to expire
475 between the last public hearing and when it was continued to.

476

477 Mr. Howard - I thought the OSRD was dead and buried.

478

479 Mr. LaCortiglia - That was the OSRD portion of it. The whole hearing is still open because
480 it was bifurcated.

481

482 Mr. Snyder - The public hearing is continuing with the preliminary plan.

483

484 Mr. Howard - **Motion** to accept the extension to July 30, 2013.

485

486 Mr. Rich - **Second.**

487

488 **Motion Carries: 5-0; Unam.**

489

490 Mr. LaCortiglia - This action is deemed ministerial.

491

492 2. **MVPC: MIMAP FY2014.**

493

494 Mr. Snyder - This is the contract with MVPC for MIMAP in FY2014 and it cannot be paid in
495 this fiscal year. If I am authorized to sign it the invoice will be received in early FY2014 and
496 it can be paid promptly.

497

498 Mr. Rich - **Motion** to authorize Mr. Snyder to sign the contract for MIMAP services
499 dated June 20th, 2013.

500

501 Ms. Evangelista - **Second.**

502

503 **Motion Carries: 5-0; Unam.**

504

505 Mr. Rich - **Motion** to adjourn.

506

507 Mr. Watts - **Second.**

508

509 **Motion Carries: 5-0; Unam.**

510

511 **Meeting adjourned at 8:24 PM.**