

Meeting Minutes
GEORGETOWN PLANNING BOARD
Wednesday, February 25, 2009
7:00 p.m.

Present: Mr. Hugh Carter, Chairman; Mr. Tim Howard; Mr. Harry LaCortiglia; Mrs. Matilda Evangelista; Mr. Rich; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp – Assistant

Absent: Mr. Howard leaves meeting at 9:00 pm.

Board Business 7:00 p.m.

Mr. Carter opens meeting at 7:10 pm.

Minutes – January 14, 2009

Mr. LaCortiglia- Motion to accept the 1/14/09 minutes with corrections.

Mr. Rich- Second

All in favor? 5-0; Unam

Vouchers –

Mr. LaCortiglia- Motion to accept the vouchers totaling \$716.44

Mr. Rich-Second

All in favor? 5-0; Unam

Correspondence:

Other Business –

Discussion and Update on the 43D Initiative

Mr. Cracknell - Nick – Opens the discussion with a 43D powerpoint presentation that is on file in planning office. The left side of the slide shows 2 buildings in which both are owned by the same owner. I did meet with the owner and there was support to move forward with this initiative. Two owners own property on the right side of National Avenue. There is a small wedge shown on the map that is zoned for residential uses we are all aware of and will ~~that will~~ require further discussion. The 43D is a general bylaw – not a zoning amendment. We [the Planning Board] have to put together a formal application within the next 2 weeks. It is not a requirement for the State-town to approve the project in 180 days but it is a requirement to render a decision within 6 months. In addition, there is 30 days for the State-town to review the application before the 180 days kick in to render the decision.

The State's next meeting is on May 6th. If the state approves and awards grant money, we then have a 120 days phase in period in which to begin to set up the procedures checklist and designate a point of contact ~~_which is the Board of Selectmen. Then we go live.~~

Questions:

Evan O'Reilly, Selectman – Regarding the PWED and CDAG – It would be helpful to explain what type of projects they stand for.

Mr. Cracknell- PWED (Public Works Economic Development) and the CSDAG grants can be used for public improvements such as roadway improvements and infrastructure projects. With the 40R project, the grants may help us deal with some of the waste water challenges. It would help us with infrastructure projects ~~that require~~using state funding.

Mr. LaCortiglia- Is there a brownfield remediation in the district? Where is it?

Mr. Cracknell – The second industrial building on your left on Carlton Drive. It is listed as a 21E but I do not know the extent of the problem. The 43D may help to fix the problem on this property. Barry Enos is the owner.

Mr. LaCortiglia- I would like to discuss the residential portion of the land shown on the right hand side of the slide which is triangular in shape. The owner of the parcel wants to change the zoning there. There are some proposed amendments that Nick has drafted.

Mr. Chris Rich- What is the square footage?

Mr. Cracknell- The square footage is a couple acres at least.

~~Ms. Evangelista Mr. LaCortiglia~~ It doesn't make sense for it to be residential when it abuts an industrial parcel. There is also a 100' setback.

Mr. Cracknell- That 100' buffer ~~Harry~~ mentioned takes away nearly 40% of the land area of that wedge parcel – it is almost as big as the triangle itself.

Mr. Rich- What is to the right?

Mr. Cracknell- ~~To the right is the Town of It is~~ Rowley and where ~~the~~ Muddy Creek veterinary hospital ~~sits is located~~. That triangle wedge takes 40% away from that property because of the buffer requirements. I drafted two zoning amendments as a response to the property owner's request to re-zone that triangular parcel from RA to IB there. I asked the developer what his intentions were ~~there?there~~. His response was that a ~~B~~big ~~B~~ox ~~retail establishment~~ was not it in the equation ~~there but~~ —it was ~~likely~~ to ~~include~~be a retail or commercial use. The zoning amendment failed 3 years ago at town meeting.

~~Now, a~~ Anything 30,000 sq. ft. or larger would need a special permit and site plan review from Planning Board ~~in order to protect the Town~~. This protects the town's economic base. The master plan ~~project process~~ researched the site. ~~We m~~ Maybe ~~we~~ should minimize the risk ~~about of facilitating a~~ big box ~~so~~ if it is re-zoned; ~~as~~ it may be feasible for a big box retailer to locate there. To get something for the town meeting warrant, I researched several other Towns' bylaws and drafted a definition of ~~a B~~big ~~B~~box ~~retailer~~. ~~In this definition t~~ They are 50,000 sq. ft. or larger. I would like the Board to consider adopting a definition of ~~B~~big ~~b~~Box so we don't have to have that discussion with the community at Town ~~m~~Meeting since the residents may not be ~~ready supportive of for~~ a ~~B~~big ~~B~~box ~~retailer~~ at this time. This would protect the Town and if someone tried to develop a big box in the future; they would need a variance. If this zoning does not change; it would be impossible to put a big box on that property. But if we want to move forward with ~~some other form of~~ development, ~~the current zoning it also~~ prevents other developments like a ~~Genzyme B~~biotechnology company in locating there. ~~Thus, if~~ we want to support the intentions of the ~~developer property owner to do find~~ a non big box development, then we have to change the zoning. My recommendation is that we need a new definition ~~defining of B~~big ~~B~~box ~~retailing~~ and a new use in the zoning amendments if we want to move forward.

Mr. LaCortiglia- We don't know what ~~is will to~~ happen at May town meeting. ~~The parcel needs to be rezoned and more economically developable.~~

Mr. Carter- The state may say the state's money is better put to use elsewhere which may impact our chance of receiving the funding. I do also support what Harry is saying.

Ms. Evangelista- The red section shown on the map is owned by Mirra, not Mr. Kennedy.

Mr. Cracknell- My hunch is that it will not be a major loss if that parcel is not pulled into the IB district. The question here is whether we are supportive of bundling and changing the residential zone to an industrial zone. My goal was to have the Board consider sponsoring the map change in response to the big box concern. The more serious concern is ~~that~~ we have ~~nothing something better for at~~ town meeting ~~like the last request~~ or this ~~will may~~ not move forward. Remember the owner is not asking for this ~~map change. use.~~

Mr. Rich- It takes ~~B~~big ~~B~~box out of the equation if we adopt this, correct?

Mr. Cracknell- Correct. This is what we need to do to move forward without having to ~~move forward with include~~ a big box in the equation. From our meetings with the developer, this is happening whether we want it to or not. We should present this language to the owner of National Ave. as a response to his request.

Ms. Evangelista- Even if the applicant moves forward with this or not, it would behoove the applicant to work with us before we present something at town meeting. He should go over his proposed development very carefully with the Town Planner.

Mr. Rich- This puts the Planning Board in control and takes ~~B~~big ~~B~~box off the table.

Mr. Cracknell- We have not yet broken out the line item of the code as to what the definition of general retail is in Georgetown so a big box could go on the Mirra property as of right since it is zoned ~~as-for~~ retail uses. If this amendment passes, he can no longer get a ~~use-special permit~~ from the ZBA in the IB district. However, it protects the town from discussing ~~B~~big ~~B~~boxes since it ~~would be~~is off the table. ~~We have~~In order to encourage some development there ~~but~~-we have to change the zoning ~~amendment~~.

Mr. LaCortiglia- However, if someone wanted big box, they would have to go to the planning board and the zoning board for a use variance.

Mr. Cracknell- This gives very good assurance that ~~no-a~~ big box development could not realistically happen.

Ms. Evangelista- Suggests putting “O”s all across the intensity of use schedule in the bylaws in order to remove any possibility of Big Box development.

Mr. Cracknell- I chose not to do that because the property owners within the CC district currently have an “as of right” use.

Mr. Rich- We have then taken a value away from the property.

Mr. LaCortiglia- We are in a good position to be protected. I think it is appropriate in a CC.

Mr. Cracknell- I agree it should be a special permit in the CC District. In the future after Town meeting, lets look at why the areas are red (CC) and look at the entire zoning map. The 43D program will allow us to do that in the future if we get state funding. This is a good interim measure for the Town to take.

Mr. LaCortiglia- Would it be safe to say that the board wants Nick to proceed with the following items:

1. Definition of a Big Box – 50,000 sq. ft. of retail space
2. Zoning Code – use for CC District only [Business and commercial C district]
3. Do we [Planning Board] want to sponsor rezoning or have the property owner do it himself?

Mr. LaCortiglia- I believe it is the landowner's responsibility to sponsor the change to the zoning. Therefore, I do not support #3.

Mr. Rich- If items 1 and 2 are good for the town, there is no need to do #3. We shouldn't put the ownness-onus on the property owner. If we sponsor it, the Planning Board has control over what the article says in the warrant.

Ms. Evangelista- I think it will be very difficult at town meeting.

Mr. LaCortiglia- In #3, the idea is that the developer would want his own property changed and he has every right to change that. We [Planning Board] have no control over that to approve it or not. The Town will be comfortable in choosing to approve it or not.

Mr. Cracknell- I agree that if the board goes with bundling all 3 articles, this is all a response to the owner of National Avenue to change the zoning. We put two riders on it to protect the town as a byproduct of the initial request from the developer.

Mr. Carter- I have a problem with the state looking at that and deciding to not give us the grant if the town does not sponsor re-zoning #3.

Mr. Cracknell- I think whether you sponsor #3 or not, we are wasting our breadth and we have already had a lot of discussion on this matter. The ~~h~~Board should consider all three in response from a request from a property owner. It makes sense that ~~we-the Board~~ should sponsor it -and put them all together for Town ~~m~~Meeting. Then we take it to the owner. If the owner does not want to support #1 and #2, the owner will not go forward with his proposed project. I think that it ~~will happen and it~~ should be supported by the owner.

Mr. Howard- Motion to bundle all 3 items together for Town Meeting.

Mr. Rich- Second

Mr. Carter- It has been motioned and seconded to include all 3 amendments:

1. Adding a new definition of Big Box Retail Development
2. Create a new use schedule for Bog Box Development
3. Amend the zoning of the rear parcel labeled Map 14, Lot 7 to IB from RA zoning district to CC-A.

All in favor? 3-2, (Mr. LaCortiglia and Ms. Evangelista not in favor)

Mr. O'Reilly- I don't think that the Big Box was the issue but any large development with smaller units could raise just as much objection because it jeopardized the loss of revenue in town for the existing businesses. Perhaps the definition should not be a square footage issue but number of units.

Mr. Cracknell- I think the challenge for most communities is the tug and pull in business centers. It is tough to find the balance in a town business profile. Supermarkets are usually found in every community. It may benefit the community or it may harm the businesses that are already there. The 50,000 sq ft is a big box definition and addresses that concern separately. The amount of money that leaves town is substantial and we need to give those business opportunities back to the town.

Discussion of other Zoning Amendments (Refer to draft amendments dated 2/25/09 on file in the Planning office)

1. Accessory Structures

Mr. Cracknell- I spoke to the Zoning and Building Departments. The last version of the definition applied to all zoning districts. I am going to the ZBA in 10 days to give them an update and get their input. This is common in many communities for accessory structures of a certain size. In this revision is only this exemption in the RA and RB district. You would still need to go to ZBA. Instead of seeking a variance, you would be allowed to request a special permit to place the accessory structure up to 50% ~~into~~ the side and rear yard setbacks. This is intended to make it a little easier for property owners to add an accessory structure.

Mr. Rich- No comment

Ms. Evangelista- – I think it is ok.

Mr. LaCortiglia- I am ok with RA but not RB zoning for this amendment.

Mr. Cracknell- The ZBA would have the ability to decide who gets the exemption. This request came from the Building Inspector. The question is whether it is a good balance for Georgetown and ~~does whether~~ it meets good planning and land use principles to give relief of the dimensional controls of within the RB and RA district?

Mr. Rich- What is the lot coverage in Georgetown?

Mr. Cracknell- If you come to the ZBA, you will need a variance. The maximum lot coverage has no requirements in the residential district. ~~You can take it off at the Public Hearing but you can not add it in and wait to get feedback with the ZBA.~~

Mr. Rich- Motions for the Accessory Structures Definition to be placed on the Town Meeting Warrant 165-10.1.

Ms. Evangelista- Second

All in favor? 3-1; (Mr. LaCortiglia against) (Hr. Howard left meeting at 9:00 pm)

Mr. Trapani, Board of Selectmen, calls the Selectmen Board to order at 9:40pm.

2. Bed & Breakfast use

Mr. Cracknell- This came out of the Building Department.

Mr. LaCortiglia- Motion to ask Nick Cracknell, ~~T~~town Planner, to pursue this zoning amendment (§165-11) and add to the warrant article for Spring town meeting.

Ms .Evangelista- Second

All in favor? 4-0; Unam

3. OSRD §165-47

Mr. Cracknell- I am confident you do not want to make this more restrictive. Nick references the draft amendment dated 1/29/09. My preference is to get it on the warrant. We can continue the discussion at the Public Hearing.

Ms. Evangelista- Is the most critical the density bonus issue?

Mr. Cracknell- Yes. The intent is to make the density bonus section function better. There is no incentive to provide more open space unless you have a large project. ~~The affordable housing and the open space is in here.~~

Mr. LaCortiglia- There are a lot of changes in here. Let's give Nick the green light to get it on the warrant for Town meeting.

Mr. LaCortiglia- Motion to have Nick put the OSRD draft amendment on the warrant and post the 40A Hearing as required.

Mr. Rich- Second

All in favor? 4-0; Unam (Mr. Howard left meeting at 9:00pm)

Zoning Map changes

Blueberry Lane – Snow Plowing Update

Mr. Rich tells the Board that he is handling the situation and will report back any new developments at the next meeting. Mr. Rich spoke to the developer that he has an obligation to do the plowing. The Planning Board is not to referee the situation.

Public Hearing(s):

Public Hearing – 34 Thurlow St. – Open Space Residential Design

Mr. Carter reads the Public Hearing Notice for 34 Thurlow Street which is on file in Planning office.

Thomas Ogden, applicant/engineer, 34 Thurlow Street- There are some proposed changes from one of the abutters. The abutter wants some trees along the property line. There are no other changes.

Mr. Thomas Ogden- The lot sizes have changed. The permanent open space is going to the Town and labeled Parcel A. The back portion of those lots (Lots 1,2,3) are noted as Conservation and can not be disturbed. Each parcel will have noted in their deeds the restricted land.

~~Mr. LaCortiglia If you are donating Parcel A to the Town, you can give to the Conservation Commission and meet with them to do so.~~

Mr. Rich- Do utilities come off of Thurlow Street?

Mr. Jay Ogden, applicant- Yes, it is looped.

Mr. Thomas Ogden- If Con Com does not accept Parcel A, it can go to the HOA of Thurlow Street.

Mr. Cracknell- The Con Com agent is not opposed to accepting it but the agent is asking that the commission vote on it.

~~Mr. LaCortiglia Mr. Rich~~ If the Town did not take title to Parcel A, would you include the same restriction that's on the shaded back section?

Mr. Ogden- ~~Yes, that~~ Yes that is how it is worded on the plan.

~~Mr. LaCortiglia Mr. Rich~~ And if that goes into the HOA, will a recorded easement be included with a right to pass and re-pass Phillips Ave.?

Mr. Ogden- Yes, absolutely.

Mr. Cracknell- Once we hear from the Commission if they do not accept, then we need to add a note on the plan for that easement.

Helen March, abutter on North Street- I was under the impression that all new construction had a 1 acre zoning minimum.

Mr. Cracknell – That is incorrect. Under an OSRD design, they permitted a 3 unit project with homes more consistent with the neighborhood and fewer impacts on the abutters and

the ecology of the area. This preserves the open space with a more compressed neighborhood.

Mr. George Comiskey, resident – Did the Open Space Committee vote on this?

Mr. LaCortiglia- They recommended that the ConCom ~~take it~~ [accept the land](#).

Ms. Evangelista- By accepting the land, residents are allowed access to the land and adding on to a nice trail.

Vicki Bratham, resident- Philips Avenue is a tiny street. I am concerned about the impact from the traffic at the end of Phillips Ave.

~~Mr. LaCortiglia- It is my understanding that Conservation does not allow ATV's on any of their land.~~

Ms. Evangelista- You actually increase the value of your home with a trail access.
~~They would drop the request because it infringes on the buffer.~~

North St. resident- I have seen motors and other garbage disposed of there. Will the site be cleaned up?

~~Mr. LaCortiglia Mr. Rich~~ They would need Con Com approval first but there is an existing home there and they [applicant] are not allowed to go on that property. If we continue to the next meeting, can you be ready?

Mr. Cracknell- Is it necessary for Larry to review the plans?

~~Mr. LaCortiglia Mr. Rich~~ Move to continue Public Hearing for 34 Thurlow Street to March 11, 2009.

~~Mr. Rich Mr. LaCortiglia~~ Second
All in favor? 4-0; Unam (Mr. Howard left at 9PM)

Mr. Cracknell agrees to make a recommendation by the Planning Board to the Con Com before March 11th. Nick asks for the applicant to attend that meeting with him.

Mr. LaCortiglia- Motion for a recess.

Mr. Rich- Second

All in favor? 4-0; Unam

Informational Public Hearing – Georgetown Square 40R Overlay District

{Two members of the Board of Selectmen, Mr. Phil Trapani and Mr. Evan O'Reilly, are present for the Informational Public Hearing}

Mr. Carter, Chairman, reads the advertised Informational Public Hearing Notice [on file in the Planning office]

Mr. Cracknell – shows a PowerPoint presentation of the proposed 40R overlay district that is also on file in the Planning Office. Mr. Cracknell mentioned that the 40R district could be larger but the intent is to pilot this program within the 8 acre target area as shown on the map. Zoning, market conditions and wastewater treatment are the main impediments to revitalizing this area. 20% of the housing units approved within the district have to meet the 40R requirement under this zoning. 40R is a housing driven economic development tool that allows for mixed-use and affordable housing projects. Based on the developable land plan our as-of-right density will be about 38 dwelling units at full buildout. It is important to note that the \$75,000 in funds awarded to the Town has no strings attached on how the money is used. Our homework will be to use some of these funds to work with the Highway Department and Board of Health to study the options for a shared wastewater solution that would enable more development in the downtown before increasing the target area for a 40R. Mr. Cracknell has set-up meetings tomorrow with representatives at DHCD and will be asking questions on this issue application at that time.

Referring to one of the slides, Mr. Cracknell states that buildings labeled as substantially developed areas cannot build as-of-right above the ground floor unless they come to the Planning Board and request a waiver. The purpose of this approach is to protect against premature demolition of historic structures as the Historic eCommission is currently undertaking an inventory in this area of the proposed overlay district.

Mr. Phil Trapani- Thanks the Planning Board for working hard and thoroughly in order to get to this point in the process. He also suggests that this work represents the by-product of the Master Plan and efforts of the Economic Development Committee. He notes that the Board of Selectmen will be meeting next week to sign the 40R application to DHCD.

Mr. LaCortiglia- This could bring us \$75,000 if Town meeting approves this at Town Meeting. In addition to that, any as-of-right units will provide the Town another \$3,000 per unit.

Mr. George Comiskey, resident- What happens to the assessed values of the homes in the 40R district?

Mr. Cracknell- If the Assessor does her job, there will be no change to the assessed value of the homes until such time as the owner elects to use their development rights under the 40R.

Mr. Comiskey- Do you have to specify that it will be ground floor commercial and what about school costs? What is the future open space area?

Mr. Cracknell- Yes, it is in the zoning. The only building with ground floor residential is the brown brick building on Park Street that has been designated for multi-family residential use as well as mixed-use. It lends itself to be all residential or mixed use. 40S – means money that is provided to the Town for families with school-aged children that reside in units created under the 40R district. The Town would also be eligible for 40S money from DOR. Those folks that own the future open space land will not be given any additional rights under the 40R to change the use of their land beyond what rights currently exist.

Mr. Comiskey –Will betterment fees be charged for wastewater?

Mr. Cracknell- For some properties in the downtown there is a wastewater problem that may require some shared systems in order to create the level of development we would like to see. For example, if you want to make the antique store on Middle Street a mixed use, they have to swap some existing commercial flow for residential and the BOH will need to ensure the existing or upgraded system can handle the added flow.

Ms. Evangelista- If we get the money to do the study and find a shared system it is not workable for the larger downtown area do we have to return the money to the state?

Mr. Cracknell- I can't imagine that the study will show that nothing practical will work. The proposed 40R is based on 38 units and according to the Health Agent, ~~most~~ many of these units will be able to be built using some sort of upgrade to their existing system.

Mr. Trapani- The money will be used to do a wastewater analysis and will be put in the general fund.

Mr. Rich- Is there a mechanism that says the money will be allocated to this by putting the money instead into a special fund for economic development purposes?

Mr. Trapani- Work that out between your Planning Board and it can be taken to town meeting. There is no guarantee that the money will be used for the analysis but that needs to be done.

Ms. Beverly Knapp, resident- I am confused. Are you going to attempt to get the Mobile station out of there?

Mr. Cracknell- No. That is not our intent. However, if the Mobile station ever closes its doors again, we want to be sure to have the zoning in place to support a better site design

and land use for the property. The overlay district is a pro-active planning tool we are using to stimulate growth, redevelopment and reinvestment in our downtown.

Mr. Evan O'Reilly asks a question to the Town Planner regarding the tax benefit to the Town.

Mr. Cracknell- Mixed-use developments generally do not support a large influx of school aged children, however, they do generate tax benefits, jobs and new services to the community. Done right residential development adds a tremendous tax benefit and contributes to making the downtown a much more vibrant economic center of activity.

The Fire Chief asks a question about the existing zoning and development rights.

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Mr. Cracknell- If property owners want to use zoning as it is today, they cannot do a mixed-use building without a variance. If the Town passes the 40R they are not obligated to do a mixed-use building by may elect to do so.

Mr. Trapani- I summed up my support of this and will communicate this to the public at our next Selectmen's meeting.

Ms. Evangelista- Reads the law to the public for their information.

Mr. Trapani- Is there another opportunity for the public to ask questions regarding this issue?

Mr. Cracknell- The 40A Public Hearing will be held in early April and the public will be notified and able to attend to ask more questions and provide input.

{By consensus, the Planning Board accepts the Georgetown Square 40R overlay District as a sponsored item on the warrant after the final version goes to the Board of Selectmen.}

Mr. LaCortiglia- Motion to close the Informational Public Hearing.

Mr. Rich- Second

All in favor? 4-0, Unam (Mr. Howard absent)

{Mr. Cracknell agrees to add in the Scala antique building on Middle St. to the boundary of the 40R proposed district and the Planning Board agrees along with Board of Selectmen members that are present, Mr. Trapani and Mr. O'Reilly}

~~Mr. Rich motions to adjourn the~~
~~Meeting is adjourned~~ at 11:00 pm.