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MEETING MINUTES
GEORGETOWN PLANNING BOARD
Wednesday, September 25, 2013
Memorial Town Hall – 3rd Floor
7:00 p.m.

Present: Mr. Harry LaCortiglia; Mr. Christopher Rich; Mr. Tim Howard (arrived at 7:36 PM); Mr. Bob Watts; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

Absent: Ms. Tillie Evangelista

Meeting Opens at 7:19 PM.

Approval of Minutes:

1. Minutes of September 11, 2013.

Mr. Rich - **Motion** to accept the minutes of September 11, 2013 subject to any changes made by colleagues at this meeting.

Mr. Watts - **Second.**

Motion Carries: 3-0; Unam.

Correspondence:

1. Town of Newbury: Public Hearing Notice.

2. Town of Boxford: Zoning Board of Appeals Notice.

3. Town of Rowley: Zoning Board of Appeals Notice.

4. 124 Tenney Street: Tom Ford: Request for continuance of Public Hearing.

5. 124 Tenney Street: Engineering Alliance, Inc.: Letter of response and updated Site Plan documentation.

6. Town of Georgetown: Building Inspector regarding operations at 1 Industrial Way.

Mr. Snyder - Items 4, 5 and 6 is correspondence left over from the previous meeting and these were not discussed as they have to do with the public hearing.

Mr. LaCortiglia - Why don't we wait for these items for when the public hearing is re-opened.

Vouchers:

1. Gate House Media: Legal Notices.

2. W.B. Mason: Office Supplies.

3. ESRI: Desktop Primary Maintenance.

4. H.L. Graham & Associates: Lisa Lane Extension.

5. H.L. Graham & Associates: 124 Tenney Street.

6. H.L. Graham & Associates: Bank of America.

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

Mr. Watts - **Second.**

Motion Carries: 3-0; Unam.

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Mr. Rich - I just want to note that \$2772.50 of the total is paid out of developers M-Accounts and the rest is the Planning Board.

Planning Office:

1. **M-Account: #26477: 11 Martell Way.**
2. **M-Account: #26478: Kinson Court.**

{Discussion held about these projects and who to make the checks out to.}

Mr. Rich - **Motion** to release the funds from these M-Accounts.

Mr. Watts - **Second.**

Motion Carries: 3-0; Unam.

3. **Planning Board appointment to the Capital Improvements Planning Committee.**
4. **Planning Board Annual Report.**

Mr. Snyder - Provided in the meeting supplement tonight there is a copy of the Planning Board Town Report that I provided to the Selectmen's Office. There is correspondence provided by Georgetown residents regarding the medical marijuana bylaw.

Mr. LaCortiglia - Let's see what this report looks like.

Mr. Snyder - Basically it outlines in brief bullet points of the Planning Boards activities over the last year. Street acceptances, zoning bylaw amendment, medical marijuana and for next spring's meeting, solar and wind and any adjustment to the land use schedule that may be needed. It also shows A and R and development activity, site plan, special permits, subdivisions and current projects the Planning Board has considered.

Mr. LaCortiglia - Has this already been submitted?

Mr. Snyder - Yes, it has but if there are revisions you would like to be made, I can get those revisions to the Selectmen's office tomorrow.

Mr. LaCortiglia - I would change the word "proposed" for street acceptances to "possible".

Mr. Rich - Or the word "potential". Maybe street acceptances "potentially proposed"?

Mr. Snyder - Also included on the agenda is the Planning Board appointment to the Capital Improvement Planning Committee. The previous appointment is not interested in continuing to serve. The selectmen's office received an email from a Michael Hinchliffe who would like to fill this appointment.

{Mr. Howard arrives at 7:36 PM.}

Mr. LaCortiglia – {Speaking to the TV audience} Michael please come forward, we'd like to meet you and appoint you to this position.

95 **Public Hearing:**

96 **1. 124 Tenney Street: Special Permit and Site Plan Approval – Continued.**

97 Mr. LaCortiglia - We are now re-opening this hearing.

98
99 Mr. Snyder - Included in the correspondence are some emails from the applicant and the
100 building inspector. Also a report from Mr. Graham is enclosed.

101
102 Mr. Ford - We would like to go through Mr. Graham's comments.

103
104 Mr. LaCortiglia - He states that the board should go through certain comments. Maybe we
105 should briefly go over them - items # 5, 7, 9, 10.

106
107 {Discussion held on the comments from Mr. Graham.}

108
109 Mr. Salvo - We have prepared a detailed landscaping plan. {Shows the plan on the easel.}

110
111 Mr. LaCortiglia - I am sure it will be tastefully done.

112
113 Mr. Snyder - There was discussion about the type of sign being proposed for this location.

114
115 {Mr. Snyder shows a picture of the existing sign at 118 Tenney.}

116
117 Mr. LaCortiglia - Does anyone have any other questions? (No audience members.)

118
119 Mr. Rich - **Motion** to close the public hearing.

120 Mr. Watts - **Second.**

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

122
123 Mr. Rich - **Motion** to approve the Special Permit hearing subject to the conditions as
124 cited previously in all the discussions.

125 Mr. Howard - **Second.**

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

127
128 Mr. Rich - **Motion** to accept the Site Plan as filed and with all changes as recommended.

129 Mr. Howard - **Second.**

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

131
132 Mr. LaCortiglia - I assume you will have mylars for us to sign?

133
134 Mr. Snyder - Are the site plan drawings you have here tonight the most recent?

135
136 Mr. Salvo - Yes. I will get them to you.

137
138 Mr. Snyder - We will need a full set of for the files as well.

139
140 Mr. Rich - Mylar's need to be recorded with the decision with a 20 day appeal period.

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Mr. Snyder - Would you like to provide them for the next meeting? We will plan for the October 23rd, 2013 meeting.

Mr. Ford - Thank you - I am appreciative of your consideration.

2. Bylaw Amendment: Medical Marijuana Treatment Center – Continued.

Mr. LaCortiglia - We are reopening the continuation of the hearing.

Mr. Snyder - I would like to note that the planning office received a number of emails from residents: Jill Osborne, Bob and Sonia McNeil, Diane Newton, Jill and Josh Shawl and Stephen Epstein - all are entered into the record.

Mr. Rich - Mr. Snyder please mark them into the record as exhibits with today's date.

Mr. LaCortiglia - Let us take the latest version of the bylaw and go over it.

Mr. Snyder - It was revised to where we left off at the last meeting.

Mr. LaCortiglia - I would like to go over page number five. Looks like Mr. Snyder made all the changes we asked for. For eligible locations - is that 300 feet what we were looking for?

Mr. Snyder - Yes.

{Discussion held in regards to distance requirements.}

Mr. Rich - On page six under separation - I am not totally comfortable with this statement. Maybe change it to "to any person not a qualified person under this bylaw."

Mr. LaCortiglia - On page number seven – do we know what the appropriate section of the bylaw will be?

Mr. Snyder - That will be a citation of the regulations – in addition to the regular site plan these will be required.

Mr. LaCortiglia - On page eight, paragraph 3B – convenience and safety of vehicular movement.

Mr. Snyder - This is a wordy way of saying that if it is going to bring a lot of traffic that traffic lights may be needed.

{Discussion held in regards to the different setbacks in residential and commercial districts.}

Mr. Rich - Can we go back to page eight - 3C? In regards to the number of regular parking and handicap accessible parking and loading spaces.

Mr. LaCortiglia - Are we good with the proposed setbacks – twenty feet from property line?

{Discussion held in regards to set backs in the different districts and that it has to be consistent. Let the under lying district apply if there are any conflicts}

191
192 Mr. LaCortiglia - I took a look at the draft map and I am not in favor of a commercial district.
193 It is not appropriate in my mind.
194
195 {Mr. Snyder shows the districts map on the screen and a discussion follows.}
196
197 Mr. Rich - If someone wanted to have a dispensary downtown in a store front I don't think
198 we should be closing that option.
199
200 Mr. LaCortiglia - I disagree. I don't see the downtown like that. We can avoid having the
201 dispensary next to a Pizza Parlor or Dunkin Donuts etc... The stigma... My concern is that
202 some people would find it not appropriate. We would not be impeding anyone's business
203 from locating it in a commercial section.
204
205 Mr. Watts - From a cultural perspective, how would you differentiate a dispensary from a
206 liquor store?
207
208 Mr. LaCortiglia - I just don't think it is appropriate downtown. I personally see the business
209 model to come in and use the industrial area.
210
211 Mr. Snyder - All of Georgetown is an economic area and the area by route 95 is part of 43D.
212
213 Mr. LaCortiglia - And that falls into the industrial area. This is not going to be a cheap outfit
214 that comes in here as you need a half million dollars up front. They will need a large area.
215
216 Mr. Rich - Just because we make it available does not mean that is where they are going to
217 put it. I think we have an obligation to not put it in an area that is so remote.
218
219 Mr. Watts - I would feel more confident from a security perspective to have the dispensary
220 where there is a lot of traffic.
221
222 {Mr. Snyder shows commercial A and B areas on the overhead screen.}
223
224 Mr. Rich - How would you feel if it was placed next to CVS?
225
226 Mr. LaCortiglia - I would not feel comfortable. For the next ten years until these
227 dispensaries become more commonplace there will be a carnival feeling about them.
228
229 Mr. Watts - I think that may happen for two weeks if at all. Have we gotten any
230 correspondence against it?
231
232 Mr. Snyder -Yes. Someone came into the office today in opposition to the bylaw period.
233
234 Mr. Watts - No one is opposed to medical marijuana in Georgetown. It has been publicized
235 and in the paper and we have not gotten a lot of interest. Mr. LaCortiglia if this is
236 stigmatized in your mind then it may be on other minds as well. The commonwealth
237 approved of medical marijuana and they didn't approve it so it could be off in some corner.
238
239 Mr. Howard - I think the downtown area is fine.
240

241 Mr. Rich - How much of a stigma is it to make a person that needs it as their medication to
242 have to go to the industrial zone to get this medicine? I go to CVS to get my aspirins but I
243 have to go to the industrial zone to get medical marijuana?
244
245 Mr. LaCortiglia - I don't see a large number of people going to these dispensaries. I see it as
246 being delivered.
247
248 Mr. Rich - I think it will be treated as any other prescription
249
250 Mr. LaCortiglia - I think a lot of people wouldn't have a problem with it being anywhere as
251 long as long as their children aren't walking by it on the way to school.
252
253 Mr. Howard - What do you think – they are going to see a bunch of hippies?
254
255 Mr. Rich - Is that like the prohibition?
256
257 Mr. Watts - You don't see liquor stores or bars near a school.
258
259 Mr. Rich - It is really up to the landlord of the building. If he doesn't want that in his
260 building then he does not have to lease to them.
261
262 Mr. Watts - How long after there's an incident(s) does it become a public safety issue? It
263 would be right away. I am trying to understand any risk.
264
265 Mr. Snyder - If you drive in a downtown with a lot of nail salons and tattoo shops, do you
266 think it is a run-down town? Those tend to have the neon signs etc... This use will not have
267 any advertising in that way.
268
269 Mr. Watts - I think their message is going to be medicinal.
270
271 Mr. Howard - And it can be addressed if down the road it becomes recreational.
272
273 Mr. Snyder - So we can remove the setback and just insert the text or are we keeping it in and
274 making it specific?
275
276 Mr. LaCortiglia - So we will get rid of the dimension and density requirements?
277
278 Mr. Snyder - No – do you want to get rid of the setback requirements and change it to...
279
280 Mr. LaCortiglia - Eliminate the setbacks of the underlying district. Signage – I'd like to
281 remind everyone that this is a special permit.
282
283 {Mr. Snyder reads the towns' signage bylaw.}
284
285 Mr. LaCortiglia - Maybe we could not reference the Sign Bylaw and that we will have to
286 review what the signage is? Any suggestions as to how to avoid the sign bylaw and make it
287 specific to this bylaw only?
288
289 Mr. Howard - How about nothing bigger than a 3 x 5 foot sign?
290

291 Mr. Rich - How about - show us a sign and we will let you know if it is ok?
292
293 Mr. Watts - I like that because it depends on where in town it is and we do have to be careful
294 to avoid a circus.
295
296 {Discussion held in regards to the wording of the signage section of the bylaw.}
297
298 Mr. LaCortiglia - This will be a special permit and there will be a hearing for the proposed
299 facility that will include the abutters and anyone in town that wants to come so that is when
300 we will find out.
301
302 Mr. Watts - This falls into the category of it requiring a special permit. We discussed this the
303 other day...
304
305 Mr. LaCortiglia - With all due respect, the Westford bylaw was approved by the Attorney
306 General and the only thing the AG had an issue with is that they required a site plan review
307 for residential cultivation.
308
309 Mr. Snyder - As I recall, the bylaw stated that home cultivations would not be allowed and
310 the AG said that they need to allow for it.
311
312 Mr. Rich - The implication is if you don't exclude it then it's allowed.
313
314 Mr. Howard - I think the state is not going to make it all that easy for hardships.
315
316 Mr. LaCortiglia - I would think it would be very difficult to get a hardship in Georgetown if a
317 RMD is located here.
318
319 Mr. Snyder - I would like the board to consider that if one of these facilities closes down that
320 here needs to be a responsible party that would take care of it.
321
322 Mr. Rich - So if their permit is pulled and they close down - that property is still governed by
323 the decision that is issued - could we require a reasonable performance bond?
324
325 Mr. Snyder - That was discussed at the first hearing. We took it out because the state was
326 controlling it.
327
328 {Discussion held in regards to if a facility shuts down or goes out of business, what would
329 happen with the facility and the contents.}
330
331 Mr. Watts - We might want to ask Town Counsel about it.
332
333 Mr. Howard - They will not just walk away. I think someone else would buy the business.
334
335 Mr. Snyder - {Shows the overlays on the screen for all to view.} I'd like to make sure that
336 the overlay district is correct.
337
338 Mr. Howard - Do we allow it in all commercial districts then?
339

340 Mr. LaCortiglia - When we present this to town meeting it is will be a cleaned up version
341 correct?

342
343 Mr. Snyder - Yes. I am showing everything here so you can see what the other overlay
344 districts are.

345
346 Mr. LaCortiglia - I think the industrial area alone provides more than an adequate area for
347 potential businesses. If there is a huge demand to have it downtown, we can modify it at that
348 point if needed.

349
350 Mr. Snyder - Are all these areas acceptable for the overlay?

351
352 Mr. Howard - I still think it is weird to have a retail storefront in an industrial zone. Industry
353 doesn't like retail traffic in there – it doesn't fit.

354
355 Mr. Snyder - For the spring annual town meeting we will be addressing the land use schedule
356 which will allow for certain elements.

357
358 Mr. Watts - Would it be prudent to ask the police their opinion?

359
360 Mr. Snyder - The selectmen have asked and he is not at the point of having the ability to
361 comment on zoning.

362
363 Mr. Watts - Security is an issue for me.

364
365 Mr. Howard - It's a lot easier to secure a grow area than a retail complex where people are in
366 and out.

367
368 Mr. Rich - **Motion** to recommend the draft of the September 19 version of Article 20
369 with corrections made tonight and recommends that to the selectmen at town meeting.

370 Mr. Watts - **Second.**

371 **Motion Carries: 4-0; Unam**

372
373 Mr. Rich- **Motion** subject to the removal of the Longview apartments from the draft
374 overlay district that we accept and approve this as the overlay district.

375 Mr. Howard- **Second**

376 **Motion Carries: 3-1.**

377
378 Mr. Snyder - Before we adjourn, I want to note included in your supplement packet is a draft
379 Form D being a certificate of approval/disapproval of a preliminary plan. This is in regard to
380 Lisa lane extension. Please review and give your comments as at the next planning board
381 meeting I can have this ready for signatures.

382
383 Mr. Howard - **Motion** to adjourn.

384 Mr. Watts - **Second.**

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

386
387 **Meeting adjourned at 9:20 PM.**