

**MEETING MINUTES  
GEORGETOWN PLANNING BOARD  
Wednesday, March 7th, 2012  
Memorial Town Hall – 2<sup>nd</sup> Floor  
7:00 p.m.**

**Present:** Mr. Harry LaCortiglia; Mr. Tim Howard; Mrs. Matilda Evangelista; Mr. Chris Rich; Mr. Howard Snyder, Town Planner; Ms. Michele Kottcamp – Asst.

**Absent:** None.

**Public:** Mr. Fowler, Board of Selectmen

Meeting opens at 7:05pm.

**Approval of Minutes:**

**February 8th, 2012-**

Mr. Rich- Motion to approve February 8, 2012 minutes with corrections.

Ms. Evangelista- Second

All in favor? 3-0; Unam

**February 22<sup>nd</sup>, 2012.-**

Ms. Evangelista- Motion to approve the February 22, 2012 minutes with corrections.

Mr. Rich- Second

All in favor? 3-0; Unam

Ms. Kottcamp is instructed to strike Ms. Evangelista's comments on page 5 of the DRAFT Minutes.

**Correspondence:**

**Vouchers:**

Mr. Rich- Motion to approve vouchers totaling \$273.35 as listed on the coversheet.

Ms. Evangelista- Second

All in favor? 3-0; Unam

Mr. Rich questions the usage of the plotter by ConCom with the Planning Board paying for all the supplies. Mr. LaCortiglia suggests that ConCom buy the next three rolls of paper. Mr. Rich questions Fed Ex charges for three packages mailed to Kopelman & Paige. The Planning Office clarified two packages were for the Richardson Lane Street Acceptance and one for filing the official town map.

**Resignation of Chairperson Hugh Carter.**

Mr. Snyder- I received a letter from the Town Clerk, Jan McGrane, notifying the Board of Selectmen that Hugh Carter, Chairman of the Planning Board, has resigned, effective immediately. The Planning Board has also been copied on this letter.

Mr. Rich- Suggests that the Planning Board respond to the Board of Selectmen.

Mr. LaCortiglia- The action from the Planning Board needs to be:

1. Give official notification to the Board of Selectmen reiterating that Mr. Carter, Chairman, has left and the Planning Board would like to see the vacant position filled ASAP to move forward with site plan review.
2. The Town Planner is to inquire with the Town Clerk the contact information of anyone who may have pulled papers for a Planning Board position and whether the papers have been returned to the Town. The Planner can contact this person on behalf of the Board and find out if an interim appointment could be made. The Town Planner should then send a letter to the Board of Selectmen and copy the Planning Board of the person's intentions and invite him to come before the Board of Selectmen on March 12<sup>th</sup>. The Board of Selectmen is meeting on March 12<sup>th</sup>. Right now there are two vacancies on the Planning Board. One for a full position and the other for an Associate position.

Mr. LaCortiglia suggests that this person should attend a Board of Selectmen's meeting with a letter of interest in his hand. Nomination papers have to be returned to the Clerk's office by March 26<sup>th</sup>.

{Tim Howard arrives at 7:30pm.}

Ms. Evangelista - We also need an Associate Member on the Planning Board.

Mr. LaCortiglia - This position is important because you never know if an elected board member ever has to recuse himself from a Hearing. A letter needs to go out from the Planner to the gentleman who pulled papers for the 5-year seat. His name is Kevin Landry, he resides on Pond St.

**New Business:**

Board members to elect Chairperson.

Mr. Rich- I make a motion to reorganize this Board and have elections for Chairperson.

Mr. Howard- Second

All in favor? 4-0; Unam

Mr. Rich- I make a motion to nominate Mr. Harry LaCortiglia as Chairperson of this Board.

Mr. Howard- Second

Mr. LaCortiglia? - Other nominations?

All in favor? 3-0; (Mr. LaCortiglia abstains.)

Mr. LaCortiglia- I make a motion to nominate Ms. Evangelista as Clerk of the Planning Board.

Mr. Rich- Second

All in favor? 3-0; (Ms. Evangelista abstains.)

Mr. LaCortiglia- I make a motion to nominate Mr. Chris Rich as Vice Chair.

Mr. Howard- Second

All in favor? 3-0; (Mr. Rich abstains.)

**Legal Notice from Newbury Zoning Board of Appeals.**

Mr. Snyder - Reads the Legal Notice from the Newbury ZBA that is on file in the Planning Office. The notice refers to a lot line adjustment to an ANR plan.

Mr. LaCortiglia- Can you pull up the address and look to see if it's part of a Georgetown parcel?

Mr. Rich- Is the line adjusting with a Georgetown property to make it big enough? Are they creating an unbuildable lot in Georgetown? They don't need permission from Georgetown.

Mr. Snyder – States he does not believe the Newbury property is adjacent to Georgetown but will confirm and notify the Board.

**Public Hearing Notice for Bank of America (SPA #S-199) application.**

Mr. Snyder- Reads the public hearing notice that is on file in the Planning Office. The Public Hearing is April 18<sup>th</sup> and will be advertised in the Georgetown Record on March 29<sup>th</sup> and April 5<sup>th</sup>. He states Bank of America's existing ATM vestibule is currently in their frontyard setback. They are removing it and constructing a new ATM vestibule with ADA access. The reason for the Site Plan Approval is for site modifications.

**Board of Selectman letter to Planning Office to review and advise on Citizen's Petition to amend ISH By-Law §165: 108-109.**

Mr. Snyder- I received a letter dated Feb 28<sup>th</sup> from Dave Surface, Chairman of the Board of Selectman with notice of a Citizen's Petition. {Mr. Snyder reads the letter to the Planning Board members. A copy of the letter is on file in the Planning Office} The Board of Selectmen request that the Planning Board hold a Public Hearing to discuss the impact this would have on the Town. Mr. Snyder explains that he will get a copy of the Citizen's Petition and provide it to the Board. The applicant states that he wants to remove the one bedroom requirement in the bylaw.

Mr. Howard- I make a motion to have Howard advertise the Public Hearing ASAP.

Ms. Evangelista- Second

All in favor? 4-0; Unam

Mr. LaCortiglia- If it's a Citizen's Petition, we need to hold a hearing and recommend it or not.

Mr. Gary Fowler- It can be amended on the floor at Town Meeting. It came in the day we closed the warrant. The applicant stated that he wants to get it done right. We asked Mike Farrell, Town Administrator, if there was time for the Planning Board to have a hearing and have the applicant work with your Board so your Board could make a recommendation in order to make the Citizen's Petition more clear or amend that particular zoning code.

Ms. Evangelista- No matter what is written, it has to go to Town Meeting the way it was written. It's on the warrant and we have to accept the Citizen's Petition the way it is written. He can still work with this Board and we can still have a Hearing.

Mr. LaCortiglia- I see two things. At this point, the Town Planner will advertise a Public Hearing. I do have a question that could be answered by Town Counsel to make it so that he can have more than one bedroom per unit in the RA district. My question is: Can this Board waive that limitation to one bedroom? I would like to have Town Counsel tell me that. The Board needs to know if the Planning Board, as the Special Permit Granting Authority, is able to waive the provision of the bedroom requirements under the ISH. If we can not, then what provisions can we waive?

Mr. Snyder- I will confer with Town Counsel.

Ms. Evangelista- You can call the State to get zoning questions answered for free. She instructs Howard to contact DHCD. They will answer your land use questions and have attorneys on hand.

Mr. Rich- What part can we waive? Parking space, width of street? Clarify for the Board.

Ms. Evangelista- [To Mr. Rich] What is the purpose of one bedroom in the RA zone different from RB and RC having two bedrooms allowed? Because the RA zone has critical water drainage issues that effect septic systems drainage? You can add conditions to a specific development, then you can decide at the Hearing what you need. Town Counsel will call the State to find out the answer.

Mr. Rich- [To Mr. Snyder] Check with the State first; then contact K&P if necessary.

Mr. Rich- [To the Board] Board of Health can waive within a certain amount of feet above the water table for septic systems to a certain extent

Mr. LaCortiglia- Town Counsel will have the final word on it anyway.

Mr. Rich- I make a motion to confer with the State (DHCD) first and then contact Town Counsel in writing for their opinion.

Ms. Evangelista- Second  
All in favor? 4-0; Unam

Mr. LaCortiglia- The request by the Board of Selectmen for a “Summary of Impact to the Town” – Will we need this for the upcoming Hearing?

Mr. Fowler- Board of Selectmen is asking for the Planning Board to go a little further with this. “Yes” this is good or “No” it’s not good and state “Why.”

Mr. Snyder- States what he will present back to both Boards.

Mr. Fowler- What’s considered a bedroom? Minimum and maximum size?

Mr. Rich- The Board of Health has the specifications of what is considered a bedroom.

Ms. Evangelista- There is a requirement for counting affordable units in our prevision, if they use the 40B there is an age restriction. She asks the Town Planner to look into it.

Mr. LaCortiglia- The impact statement will be determined in the Hearing Process by the Planning Board.

### **Town Acceptance of Richardson Lane**

Mr. Snyder – Reads a letter from Kopelman and Paige dated February 22<sup>nd</sup> and in regards to the filing and Town Acceptance of Richardson Lane.

### **Official Town Map**

Mr. Snyder – Notifies the Board the Official Town Map filed with Essex Registry of Deeds. Explains the Official Town Map was recorded and states the Book and Page numbers of the recorded documents as given to him by Town Counsel. {Map- Plan Book 432, Page 30; Vote- Book 31137, Page 310}

Mr. LaCortiglia- The original 1984 Official Town Map should also be on file along with the new Official Town Map and referenced by the new map.

Mr. Snyder states that he will look into it and confirm this back to the Board.

### **Planning Office:**

Planning Board meeting times changed with Town Clerk.

Mr. Snyder- Planning Board meetings have been changed to the first and third Wednesdays of every month per the Board’s discussion and request at a previous

meeting. The changes have been made through the Town Clerk's office and the Town's website.

**Plotter to Assessors office**

Mr. Snyder indicates to the Board that the plotter will be going to the Assessor's Office and the Assessor is just trying to find the appropriate space to move files so the plotter can be moved..

**M-Accounts: Have advised Treasurer's Office regarding differentiating SPA and SBN accounts. Subdivision accounts to be investigated.**

Ms. Evangelista- I did some research since our last discussion on M-Accounts.

Cuffee Doles- there were money problems that started with this project several years ago.

Mr. Snyder- I am researching who becomes the receiver of the money that is left in the account.

Ms. Evangelista- I think the new owner should receive the money to do the development that was intended.

Ms. Evangelista- Carlton Dr- This was a site review for Lot 45 and 63- They had been denied by the ZBA. Before the Site Review was finished, we received a request that they would come back with changes but they instead withdrew without prejudice.

Mr. LaCortiglia- There are many things going on with these accounts due to the age of many of them. The 53G accounts are the M-accounts and these should be the ones we are most concerned about.

Mr. Snyder- It will be documented on a report that this Board will receive.

Mr. LaCortiglia- I only care about the 53G accounts. These are the only ones under our domain.

Ms. Evangelista- Regarding Cuffee Doles- The electrical inspector was due money and received money for his services back on Sept. 10<sup>th</sup>, 2003. This should not have happened.

Mr. Rich- I would like to the see the notes from this account.

**Street Acceptances:**

Mr. Snyder states that he is passing this agenda item over.

**Old Business:**

**FEMA and FIRM Maps: Overlay of what FEMA wants to add and delete.**

Mr. Snyder- I got a lot of response back after the last meeting. I did some research and did a revised draft that I would like to address tonight. Elevation Numbers: They have not changed. Only base flood plain elevation numbers have changed on the Shasheen River, Merrimack River and parts of Plum Island as these areas are the only areas that currently received studies by FEMA.

All flood plain elevation numbers have been based off a model done in 1979. Those numbers were determined using modeling from FEMA. Those numbers will remain in the bylaw and will include the FEMA maps. Whichever is more restrictive, that will carry in the bylaw.

The adoption dates for the maps are on July 3<sup>rd</sup> of this year (ATM-31). The appeal date has passed and happened in 2010. However, if Georgetown can provide FEMA with additional information, they can take that information and adopt it or disagree with it.

Mr. LaCortiglia- Either all of our elevations are correct in the bylaw or these new numbers of elevations are correct on the FEMA map. If we add FEMA's on top of our numbers, folks in a floodplain will have the ability to purchase flood insurance. If you purchase before July 3<sup>rd</sup>, you pay a certain rate. Those, whose current flood insurance expires after July 3<sup>rd</sup>, will not be able to renew if the maps are not adopted.

Mr. Snyder- Shows the FEMA map to the Board for review. This will be the first time Georgetown has adopted FEMA maps. They have only been referenced in the past, not adopted. The terminology from Georgetown will have to change to match up to the other floodplain areas of the other towns. If you want flood insurance and you live in the floodplain district, this is what the Town needs to do.

Ms. Evangelista- All in all, I think a representative of FEMA should speak to the residents.

Mr. Snyder- FEMA will be doing floodplain outreach presentations in July. I have a draft warrant that we need to review and update again.

Mr. LaCortiglia- Sec. 165-28- Asks for clarification of the warrant. I see where you have added the *Purpose and Objectives* before the Delineation section. So we are adding *Purpose and Objectives* and all the amendment information below that section of the draft warrant is to remain. Sec. 28.1 and 28.2 *Objectives* are proposed to be added. Sec. 28 then becomes Sec. 28.3 on the Draft Warrant. {A copy of the final Draft Warrant will be on file in the Planning Office}

Mr. Rich- The warrant will need to say to re-number Sec.165-28 and add 165-28.1, 28.2, 28.3 which will be the same as Sec. 165-28.

Mr. Snyder- States he previously would write by-laws that contain a Purpose and Objectives. The draft Warrant Article would contain these, Sec.165-28.3 Delineation: (A-P) remains the same and section Q would be added. In the draft, after Part Q, E should be R and Part F should be S.

Mr. LaCortiglia- A-P stays the same and then we will be adding Q.

Ms. Evangelista- Requests that the map be attached to the warrant article so residents can view them.

Mr. Snyder- Adoption of the warrant also adopts the maps as indicated in Q.

Mr. LaCortiglia- Nick Cracknell and Steve P., ConCom Agent, put together the maps. I believe they were piecing them all together.

Mr. Rich- If these maps are dated July 3<sup>rd</sup>, 2012, that has not come. We are going to ask the voters at Town Meeting to adopt something that is not yet in existence? I am hoping the date July 3, 2012 is incorrect, or some other explanation. These reports have not even been issued yet.

Mr. Snyder- I have the floodplain report effective July 3<sup>rd</sup>, 2012 and agrees to change the warrant with an “effective” date of July 3<sup>rd</sup>, 2012. {All Board Members are in agreement}

Ms .Evangelista- I think you should request a Representative from FEMA to come to Town Meeting.

Mr. LaCortiglia- Comments that none of the map panels are lining up.

Mr. Snyder- *Map Number* is being referred to as a *Panel Number*. We need to revise it to “*Map Number*.”

Mr. LaCortiglia- To get approved at Town Meeting we need to add “Q” with a blurb and indicate we are also adopting the latest and most recently approved FEMA map.

Mr. Howard- The appeal period has passed so we adopt the maps as they exist.

Mr. LaCortiglia- When going for permit, a professional engineer can dispute these findings if they choose to.



Ms .Evangelista- Questions the Building Inspector having the authority to issue a permit as indicated on page 31 of the bylaw. (Sec. 165-28: Delineation of floodplain)

Mr. Rich- We could qualify it with the “FEMA map effective July 3<sup>rd</sup> or most recent date.”

Mr. LaCortiglia- At what point do we need to give notice and have a Public Hearing with May Town Meeting?

Mr. Snyder- States that he will post the Hearing for April 18, 2012 and the Notice in the paper on the dates of March 29<sup>th</sup> and April 5<sup>th</sup>.

Mr. Rich- Motion to have Howard Snyder, Town Planner, advertise the zoning change for FEMA on the same night as the Citizen’s Petition.

Mr. Howard- Second

All in favor? 4-0; Unam

Mr. Howard- Motion to adjourn at 9:35pm.

Mr. Rich- Second

All in Favor? 4-0; Unam