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**MEETING MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, July 10, 2013**  
**Memorial Town Hall – 3<sup>rd</sup> Floor**  
**7:00 p.m.**

**Present:** Mr. Harry LaCortiglia; Mr. Christopher Rich (Arrived at 7:13 PM); Ms. Tillie Evangelista; Mr. Tim Howard (arrived at 7:45 PM); Mr. Bob Watts; Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

**Meeting Opens at 7:12 PM.**

**Approval of Minutes:**

**1. Minutes of June 26, 2013.**

Mr. Watts - **Motion** to accept the minutes of June 26, 2013 subject to any changes made by colleagues at this meeting.

Ms. Evangelista - **Second.**

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

**Vouchers:**

**1. BSC Group: Cedar Lane.**

**2. BSC Group: Abbey Road**

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

Ms. Evangelista - **Second.**

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

Mr. Snyder - For clarification, both of the vouchers are for site inspection and review services. Cedar Lane can be billed through an M-Account and Abbey Road does not have an M-Account anymore as it was closed a while ago, so that can be billed to the Planning Office.

Mr. LaCortiglia - The money got returned before the road acceptance. This board didn't return it.

Mr. Rich - So that comes out of our budget? Why does the planning office have to pay for a road to become a town road?

Mr. LaCortiglia - Because the Planning Board failed to keep the account up to \$2000 or whatever it was at that time. I would say the \$512 will come back to us in Chapter 90 monies.

Ms. Evangelista - How come the invoice has the Conservation Commission printed on it? Do we have the right account?

Mr. Rich - Can we send it to them and see if they pay it?

Ms. Evangelista - I think BSC made a mistake on the bill.

**Public Hearing:**

**1. Site Plan Approval: 124 Tenney Street; Map 16 Lot 44.**

48 Mr. Snyder - {Reads the public notice.} For the record, the public hearing notice was sent  
49 incorrect. It went out as a site approval and it should have been for a special permit given the  
50 applicant is requesting two buildings on one lot.

51  
52 Mr. LaCortiglia - This is an administrative error for the public notice. We just opened a public  
53 hearing for a site plan approval. Our apologies for this error. It seems you do need a site plan  
54 approval as well as a special permit. I think the best thing you could do Mr. Ford is to have Mr.  
55 Snyder send out the correct notice to abutters and the newspaper and this board should, in my  
56 opinion, continue this hearing to a time when we know we can open a special permit hearing at  
57 the same time. I think that would be the best way to prevent any potential appeals after the fact.

58  
59 Mr. Snyder - I coordinated with the Zoning Code Enforcement Officer and he cited Chapter  
60 §165-81. Usually the special permit granting authority for construction of two buildings on one  
61 lot is the Zoning Board. Part of that section states that the Planning Board can issue a special  
62 permit for two structures on one lot. That part applies in the instance of this application.

63  
64 Mr. LaCortiglia - A couple of years back the law was changed to the Planning Board consenting  
65 to two buildings on one lot in conjunction with the Zoning Board of Appeals granting it.

66  
67 Mr. Rich - Is it now our sole responsibility?

68  
69 Mr. LaCortiglia - No it is not. It falls to the Planning Board for use and it falls to the Board of  
70 Appeals when it normally comes under them. For the record, we are citing Chapter §165-81 of  
71 the Zoning Code. I am hoping everyone agrees. If this board were to grant your permit at some  
72 point for the site plan approval it would automatically be open for appeal because people did not  
73 hear about a special permit at this point.

74  
75 Mr. Rich - They have to have both, right?

76  
77 Mr. LaCortiglia - My understanding is that the Zoning Code Enforcement Officer has determined  
78 that in addition to a site plan approval, we also are the special permit granting authority under  
79 Chapter §165-81.

80  
81 Mr. Rich - I disagree with you. I think you have two separate hearings. It is up to you  
82 gentlemen if you want to start on the site plan approval, but you will have to go through the same  
83 information.

84  
85 Mr. LaCortiglia - My only concern is if there is anyone disgruntled after the permits. I think the  
86 cleanest way to do this is to continue.

87  
88 Mr. Rich - The decision is your Mr. Ford.

89  
90 Mr. Tom Ford - My expectation is that this will have to be re-advertised and a hearing is a month  
91 out due to the timeframe of getting notice to the paper.

92  
93 Mr. Snyder - Yes. Adequate notice for one week and two weeks out from the public hearing will  
94 require having to skip the next Planning Board meeting.

95  
96 Mr. LaCortiglia - So we would be looking at the second meeting in August?

97

98 Mr. Snyder - No, the first meeting in August. I can send it out tomorrow and still meet the  
99 timeline.  
100  
101 Mr. Tom Ford - Frankly I want you to take the time to deliberate and have peer review and all  
102 you need to do. I am content with starting tonight. I don't believe I have a contentious project.  
103  
104 Mr. Rich - Where we have opened the site plan we can send it out to Mr. Graham for comments.  
105  
106 Mr. Rich - **Motion** to establish an M-Account.  
107 Mr. Watts - **Second.**  
108 **Motion Carries: 4-0; Unam.**  
109  
110 Ms. Evangelista - What has to be understood is that there are four people here and for a special  
111 permit it would have to be a super majority vote. Because there is one person missing and if  
112 they are missing again at another hearing, we are only allowed to sign off once.  
113  
114 Mr. LaCortiglia - We are not talking about a special permit right now.  
115  
116 Mr. Rich - We only opened a public hearing for site plan approval. When we re-advertise at the  
117 next meeting and bring in the special permit, then the clock ticks because it will be a dual  
118 hearing.  
119  
120 Ms. Evangelista - The site approval is based on the requirement in 83 that the special permit be  
121 awarded and then you have to have a site approval. The special permit is for two buildings.  
122 How is he going to address the site without addressing the two buildings?  
123  
124 Mr. LaCortiglia - I believe the best thing to do is to continue this hearing until such time when  
125 we can open the special permit.  
126  
127 Mr. Rich - **Motion** to have the site plans sent to Mr. Graham for review.  
128 Mr. Watts - **Second.**  
129 **Motion Carries: 4-0; Unam.**  
130  
131 Mr. Salvo - Do we have to provide you with additional plans?  
132  
133 Mr. Snyder - No.  
134  
135 Mr. Rich - We made a mistake. As expeditiously as the hearing can start legally, it will happen.  
136 It does not look good on us if there is a technical issue.  
137  
138 Mr. Tom Ford - I read them as well and did not pick it up. It's a good project.  
139  
140 Mr. Rich - **Motion** to continue hearing to the August 14<sup>th</sup> meeting at 7:00 PM.  
141 Mr. Watts - **Second.**  
142 **Motion Carries: 4-0; Unam.**  
143  
144 Ms. Evangelista - I think there is some kind of a zoning thing was done on this property. I was  
145 wondering if Mr. Snyder checked with Ms. Pitari about previous applications.  
146

147 Mr. LaCortiglia - Any previous special permits that may or may not have been issued for that  
148 parcel could come out at the hearing. Mr. Snyder will take care of all that.

149  
150 Mr. Snyder - I have not been able to get a hold of Ms. Pitari as she has been out all week. I will  
151 certainly get ahold of her. She was copied on the application just like all the other town  
152 departments. I have not heard any concerns from her as of yet.

153  
154 Ms. Evangelista - I think to do the research before we open the meeting is a good thing.

155  
156 Mr. LaCortiglia - That information is appropriately delivered in the hearing.

157  
158 **2. Special Permit: 186 East Main Street; Park and Recreation - Major Outdoor Active**  
159 **Recreation.**

160 Mr. Snyder - At the last meeting on June 10<sup>th</sup>, the applicant had provided an updated set of  
161 drawings that was sent to the Technical Engineer. He did not proceed with a review as he  
162 was waiting for an outstanding invoice to be paid. He has received the payment for that  
163 invoice and has started the review. It has not been completed at this time.

164  
165 Mr. Rich - How come we do not have an M-Account for Park and Rec?

166  
167 Mr. LaCortiglia - Because you would be taking money out of one town account to put into an  
168 M-Account and then turn around and pay.

169  
170 Mr. Snyder - It was decided at the first public hearing.

171  
172 Mr. Rich - It's going to hold up the project. Mr. Graham is a business man; we should have  
173 an M-Account for it. If it is CPC money then they should fund an M-Account.

174  
175 Mr. LaCortiglia - We could do that if we wanted to delay the process.

176  
177 Ms. Evangelista - Did we vote on it to not have him charged?

178  
179 Mr. Snyder - At the first meeting you all agreed. I don't know if it was an actual vote.

180  
181 Mr. Rich - Even if we did it just proved itself to be a bad decision. I am tired of hearing from  
182 people that we hold up projects. We are not holding this project up - the system is holding  
183 the project up and when we see a flaw in the system, we should correct it immediately. If  
184 CPC is holding the money, then it comes to us then it goes to Park and Rec, then it goes to  
185 CPC and then comes back. How long did it take for all those meetings to be scheduled and  
186 had?

187  
188 {Mr. Howard arrives at 7:45 PM}

189  
190 Mr. Snyder - I received an email from the applicant's engineer and he said that without  
191 seeing any comments it would be difficult for him to address them. He asked to please  
192 continue the hearing till the next meeting and that would be July 24<sup>th</sup>.

193

194 Mr. Rich - **Motion** to continue the hearing until July 24<sup>th</sup>.

195 Mr. Watts - **Second.**

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

197

198 Ms. Evangelista - Can you clear it up for me? The Park and Rec application came in two  
199 months ago and we didn't have the money to pay Mr. Graham till last week?

200

201 Mr. Snyder - At the last meeting, June 10<sup>th</sup>, Park and Rec attended. The previous week the  
202 Planning Office received the updated drawings and those were forwarded to Mr. Graham.  
203 He only had four days to review the drawings before the next hearing and with an  
204 outstanding invoice did not proceed. Since then payment came to his office and he has stated  
205 the second review. When an invoice from the reviewing engineer comes into our office, it is  
206 sent to Park and Rec who then sends it to the CPC for payment.

207

208 Ms. Evangelista - That has not been the process as I understood it. He would send us the  
209 invoice after he did the review.

210

211 Mr. Rich - I would like the Town Planner to notify Park and Rec that we would like to  
212 discuss the establishment of an M-Account to avoid any further delay like we just saw. So  
213 invoices can be expeditiously paid and not have to go through three committees for approval.

214

215 Mr. LaCortiglia - We can discuss this at the next meeting.

216

217 Mr. Rich - But maybe notify them to see if they would like to have someone here to speak on  
218 the issue. Is there anyone from CPC we should notify?

219

220 Mr. LaCortiglia - No, they would have to here about it from Park and Rec. The CPC may not  
221 have a quorum for an August meeting. The quorum requirements have been raised by the  
222 Town and to my knowledge there have been no new appointments for the two seats and  
223 believe in August we are required to adhere to the higher quorum number. The volunteers  
224 are not exactly wrapped around the block for the openings.

225

226 Ms. Evangelista - If they start giving stipends out, it would be a big incentive and they would  
227 be eligible for insurance through the town.

228

229 Mr. Howard - Isn't there a movement to do away with volunteer boards anyway? That it  
230 would be appointed by the selectmen and the Planning Board would not be voted in anymore.

231

232 Mr. Rich - Are they going to make us a city?

233

234 Ms. Evangelista - What paper did you see this in?

235

236 Mr. Howard - I read the Record and the Newburyport Daily Times.

237

238 Mr. Rich - That's scary isn't it?

239

240 Mr. LaCortiglia - Maybe it was a report issued by the department of revenue?  
241  
242 Mr. Howard - No it was initiated right here.  
243  
244 Mr. LaCortiglia - The department of revenue is trying to tell us how we can better run our  
245 government.  
246  
247 Mr. Howard - But there was interest from the selectmen in adopting it.  
248  
249 Mr. Rich - Why wouldn't there be? It would make them more powerful.  
250  
251 Mr. Snyder - It was under the recommendation by the department of revenue.  
252  
253 Mr. Rich - That would make the Town Administrator a Town Dictator.  
254  
255 Mr. LaCortiglia - Well, we'll see what the town thinks.  
256

257 **Member or Public Report:**

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

259 {None.}  
260

261 **Planning Office:**

262 **1. Release of Funds: M-Account #26481 - Parish Road, Map 20, Parcel 1.**

263 Mr. Snyder - This account was an escrow account that was set up when the board established  
264 a preliminary subdivision application. The application was approved but we do not have a  
265 record of a definitive plan being filed.  
266

267 Mr. LaCortiglia - I remember what happened. It went from preliminary to the Conservation  
268 Commission and they did not allow a crossing. There was extensive litigation. I believe it  
269 was denied by them.  
270

271 **2. Release of Funds: M-Account #26475 - 83 Baldpate Road (Baldpate Acres).**

272 Mr. Snyder - There was a definitive subdivision plan that was denied by the Planning Board  
273 that went into litigation and the case was later dismissed by the plaintiff and we have record  
274 of stipulation of dismissal.  
275

276 Mr. Howard - **Motion** to release the two M-accounts.

277 Mr. Rich - **Second.**

278 **Motion Carries: 5-0; Unam.**  
279

280 Mr. Rich - On Parish Road in the MUNI report, it looks like it in the negative.  
281

282 Mr. Snyder - That's how the MUNI report is produced.  
283

284 {Discussion held in regards to the way the MUNI report is set up.}  
285

286 {Discussion held about the Baldpate project and the filing of it and that it was a denial.}  
287

288 **3. APA Planning and Environmental Law: Medical Marijuana Meets Zoning.**

289 Mr. Snyder - I included it in your packet articles about different perspectives and how the  
290 law is being handled in various states. It was asked at this Planning Board's last meeting  
291 where the dispensary might be. I happened to meet the planner in Newbury and she informed  
292 me a dispensary is being considered in Newbury off of Route 95.

293  
294 Mr. Howard - The owner of that property declined so it is dead.

295  
296 Mr. Snyder - You will also see in the various articles some research about crime and a  
297 dispensary being close to a highway.

298  
299 Mr. Howard - Nowadays they use cameras so it will not be easy to break in to a facility.

300  
301 Ms. Evangelista - I saw on TV that they have had great success with children being  
302 medicated this way.

303  
304 Mr. Howard - What they have discovered is that if they harvest the marijuana during 2/3's of  
305 the life cycle it does not have the hallucinogenic effects.

306  
307 Ms. Evangelista - It has been a godsend for these kids.

308  
309 Mr. Snyder - I forward to you all an email I had sent to the Town Administrator just for the  
310 purpose of letting the Selectmen be aware of bylaws we are discussing as well as the  
311 schedule.

312  
313 Ms. Evangelista - Some of that information that I thought was interesting is that some states  
314 have it as a license and some have it as a permit. If it was a license I thought that it would be  
315 the selectmen dealing with it.

316  
317 Mr. Snyder - The state does not have a bylaw rather regulations and guidelines.

318  
319 Ms. Evangelista - Are they calling it a permit or a license?

320  
321 Mr. Howard - It is a pretty expensive endeavor to get into. Need to have fifty thousand  
322 dollars up front.

323  
324 Mr. Snyder - I heard discussion about whether the \$500,000 bond needs to be set up like an  
325 escrow account or not.

326  
327 Mr. Rich - You can buy a bond like an insurance policy.

328  
329 Mr. LaCortiglia - We will want to think about fees at a local level.

330  
331 Mr. Snyder - Fees may need to be renewed every year just like a state license.

332  
333 Mr. LaCortiglia - We might also want to talk to the assessor to see if the product being grown  
334 is taxable to Georgetown.

335  
336 Ms. Evangelista - Mr. Snyder did you get in touch with Kopelman and Paige about what  
337 bylaw they have?

338

339 Mr. Snyder - I did and I spoke with her and I forwarded to her the example from Hill. She  
340 was aware of it, it was a good first effort, but it needs some work as it was issued before the  
341 final guidelines were approved by the State.  
342

343 Mr. LaCortiglia - She was the one that ran the Medical Marijuana seminar at Holy Cross –  
344 she's up on it.  
345

346 Ms. Evangelista - In regards to solar - Mr. Snyder you were going to meet with the new  
347 manager?  
348

349 Mr. Snyder - I have spoken with Mr. Schofield. Next week we will get together and review. I  
350 have put him on notice to attend the meeting on the 24<sup>th</sup>. I spoke with the planner in  
351 Newbury about solar and wind. They have handled it as an as-of-right for under an acre, up  
352 to five acres as a site plan approval, and over five acres as a special permit.  
353

354 Mr. Howard - A farmer there wanted to put a solar farm in the swamp and the selectmen  
355 vetoed it.  
356

357 Mr. Snyder - They considered it an intrusion upon a visual corridor.  
358

359 Mr. Howard - They are appealing that decision and obviously they will win.  
360

361 Mr. LaCortiglia - Because it would destroy a vista view?  
362

363 Mr. Howard - But it is the farmers land and he could sell it and put an industrial park there.  
364

365 Mr. Snyder - As I understand it there is not any conservation protection on the land.  
366

367 Mr. Howard - If they continue to stonewall him, he will think of other options.  
368

369 Mr. Snyder - As I understand it, it was going to be an energy generation facility to be sold  
370 onto the grid.  
371

372 Mr. LaCortiglia - Ms. Evangelista you wanted to talk about the reviews?  
373

374 Ms. Evangelista - Yes, Mr. Snyder you sent us a draft of a performance review. Where did  
375 that come from?  
376

377 Mr. Snyder - The template for you to consider came from the Town Administrator's office.  
378

379 Mr. Rich - There is a process. The Town Administrator is also the Personnel Director and  
380 has the form. All department managers are supposed to send them in on an annual basis.  
381 One of the problems is when you have someone that wears 27 thousand hats things get  
382 slipped in the cracks. You cannot expect him with all he is doing to have a priority of  
383 personnel reviews. I think it is very important.  
384

385 Ms. Evangelista - It is important. What I found different with the draft is that it did not have  
386 a point system of 1 through 5 with 5 being exceptional. That is what I am familiar with.  
387



388 Mr. LaCortiglia - The template Mr. Snyder sent is all text. Mr. Snyder is department head  
389 and will take care of Ms. Beaumont's review.  
390  
391 Mr. Rich - If you look at the rule in the personnel handbook it says that the employee's  
392 supervisor writes the review.  
393  
394 Mr. LaCortiglia - We as the Board are Mr. Snyder's supervisor. How do we do this as a  
395 group?  
396  
397 Mr. Watts - I did a bunch of evaluations previously and there are many different ones. One  
398 thing we always did is to ask the employee to fill out the form to show what he thinks of the  
399 job he has done. I think that would be helpful to establish goals.  
400  
401 Ms. Evangelista - That is basically the only good thing I think about the whole process if we  
402 establish a process which we are going to have to do.  
403  
404 Mr. Snyder - How was this done by the Board before?  
405  
406 Ms. Evangelista - It was never done.  
407  
408 Mr. LaCortiglia - It doesn't really matter as there are no raises included. How does this  
409 board, having OML requirements, do the review outside of a meeting? There are privacy  
410 concerns and they conflict with OML.  
411  
412 Mr. Rich - That's why we have Town Counsel.  
413  
414 Mr. Howard - It is up to Mr. Snyder how he wants to be evaluated.  
415  
416 Mr. LaCortiglia - I believe he cannot do an executive session.  
417  
418 Mr. Watts - How can you do a public performance review? I think it is wrong.  
419  
420 Mr. LaCortiglia - I think it has to be dealt with as a ministerial matter. This is the way to  
421 avoid any matter with the OML.  
422  
423 Ms. Evangelista - I disagree with that and Kopelman and Paige do too. It has to be attached  
424 to the minutes. It was generated from Mr. Farrell and they answered right away and said that  
425 any open meeting board has to have it in an open meeting and that it is a requirement.  
426  
427 Mr. Watts - Executive session is a specific bordered event.  
428  
429 Mr. LaCortiglia - I say look at it as a ministerial thing that has to be done.  
430  
431 Ms. Evangelista - Mr. Snyder is not required to meet the OML by himself.  
432  
433 Mr. LaCortiglia - This is why you are banging two laws together. Personal privacy has to be  
434 considered and if there is a way that we can do this in a ministerial fashion then it does not  
435 have to be done in an open session.  
436

437 Mr. Watts - When we asked Kopelman and Paige before did we ask them for advise on how  
438 to do it? Can we ask for advice? Ask them how to do this?  
439

440 Mr. LaCortiglia - Maybe we could ask the Town Administrator as to how it should be done?  
441

442 Mr. Watts - I like your approach because I really would not be comfortable in having a public  
443 review.  
444

445 Ms. Evangelista - If that is a requirement and we go though a numbering thing and we give it  
446 to Mr. LaCortiglia and he would compile the information and that could be presented in an  
447 Open Meeting without infringing on anyone.  
448

449 LaCortiglia - I don't think it has to be in an open meeting. I would forward that to the Town  
450 Administrator and he would route it to Mr. Snyder.  
451

452 Mr. Watts - I can be reviewed because I was elected to this position as we all were. Mr.  
453 Snyder is an employee.  
454

455 Mr. Rich - He is a public employee and you waive privacy rights.  
456

457 Ms. Evangelista - The way we could do it is the numbering thing and the other option is to do  
458 it during the daytime so it wouldn't be so exposed.  
459

460 Mr. Rich - We could have the meeting on the second floor and only the result of that meeting  
461 would be public.  
462

463 Mr. LaCortiglia - The solution would be for each of you, as a board member, send me the  
464 form and ministerialy I would compile them. I would then send to the Town Administrator  
465 for entry into the file.  
466

467 Ms. Evangelista - I object to that.  
468

469 Mr. Snyder - That is how it was done when I was reviewed by the Trust.  
470

471 Ms. Evangelista - We are an elected board. When it is all completed and sent to Mr.  
472 LaCortiglia and he compiles the data. Then we present it to Mr. Snyder and then we submit  
473 it to Mr. Farrell to put in the file.  
474

475 Mr. Rich - The Town Administrators evaluation is done in an open session as well. As I  
476 remember it, the review is done with the employee.  
477

478 Mr. LaCortiglia - No, the review goes to the employee via the Town Administrator.  
479

480 Ms. Evangelista - No, it does not say that at all.  
481

482 Mr. Howard - Why do we have to figure this out? Isn't there somebody that gets paid to  
483 figure it out?  
484

485 Mr. LaCortiglia - How about we ask the Town Administrator for guidance on how an elected  
486 town board preserves the privacy of an employee and still meets with the Open Meeting  
487 Law? Let's ask for a process.  
488

489 Mr. Watts - I like that because I don't think we should invent it.  
490

491 Mr. Rich - **Motion** to ask the Town Administrator about the appropriate process to  
492 review Mr. Snyder.

493 Mr. Howard - **Second.**

494 **Motion Carries: 5-0; Unam.**  
495

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

497 Mr. Watts - **Second.**

498 **Motion Carries: 5-0; Unam.**  
499

500 **Meeting adjourned at 8:30 PM.**