

**MEETING MINUTES
WORK SESSION
GEORGETOWN PLANNING BOARD
Thursday, April 26th, 2012
Memorial Town Hall – Basement Meeting Room
7:30 p.m.**

Present: Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Chris Rich; Mr. Howard Snyder, Town Planner.

Absent: Mr. Tim Howard

Meeting opens at 7:30 pm

Subcommittee Report -Assistant to the Planner Position

Chris reports for the subcommittee to the Planning Board that Stephanie Roy is the subcommittee's recommended candidate to fill the position of Assistant to the Planner.

Motion by C. Rich – to offer the position to Ms. Roy subject to H. R . conditions.

Second by M. Evangelista

Motion Carries 3-0

Ms. Roy (in attendance in the audience) offers to take the remaining minutes of the meeting.

New Business: ISH Bylaws.

Mr. LaCortiglia - George are you here as a Participant?

Mr. George Comsky - Yes.

Mr. LaCortiglia - Let the record show George knows about the history of the bylaws and will be offering insight.

Ms. Evangelista - You have to realize the history behind the bylaws.

Mr. Rich - Can we hear the history first so we know the intent behind?

Mr. Comsky - There was a lot of controversy; the ISH bylaw didn't pass the first time. Ms. Evangelista was on the master plan. The master plan kind of deviated. While creating the master plan, it was decided to put some bylaws in front of the town. There was a lot of single family housing; there was lots of talk about and the citizens were upset about the building permits. The master plan was looking at growth elderly development and we could try to create something like a cluster development that would offset taxes. They came forward with a bylaw that was fought... Chris Hopkins thought it was discriminatory, the major reason I opposed was 4:1 density and had specific...

Mr. LaCortiglia - What were the specifics when it was brought to the town meeting? 4:1 density was the first iteration.

Mr. Comskey - Specific, industrial jurisdictions. Parcel by parcel. What are we targeting? It was mostly private open space. It didn't recognize residential vs. industrial. The amended version, in the fall 6 months later is when it went to RA, RB and RC and didn't include industrial. Then it was still very attractive to developers.

Mr. LaCortiglia - The ISH specifically called it and was excluded from the rate of development bylaw. That passed, and then we got a couple of trial developments. Did you look at the decision? Parker River Landing and Raymond's Creek?

Mr. LaCortiglia - ISH and Parker River Landing had problems with water and the Planning Board had issues with that.

Mr. Comskey - With Parker River Landing there was still problems with 4:1 density. The problem I had is they didn't define open space, all the parking lots, road space.

Mr. LaCortiglia - A very unique way of looking at Parker River Landing.

Mr. Comskey - "Open space is what we say it is", per the Planning Board chairman. I think that's a major flaw in the bylaw and should be corrected from what came out of the Parker River Landing development. It was a wetlands issue. With Raymond's Creek what you got was sprawl with density - 24 units on that site.

Mr. LaCortiglia - 2:1 density is now.

Mr. Comskey - After Parker River they said it was too much.

Mr. LaCortiglia - The Town changed it, the town went from 4:1 density to 2:1 density.

Mr. Comskey - That improved. At the discretion of the Planning Board some of you might look at this and say this won't happen to us. You look at the plan for Raymond's Creek - they define it as a parcel but it's not on a plan. There are two issues with the open space.

Mr. LaCortiglia - Can I ask you a question - In your opinion is the flaw in the ISH bylaw itself or is it the implementation?

Mr. Comskey - I think you can strengthen the language and have a definition of open space.

Mr. LaCortiglia - Are you referencing the open space residential development?

Mr. Comskey - I'm talking about the senior housing.

Mr. LaCortiglia - What we did is we described how the open space in the OSRD bylaw - how it would be accepted as open space. We defined the parameters of what would be accepted.

Mr. Snyder - The current bylaws state 35% and gives a description of what the space would be used for.

Mr. LaCortiglia - Let's not ever think one definition of a bylaw carries over. They are both special permit.

Ms. Evangelista - George specified it had to do with the members of the Board, and it's strictly at their discretion. I have no qualms that the Board would be careful about the amendments.

Mr. LaCortiglia - The conversation is regarding Article #32.

Ms. Evangelista - If we had a different planning board, we've seen many – they aren't discreet. Depending on who you are. Leaving it up to the Planning Board without any direction to meet this guideline first to approve it. You're leaving it up to problems. With Raymond's Creek they came up with a bylaw to meet someone's plan. Coming in with 4:1.

Mr. LaCortiglia - When I submitted this – I did this so we could get this on the way, correct me if I'm wrong, May 2nd we're holding a public hearing specifically for Article #32. We're holding a public hearing the same way we held the ISH petition. On that night, I fully expect this Board to review every comma, semicolon, and period. I hope this Board, if they aren't happy with it, they will propose changes on the floor. We have a viable alternative, and we can make some good changes and will clarify some of the down and dirty changes made in the past. Tillie, you know where I'm coming from right? I never figured this to come through.

Mr. LaCortiglia - We got the CPC's in. There was only one comment. Please note this will require 2/3 vote. Are we good with that?

Ms. Evangelista - Yes, I don't want to restrict your conversation today, it just so happened he brought it up. That to start it off will set the pace to explicitly know what we want, what's best and put it in writing. If you leave things in the gray areas, there will be problems. We have to eliminate the gray areas. One of the things, doing the history is some of the things in our existing bylaw intensity and use was thrown off because a developer came in stating – one area 10,000 in a lot for multi-family housing and another area the bylaw says this. So many numbers were thrown around 12, 16, and 18.

Mr. Rich - It's quite specific. §165:105 now read the intensity of use bylaw

Mr. LaCortiglia - Reads out loud §165:105

Ms. Evangelista - That bylaw was deceptive, you can either get this or that

Mr. LaCortiglia - I respectfully disagree, this is intensity of use, regular zoning. If someone came up with an apartment or multi-family they would be held to the 10,000 sq. ft per unit. If someone did come in under ISH, this would be applicable.

Ms. Evangelista - This was not defined for this person.

Mr. LaCortiglia - To create the impression there was some type of confusion

Ms. Evangelista - Do you know any multi-family housing that built on 10,000 sq. ft. That was intended. If a person didn't want it on the planning board, he would create to stop it. Do you know of any apartments (multi-families) 10,000 in a lot? Now, the next thing I was looking at, reading all of this, I went to do some research and found this bylaw from Hopkinton, where in here does it say anything about frontage?

Mr. Snyder - It doesn't say anything in here about frontage.

Ms. Evangelista - We have a common drive that create lots, where is anything in here about frontage?

Mr. LaCortiglia - if I'm in the RC and I have a lot of land, I have 200 ft of frontage I can go for an ISH building. Whatever my yield would be if I was creating a regular definitive subdivision plan.

Ms. Evangelista - The only time it mentions subdivision.

Mr. LaCortiglia - If you put more than.

Ms. Evangelista - But that's the road, that's not your frontage.

Mr. LaCortiglia - The difference here is a subdivision; there are lights and roads. The ISH is one lot under common ownership. These are condos. One lot - all you need is one lot with appropriate frontage in whatever district you happen to be sitting in. I don't think you want to do anything other than that. These developments need to have homeowner or condo association ownership to be common. If you turn them into separate lots, you're taking away ISH and potentially adding a road that can someday become an issue for the town.

Mr. Comskey - If you're saying the whole lot can be subdivided, how are you going to define open space?

Mr. Rich - Driveways aren't open space.

Mr. LaCortiglia - If we don't need a definition of what open space is we need at least what it is not.

Mr. Rich - I'd like ownership or deed to the town.

Mr. Rich- George, in the open space definition §165:123 it says (read out loud). All the open space we're requiring is taxed. If the town owns it, it doesn't get taxed. It's commonly owned by the condo association.

Ms. Evangelista - If the condo owns it; it gets taxed.

Mr. Rich - If it's in a designated section of land in the plan to be at least 35% of the total lot area.

Mr. Comskey - It hasn't been done yet again, that tells me it needs to be defined.

Mr. LaCortiglia - Is that the fault of the bylaw?

Mr. Comskey - So that tells me it should be a parcel.

Mr. Rich - It should be an area. It doesn't have to be one huge piece of land.

Mr. LaCortiglia - I would suggest if that would be done it would be contiguous. Not less than 50 ft. You want the block.

Mr. Rich - You can't piece it off as a parcel

Mr. Comskey - It has been done – they list off every decision.

Mr. LaCortiglia - Our ISH precludes it.

Ms. Evangelista - Shall be clearly delineated of each application. A single contiguous area which shall retain.

Mr. Comskey - There has to be some give back. The developer isn't putting in long winding roads. If he's allowed to put in the roads, you can build it for the 100 year flood storm but, open space is a give back – let them cluster, give them more units. It shouldn't be the benefit of a development that's not going to cost much in service. Only people 55 years or older can live in these developments.

Mr. LaCortiglia - That's not true, they put that in the deed, allowing - only one person has to be 55 year or old up to 80% of the development.

Ms. Evangelista - HUD wouldn't be all of these.

Mr. LaCortiglia- There isn't any HUD money as it's not all a HUD project. The bottom line is HUD has regulation all over the United States. If I'm 56 years old, they can't throw out my 27 year old wife.

Mr. Comskey - Unless the amount of residents drops below 80% - that should be spelled out in the bylaw. A developer can't market to everybody as 55. Look at the middle of Parker River Landing.

Mr. Snyder - Under ISH article definitions, §165:100, the definition of independent senior housing and also in 104. We do need to change this, this article needs serious review work . You bring up lots of good points, Tilly.

Mr. Comskey - I think the biggest reason it passed the second time, it was guaranteed that no one under 55 would live there. It has to have that language in the fair housing act. To me, if a developer – everyone has to be 55 – I'm not going to build here. West Street is already trying to modify and they were turned down by the zoning board. The language says only one person has to be 55. The developer knew that had to be part of the language.

Mr. Rich - I don't think you're reading this right. You have to read the whole sentence.

Mr. LaCortiglia – Reads §165 – 153.

Mr. Rich - The definition of housing for older persons you need to read all of the order. That's not saying you can't restrict it. I don't think it's saying that anybody can live there – that's what I was getting from Harry, anyone can buy senior housing and live there.

Mr. Comskey - There is a big section and it goes into filing a complaint and they don't think senior housing is compliant. I think someone complained to HUD.

Mr. Rich - If you read the next paragraph it might be the town's fault.

Mr. Comskey - There is more to that section that what I wrote on there. It goes to filing. Look at the home ownership.

Mr. Rich - Did you know this had to do with religious organizations?

Mr. LaCortiglia - Parker River Landing unbelievable density, 4:1 doesn't work. We went to 2:1 – village at Raymond's Court 2:1 density – we need to correct the 55 thing. Design review as well

Ms. Evangelista - The RB - 40,000 sq. ft. and 35% off for open space, that leaves 70% already out of the way.

Mr. Snyder - Vacant parcels and parcels around the RA if we are ready to talk about possible build out. From the assessor's office, the information I gathered in the RA district; there are 930 parcels. Of the total of 930 parcels in the RA district, 883 are developed, 47 are vacant. In the RA district there are 494 acres total. Caveat, this is from the assessor's office so these are 40,000 sq. ft. acres. They are real estate acres. The 883 built parcels represent 435.36 acres. Out of all the built parcels I mentioned, those 883 parcels constitute 435.36 acres. 59.03 acres is vacant land. The whole parcel is vacant.

Mr. LaCortiglia - Is this correct? In the RA district there are 494 acres?

Mr. Snyder - Yes. The more important number is 59.03 parcels are vacant.

Mr. LaCortiglia - 494 acres are in the RA district, some developed and some vacant. I'm looking for a build out. So, if you take the total parcels and the total acreage for discussion purposes, you average 1.88 acres a parcel. The build parcels 2.83 acres a parcel the vacant is 1.26. The land that you extrapolate a little bit, just RA district.

Ms. Evangelista - It's interesting since we just had a location where they were going to tear down 2 homes and the site is close to 2 acres.

Mr. LaCortiglia - I wanted to note that – 1st vacant parcels and a complete build out – we now have a common shared picture. You have to consider unbuildable area vs. buildable. If we were to do a hypothetical build out of the total acreage.

Mr. LaCortiglia - If I know I have a 1 acre lot in the RA district under ISH – if every lot was knocked down and cleared under ISH – what would be impact would be, with regular zoning? In the RA district, if I have an acre – what can I build there? 10,000 per unit. But under the minimum lot requirements, a single family residential, 15,000 sq. ft. is all I'm going to get. For every acre, I can have one, single family dwelling. If I knock that house down and go ISH. I'm looking for the impact.

Ms. Evangelista - Average lot not more than 35%. You've already cut that 15,000.

Mr. LaCortiglia - My eight at 5,000 sq. ft. /unit

Ms. Evangelista - This is the same bylaw that says 2 different things.

Mr. Snyder - In a lot of ways, we're working through this and we aren't adding in the variables of environmental, septic, roadways, etc.

Mr. LaCortiglia - All I'm looking for – 1 acre lot, single family residential dwelling, if I knock that down I can fit eight units. Now add in constraints.

Mr. Rich - Those 8 units can't cover more than 35%.

Mr. LaCortiglia - One acre property we can only build 35%. Which is 14,000 sq. ft.

Mr. Rich - But you can still put in eight units.

Ms. Evangelista - When you go back to intensity & use – you're reading Note 1 – 1 unit has to be 10,000 sq. feet. One unit/10,000 sq. ft.

Mr. LaCortiglia - In the RA unit it's reduced to 5,000. Reading out loud definitions. Page 15. It doesn't say what it is – it says what it isn't. Anything that isn't a wetland.

Mr. Snyder - For our discussion we've cleared §165-105 now we'll go into §165-106. Maximum number you'll be allowed is four.

Ms. Evangelista - The lot is 40,000 sq. ft. and you have 5.

Mr. Snyder - You need 15,000/unit for a building. On a 1 acre parcel, you are allowed 6.

Mr. LaCortiglia - I can't put more than one building on a lot without a special permit.

Ms. Evangelista - There you go again. We need something that says this supersedes. That's where the confusion starts.

Mr. LaCortiglia - I think the simple number here is now, take the area and knock the house down – my one unit now turns into an 8 units.

Mr. Comskey - Isn't it up to the applicant to show how many units?

Ms. Evangelista - This has to be defined.

Mr. Snyder - One of my questions, the 8 units, they are not considered multi-family? Aren't all multi-units required to get a special permit?

Mr. LaCortiglia - For ISH then special permit regulations are already in play.

Ms. Evangelista - 5,000 sq. ft a unit is a lot of space. Where is the size of the building? Isn't it cheaper to build a large building than to do 3 or 4 little ones?

Mr. LaCortiglia - 5,000 is the footprint.

Mr. LaCortiglia - If it's simple as that – we'll make it – let's use that for our algorithm. 494 acres would in theory create 494 single families. Worst case 3,952 – Best case you double it 988. 883 lots developed

Mr. Comskey - If we have 883 lots developed, aren't we doubling that number?

Mr. LaCortiglia- No, we're talking about wiping the whole place out – the whole place is buildable.

Mr. Comskey - Do you want to go back and identify the parcels in RA, RB & RC? That's what they did historically.

Mr. LaCortiglia - If I have 883 parcels developed single family residential dwelling, this is removed. I put up two, I double that number. What we're saying, you could get double that number.

Mr. Snyder - 1,766. In other words, we allow 1,766 bedrooms. If the limits are taken off, 3,952 allowed.

Ms. Evangelista - We have to consider, to remove the intensity and use phrase and eliminate multi-family – just leave the units. §165-105.

Mr. Rich- George, do you think it's going to fly? The citizen's petition?

Mr. Comskey - No, I don't think so.

Mr. Rich - I raise for discussion, I'm not a proponent – should we because of the need for a corrected bylaw in place, that everything should be put off until the next town meeting. Ask the town meeting not only to pass over our article but to vote down the citizen's petition as well?

Mr. LaCortiglia - That's something we should all consider May 2nd.

Mr. Rich - There are a lot of apparently conflicting areas.

Mr. LaCortiglia - Either a yea or nay on the citizen's petition – and you will have no ability to grant two bedrooms in the RA if it's appropriate on any lot that may come before us.

Mr. Rich - The upside to having the citizen's petition at the end is the potential to challenge a quorum.

Mr. Comskey - The people who showed up the other night will hold the floor.

Mr. Rich - If these neighbors call all of their friends.

Ms. Evangelista - If we don't go with what Harry suggested – if the developer wants to develop that land, he's going to have a multi-family unit. He thinks he can do 16.

Mr. LaCortiglia - The 4 lots didn't meet the dimensional lot requirement. So he essentially has 3 lots. He didn't establish yield, can't do that in an informal session anyway.

Mr. Snyder - We assumed 6 buildings, he currently is allowed to have 3 bedrooms per building.

Ms. Evangelista - What you've written should not have a provision of at the discretion of the Planning Board.

Mr. LaCortiglia - That is why I put limitations on the ability to waive. A strict set of findings.

Ms. Evangelista - When you say waive – we don't waive it – the developer asks us to waive it. We don't create “waiving” in the book.

Mr. Comskey - You should probably look at all the decisions. History is a great teacher.

Mr. LaCortiglia - We can't waive a two bedroom unit – we can't make it a two bedroom unit.

Mr. Rich - This is our temporary band aid, we'll be back in the fall with a complete revision.

Mr. LaCortiglia - There are a ton of revisions that need to be made.

Mr. Rich - Technically, it doesn't violate any law.

Ms. Evangelista - You're not saying how you go about developing, are we going to be giving waivers?

Mr. Rich - When one wants to waive a bylaw – you have to request the bylaw be waived.

Ms. Evangelista - Why aren't you making that a requirement? Why aren't you listing the bedrooms? The first one – you're saying that the planning board may allow two bedrooms upon finding this waiver. What are you waiving?

Mr. Snyder - You're thinking more of an allowance.

Ms. Evangelista - More open space, a benefit to the town if we waive anything on a subdivision.

Mr. LaCortiglia - You can't specify how to negotiate.

Mr. Rich – It is illegal when you put it in a bylaw. It's a federal court ruling a city or town cannot require a developer to give back.

Ms. Evangelista - We do it for the subdivisions all the time. If you have a development and a street out front you can ask the developer.

Mr. LaCortiglia - There is a difference between asking and putting it in the bylaw.

Mr. Snyder - Tilly, find the citation. Is what's being discussed with this bylaw, may be reinforced or negated after the May 2nd hearing. Comments about this should be made after the May 2nd hearing.

Mr. Comskey - §165-133 is the only thing preventing you from waiving?

Ms. Evangelista – Reads 81(R).

Mr. Rich - Town council opinion within the ISH there are areas where we can waive things and there are areas we can't waive. Because it's not a special permit. Under special permit, you're restricted to bylaw.

Ms. Evangelista - There should be a caveat. You just can't waive what we've got in here – unless we can gain something for the town – and that's what we don't have.

Mr. LaCortiglia - Finding not detrimental to the watershed, etc.

Ms. Evangelista – Chapter 40A – you have to follow state law.

Mr. LaCortiglia - The most important thing is this section here – Under 112 notice it says this and subject to the provisions of 165-71... In lieu of payment. The developer would not be allowed under ISH they will have to build the affordable housing component. There is no way they can opt out. 20% affordable housing component to the ISH will never see an addition to the affordable housing. The only shot to gain a unit is to have them do an in lieu payment so they can create one.

Ms. Evangelista- Reads The Zoning Act Chapter 48. What incentive are we gaining?

Mr. LaCortiglia - George did you have anything else?

Mr. Comsky - If people start saying this is most sensitive, that bothers me. I won't be at the meeting, but this bothers me.

Mr. Rich- **Motion** to authorize payment of services for the minute taking?

Ms. Evangelista – **Second**.

Motion carries; 3-0:Unam..

Ms. Evangelista - When are we having another workshop?

Mr. Snyder - Can we determine after the public hearing?

Ms. Evangelista - You've got to get ready for the State of the Town. I read that, it was pretty comprehensive, you didn't mention yourself or that we were without a planner for 6 months.

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

Ms. Evangelista – **Second**.

Motion carries; 3-0:Unam..

Meeting adjourned at 9:55 pm.