

**Minutes**  
**Georgetown Planning Board Meeting**  
**Wednesday, March 11, 2009**  
**7:00 p.m.**

**Present:** Mr. Hugh Carter; Mr., Harry LaCortiglia; Tim Howard; Ms. Matilda Evangelista; Mr. Nicholas Cracknell, Town Planner; Ms. Carol Fitzpatrick, Minutes Recorder

Absent: Mr. Christopher Rich (arrived at 7:50 pm)

**Minutes - February 11, 2009**

Mr. LaCortiglia: I make a motion to postpone the approval of the February 11, 2009 minutes until the March 25<sup>th</sup> meeting.

Ms. Evangelista: Second

All in favor? 4-0; Unam

**Vouchers-**

Mr. LaCortiglia: I make a motion to approve the vouchers in the amount of \$3217.25.

Mr. Howard: Second

All in favor? 4-0; Unam

**Correspondence -**

Pillsbury Pond; Railroad Avenue

Mr. Cracknell: I have received a detailed invoice for Railroad Ave. from Dave Varga. This is the \$8343 invoice from last summer where the applicant had disputed a few of the line items. Tillie and Bob Grasso, the applicant, will get together next Thurs morning at 9am. We should resolve this relatively quickly since Dave and I have gone over this.

We have a letter from Kopelman & Paige (K&P) regarding the easements and deeds that went on record for Pillsbury Pond regarding the street acceptance. We are waiting on the confirmation of the book and page in the mail from K&P.

We have a \$10,000 check from Connelly and Connelly that came in on March 3, 2009 from

Whispering Pines for snowplowing services. That has been deposited in the General Fund account.

Ms. Evangelista: How did the Blueberry Lane snowplowing get resolved?

Mr. Cracknell: I believe the same guy is doing the plowing, doing a good job and I haven't heard anything which is good news. We need to get the road done this year so we don't go through this next year.

Mr. Carter: It is not appropriate for him to be plowing that subdivision. He should be working for the town and not plowing that area.

Mr. LaCortiglia: Will there be time to finish the roadway and accept the street?

Mr. Cracknell: They wanted to finish the road this year regardless of whether the lots were finished. Before we grant another extension, that I think expires in June of this year, we want to see the road finished so we don't go through next year.

Mr. LaCortiglia: How does our Bond look on that?

Mr. Cracknell: They must have a tripartite with a covenant, they don't have a bond.

Mr. LaCortiglia: Is 4 lots?

Mr. Cracknell: I am not sure about that. I think it is 4 lots and 1 existing lot. We will look at that for the next meeting.

### **Other Business -**

#### **ANR 186 East Main Street**

Mr. Bob Grasso, Professional Land Services, representative for Mr. Barry Crawford from the New Life Community Church.

Mr. Grasso: Tax Map #10, parcel 8, 13.52 acres. We are proposing an ANR for Lot 8A-8B, both located in the RB zone, which requires 160 ft frontage. Lot 8B is not a building lot and will be conveyed to the town of Georgetown Park and Recreation Comm for recreational use only. It has 28.14 ft of frontage and 9.66 acres. Lot A consists of 2 large ponds, 1<sup>st</sup> pond abutting the lot line of 8A. The pond in the rear of the lot. This lot abuts the future donation lot from Bussing to the Con. Comm and the Park and Rec.

Mr. LaCortiglia: I would like to make a motion to waive the filing fee for this ANR at 186 East Main Street

Mr. Howard: Second

All in favor? 5-0; Unam (Christopher Rich now present at 7:50 pm)

Mr. LaCortiglia: This is a very generous offer and the only way that the town can access the Bussing land the Park and Rec accepted at the last town meeting. There are 11 usable acres for the Park and Rec to develop into recreational space. We hope to bring these plans to the town meeting and purchase the land for the town using CPC funding.

Mr. LaCortiglia: I would like to make a motion to endorse the ANR plan from Professional Land Services for Lots 8A & 8B, 186 East Main Street, dated March 9, 2009.

Mr. Rich: Second

All in favor? 4-0; Unam (Ms. Evangelista left temporarily)

Mylar was signed by the board

### **Stone Row Revised Covenant**

George Agganis, Owner and developer

Mr. Agganis: We have been going back and forth on the Covenant. I believe we have everything all set but one paragraph that I discussed with TJ Conte. It starts with Section 6. It was intended for the common areas of lots 1, 2 and 3. It concerns what the maintenance would be for the common areas. I really don't want to have another meeting.

Mr. Cracknell: You would have to insert something like: Pertaining to all common areas after the word "covenants" on the 3<sup>rd</sup> line.

Mr. Rich: My recommendation: As concerns all common areas and only common areas, after the conveyance by the developer of said Lots 1,2 and 3, the association shall....

Mr. Howard: All of this that refers to the developer, that does include the neighbors?

Mr. Cracknell: That is just the developers. They do have a lot of discretion. That is why we added N through P, in a collaborative manner, after many neighborhood meetings in January.

Mr. Agganis: I am missing what discretion we have.

Mr. Cracknell: There is still discretion on the ultimate fine-tuning of the design of the house. The purpose of the January meeting was not to have it wide open with no frame of reference as to what constitutes an acceptable building size and design.

Mr. Rich: The 1<sup>st</sup> paragraph says Stone Row LLC, the developer, hereby imposes upon Lots 1, 2, and 3. Everywhere it says "the developer" it is referring to Stone Row LLC, as concerns Lots 1, 2 and 3. That is how a court would interpret it.

Mr. LaCortiglia: I would like to make a motion to endorse the plans as amended with a recording of the covenant.

Mr. Howard: Second

All in favor? 4-1; Ms. Evangelista abstained

Ms. Evangelista: Do we write on every plan, that every covenant is attached to every deed 1, 2 & 3?

Mr. Cracknell: I'm not sure that already isn't in the approval.

Ms. Evangelista: All that is registered is the book and page for this covenant. It is not on every deed.

Mr. Rich: I would to see this Covenant put in recorded form. The deed must reference this Covenant. It must be signed and notarized. As soon as you file it is put on record.

Mr. Agganis: You guys are finding the loopholes, not me. I thought that it goes with the deed anyway.

Mr. Rich: This board has been hung out to dry because of loopholes.

Mr. Cracknell: Every deed will reference it. They can put this in a recordable form. They have 4 more steps before we have an occupancy permit. You do not have to worry about this coming back.

Mr. Rich: The approval is only being issued subject to the production of the recorded copy of this document. Real time, live time, once you record it, you get the book and page number.

Mr. Agganis: I'll be honest with you, I don't understand what that means.

Mr. Rich: You have to go to the Registry of Deeds, this has to be executed by the officers of Stone Row because it is a contract. You have to bring a copy of this to be recorded with it. They will give you a book and page number for this. Ask them to cross-reference it to that. You're done.

Mr. Cracknell: It is nothing you weren't going to do it tomorrow anyway.

### **Public Hearing: 34 Thurlow Street – Open Space Residential Design (OSRD)**

Opened at 8:20 pm by Hugh Carter

Jay Ogden, Owner, developer and engineer

Mr. Cracknell: Other than the Open space issues, refresh our memories as to what was on the table.

Mr. Ogden: That was it. CC didn't seem enthusiastic one way or the other whether they accept the offer of land or not.

Mr. LaCortiglia: They didn't vote?

Mr. Cracknell: CC did not vote because it was 9:30 pm when this was presented. It was late, they were seeing the information for the first time and they hadn't been to the property, you shouldn't expect them to vote on it. They will probably vote at the next meeting in two weeks.

Ms. Evangelista: Maybe we should schedule it for the next meeting. You shouldn't make your vote on a condition of something, such as another board's decision needed first before we make our vote. You wait until you have the other boards vote in hand first, then make your vote.

Mr. Howard, Mr. LaCortiglia: I disagree, I think it is an awesome plan.

Ms. Evangelista: We all do. We are just not ready to vote without a decision on that land.

Mr. Rich: I think that you might be able to give conditional approval, which would encourage the other board looked at it.

Mr. Cracknell: Why don't you say that CC and the town take ownership of Parcel A and you can condition your vote. I would suggest that the board vote in two weeks because I have to write a decision. Unless you are used to voting prior to having decisions in front of you. As a board your recommendation would be, if the CC determines to take over ownership of the Parcel A and you are okay with that. If the CC decides they don't want to for good reasons, that it go into a Homeowners Association. The developer then provides the necessary documentation for those 3 lots to not only own the 3 slivers of conservation land on the back of the lot, but also Parcel A in common ownership.

Mr. Rich: So either way, he (Ogden) knows what the decision is and can proceed based on whether CC takes it, Plan A, or says no, Plan B. He doesn't have to come back here.

Mr. LaCortiglia: Is there any need to create a homeowners association?

Mr. Ogden: After the CC meeting, we had no idea of how long the process might take. We resigned ourselves to creating a HOA agreement. We can have drafts to your office by Wednesday with conservation restrictions drafted up also.

Mr. Cracknell: That sounds good. Over the next two weeks we will be spending a lot of time back and forth to get this decision to reference all of the material you submitted. We need the house designed, because it is an OSRD, it is a multi-stepped process.

Ms. Evangelista: I think it is a good idea to have the decision in hand, then it will be nice and clean.

Mr. LaCortiglia: How much time will it take to write an OSRD decision?

Mr. Cracknell: It is going to take some time. Best case is March 25, the next meeting. The worst case the first meeting in April. I am committed to working with Jay and his brothers to get this finished by

the next meeting.

Mr. Ogden: After the decision, there will be some kind of an appeal period?

Mr. Cracknell: Yes, 20 days.

Mr. LaCortiglia: I make a motion to continue the Public Hearing for 34 Thurlow Street to March 25, 2009, to proceed as discussed.

Mr. Rich: Second

All in favor? 5-0; Unam

### **Deer Run Final Construction Review**

Mr. Cracknell: I spoke with Dave Harris, the Atty for the developer of Deer Run. I am trying to determine if Dave Varga and the design engineer are finished with the as-builts. After speaking with Dave today, they are not but are very close. I would recommend that this be continued to March 25<sup>th</sup>. The Form J needs to be signed by Dave Varga, Peter Durkee and others before we can release the bond and finish the project, which is what this agenda item is. The 3<sup>rd</sup> requirement for this project which was approved in 2002, the COV requires that 1) the Form J get signed, 2) the as-builts are to be submitted electronically and in hard copy and thirdly, the Covenant, that was prepared before the plans were endorsed in 2003 or 2004. It was a covenant prepared just like Stone Row, that was recorded, brought to the board, reviewed by the board. The board was supposed to have town council review it and we will presume they did that because it is done and behind us. The recorded Covenant came in late today so it isn't in your packet because I told Michele to hold it off. The recorded Covenant in 2002 had item E on there. I gave that to Chris and I would like that back for a minute. Go to the release of surety section. Tell me what this means: 3) The applicant must request acceptance of the covenant referred to in condition 2E, which was done at the point of endorsement like Stone Row. In this case, town council is supposed to look at it, then record it and then they go on their way and build. At the very end of the project the applicant must request acceptance of the covenant (referred as 2E) at town meeting. Why would you have that in there?

Ms. Evangelista: Is there a ditch problem or a culvert problem?

Mr. LaCortiglia: Was there an Open space issue? I don't like the idea that the hydrant is tied to the development of the lot.

Mr. Cracknell: Not to go to the town. The water dept does not want the hydrant raised. They said that the height was okay.

Mr. Rich: It's wonderful that that is from the Water Dept. I would like to see that letter from the Fire Chief. I don't like that the hydrant is short.

Mr. Cracknell: I will check with the fire chief. If that is called out in Dave letter again, that is an

outstanding item. All of the other issues that they are drafting are minor. What do we do with this covenant that's already been recorded in respect to town meeting?

Mr. LaCortiglia: Who signed the decision?

Mr. Rich: Do we have a recorded copy?

Mr. Cracknell: We should have a copy but there is not guarantee of that. That is something I need to figure out between now and the next meeting. We want to see the HOA firmed up. It is a private way.

Mr. Carter: What are we looking for tonight?

Mr. Cracknell: Some guidance on that last item and to continue this to March 25<sup>th</sup>. We would like to reduce the surety. Everyone who is involved with this development currently was not around for the approval.

Ms. Evangelista: If Jackie was the planner then, she is in Andover.

Mr. Rich: I make Motion to continue the Form J release of surety for Deer Run to March 25, 2009.

Mr. LaCortiglia :Second

All in favor? 5-0; Unam

### **Subdivision Review Update:**

#### **Pondview Estates**

William Studzinski, Attorney for Pondview Estates

Mr. Studzinski: Scott Green submitted a letter back to Mr. Cracknell answering your inquiries in a prior letter. I believe they have been answered except for the deep hole testing. My understanding is the project engineer and the town engineer, Mr. Graham spoke today and will do that on March 20.

Mr. Carter: How is that related to the Larry's comment about the drainage?

Mr. Howard: That is a separate issue. Larry's concern was with the overflow of drainage and where it was going to go. He is not happy with the whole storm water drainage overflow issue.

Mr. Cracknell: One issue is a depth of groundwater and he is afraid that the overflow basin may have water in it. The depth of groundwater is less than what they are projecting. That is why he wants the deep hole testing done.

Mr. Cracknell: We have been waiting for 6 months for the deep hole test and it hasn't happened for a variety of reasons. Some of them weather related. It can't be too wet out there to do the test.

Mr. Carter: My question regarding the deep hole and drainage: Are they 2 separate issues? I am very happy with the response after reading the letter. I would like to show progress and continue this.

Mr. Howard: They are two separate issues.

Mr. Cracknell: They are going to repost the hearing at their own expense. We will repost the hearing to all abutters and reopen the hearing because of the hiatus. Everyone will be put on notice when they are ready to go.

Ms. Evangelista: I would like a decision of June 30<sup>th</sup> with all the material in.

Mr. Cracknell: We don't want to extend the hearing until they are ready. We did not extend the hearing to one of the subsequent dates. Somewhere along the lines between Sept and today the applicant didn't come in and the PH didn't get continued by the board and moved to a new meeting. There was a meeting that came along and we didn't continue the hearing. The problem is not ours. Why don't we say the 1<sup>st</sup> meeting in June to continue the PH? Abutters will then be renoticed.

Mr. Howard: I make Motion to continue the extension of the decision date to June 30<sup>th</sup> 2009 and to continue the Public Hearing until June 10<sup>th</sup> and the applicant will be notified.

Mr. LaCortiglia: Second  
All in favor? 5-0; Unam

**Twisdenwood Farms- Ben Bowden (not present- to be cont.)**

Mr. Cracknell: I got an email from Ben Bowden that he would like to withdraw his 5-lot subdivision application without prejudice and would like any fees returned as soon as possible.

Mr. LaCortiglia: I make a motion to allow the applicant for Twisdenwood Farms to withdraw their application.

Ms. Howard: Second  
All in favor? 4-0; Unam (Christopher Rich recused and stepped away)

Mr. Howard: I make a motion to return the remaining money in the M account for Twisdenwood Farms subdivision subject to all pending invoices have been paid.

Ms. Evangelista: Second  
All in favor? 4-0; Unam (Christopher Rich recused and stepped away)

Mr. LaCortiglia: I make a motion to reopen and continue the Public Hearing for the Subdivision Regulation amendments to April 8, 2009.

Mr. Howard: Second  
All in favor? 4-0; Unam (Christopher Rich away)



### **Update of Other Zoning Amendments following ZBA meeting on 3/3/09:**

Mr. Cracknell: When I left here on the 25<sup>th</sup> with a vote to sponsor the 7 items, everyone knew I was scheduled for a meeting with the ZBA about a few of the amendments. I also went subsequent to the ZBA, to the CC about the 43D because they are involved in the permitting. I gave them an overview of the 40R while I was there but it was late. Today, I met with the BOH and gave them an overview of the 40R. I have spent a lot of time working with town officials getting our application ready for the 40R, talking about the wastewater issues, infrastructure upgrades and all paper that the HCD needs for a 40R application.

What I did as a byproduct of the meeting with the ZBA, was make some amendments to 4 of the 7 bylaws, based on the feedback that I received from the ZBA board that I asked for on several instances. These are reasonable compromises based on the feedback I got from other boards and commissions and particularly with the Accessory Structures and the B&B uses from the permit granting authority themselves (ZBA).

I think that the feedback that I got from the ZBA was positive and constructive. It wasn't everything that everyone on the board wanted. It seemed reasonable place to move forward and defer some of this to subsequent town meetings. The ZBA were not used to someone coming before them prior to a Town Mtg and asking for their input and it was positive. The changes that I made from the 25<sup>th</sup> to March 11, are in front of you, with an addendum for the rate of development bylaw. All I did was tighten up some of the definitions and make sure to define what mixed-use, multi-family means and where it is allowed. Tying in the affordability requirements to the Housing Balance Bylaw also needed to be done, to make sure there is equity in the 40R district because it is 20% affordable housing instead of 10%.

With Affordable Housing, if you have a very small development you can make a payment in lieu of to the affordable housing trust and not run afoul of the 40R overlay district. These are minor clarifications that make us consistent with the statute. The state has a 10 or 12 page application that I have been working on. I went into the rate of development bylaw; there are exemptions to stem the flow of growth. There are 4 exemptions: Affordable Housing, altering pre-existing units, non-residential projects, and ISH.

I added one more exemption or our application or it will be refused. It says that all residential units approved under Article 21, the Georgetown Square 40R overlay district, are also exempt from the rate of development bylaw.

Mr. LaCortigula: We need to add on the OSRD exemption. All units approved under OSRD...

Ms. Evangelista: Only the affordable units were exempt.

Mr. Cracknell: The way it is written today is any affordable unit in any project is exempt.

Mr. LaCortiglia: What do we wish to achieve with the special permit vs. the definitive subdivision permit? Ideally, we would have a more lenient OSRD permit to encourage the developer to go in that direction.

Ms. Evangelista: It is a big benefit for the developer to do an OSRD, less road, less storm drain, less other issues. That already to me is a wash. To exempt all the units in OSRD, I don't think that is fair. The affordable units fine but not the rest of it.

Mr. Cracknell: Tillie is right. They may be in some instances savings elsewhere, others not. Do you want to add OSRD to provide a significant carrot so they are not held up by a rate of development bylaw if they go in that direction? Or, do you want to leave them on equal footing with a conventional subdivision where they are both stopped at so many units per year?

Mr. LaCortiglia: I would want them to go with OSRD now.

Mr. Carter: However, if in the town we are over the development rate, they couldn't do it either way. They can only do it on the OSRD. By exempting the OSRD, it is the difference between not doing anything and doing an OSRD.

Mr. Cracknell: That is if you are at the ceiling

Mr. Howard: Remember, that development bylaw is per year. How many units are you going to put up even in OSRD?

Mr. Cracknell: I think we are fine for about 5 years at least not getting near the ceiling

Mr. Carter: We keep getting caught up in this for the present, we need to think 50 years in the future. By saying that we don't have to worry about that for 5 years, that is not the right approach.

Mr. Cracknell: If you exempt OSRD, you are going to see most developments in Georgetown, in a recession be OSRDs. If that is what you want as a board rather than conventional?

Mr. Carter: Do we want a slower rate of development?

Mr. Rich: Do we want open space or neighborhoods?

Ms. Evangelista: The whole intent was that the town grew so quickly and the town did not catch up with growing the infrastructure: the schools, the roads, etc.

Mr. Cracknell: My opinion is I think we leave OSRD applicable to the rate of development bylaw. On the village overlay we are talking about a 32-unit maximum and not even that.

Mr. Cracknell: You would be lucky that there is one unit built before it expires. This thing expires next year and we have to revisit it anyway. Let's make the exemption for the 40R. We need to get working now on what we want the next 5 to 10 years to look like because that bylaw expires next December.

Mr. Howard: We will be a year closer to reality.

Mr. Rich: I make a motion to amend the rate of development bylaw to exempt the smart growth, Article 21 Georgetown Square 40R overlay district.

Mr. Howard: Second

All in favor? 5-0; Unam

### **Open Space Residential Design:**

Mr. Cracknell: I made no changes on the OSRD from the March 25<sup>th</sup> meeting. We need to read up and be ready for our hearing on our next agenda before the hearing. In April, I would like to split these 8 items to 2 Public Hearings, 4 on one night and 4 on the another.

Planning Board issues: Big Box retail ranges from 2,500 SF (B&N) to over 100,000 SF (HD, Lowes, Walmart). If you want to do a supermarket you might need more than 50,000 square feet. The question to the board is: Do we want to maintain the 50,000 SF threshold or do we want to adjust it prior to putting it on the warrant?

Mr. Rich: Crosby's is probably 30-50,000 SF. Let's not lose sight why we are doing this. Developers coming into town, will know what they are dealing with for minimum SF. Let's stay with 60,000 as the minimum SF.

Mr. Cracknell: I think that the question for tonight is: Do we do it now, or do we wait for the Public Hearing? We have been 50,000 SF all along and we could change it to 60,000 at the hearing.

Ms. Evangelista: When we promoted the growth rate bylaw at the town meeting, we started at 30 units but on the floor it got lowered to 20 units. Town counsel approved that.

Mr. Howard: At the time, the consensus was that we didn't want a big box.

Mr. Cracknell: Leave it as it was on the 25<sup>th</sup>. You can change it at the hearing if we want to. We can have a different definition for supermarkets separate from big boxes if we want to. You can only change it to go up in SF. We do not need a motion for that.

Mr. Carter: You might want to have that as your Plan B (supermarkets definition). I am fine leaving it for the town public hearing.

Evan O'Reilly, Town Selectman: I don't like to vote for inconsistency. I would leave it at 50,000 SF since the public has the most information about that number.

## **Accessory Structures**

Mr. Cracknell: The Zoning Map change didn't change at all. Regarding Accessory Structures, pools are treated like accessory buildings in Georgetown. The ZBA suggested that we change the bylaw from Accessory Structures to Accessory Buildings so I did so. H was added; it is clear. The only real change was to RC and where to put the structure on the lot, to the side or the back. They (ZBA) have a hard time approving them because they don't have a hardship. We went with a special permit as a compromise and we took it out of the RC. The existing position was with a variance, and the other position was as of right. We are trying to improve this, it is not perfect.

Mr. Howard: What if it is steps or something like that?

Mr. Cracknell: We took the projections off the list for the town meeting six weeks ago: decks, projections, stoops, porticos. I took the wind off as well. There was too much on our list here. We will bring that forward in the fall.

Mr. Howard: This is strictly about the Accessory Structures?

Mr. LaCortiglia: The ZBA will look at each situation separately and they are happy with that? They are in the driver's seat.

Mr. Cracknell: We are not the administrator, they are.

Mr. Carter: To me, it seems that all of the boards are very conservative. By excluding RC we are doing a disservice to people in RC. Let's not discriminate against the RC and leave it in and leave it up to the ZBA.

Mr. Cracknell: For people, instead of a variance and trying to prove a hardship, they can go before the ZBA and request a special permit. It is better.

Ms. Evangelista: I don't like it. The ZBA with a special permit, a 5-person board, it only takes 2 "No's" to defeat it.

Mr. Cracknell: They are all proportional set backs. You still need 4 members of the ZBA to do the same thing with a variance.

Mr. LaCortiglia: Variances are a very high bar.

Mr. Howard: This gives them a legal means of saying yes.

Ms. Evangelista: I think it gives the ZBA too much power.

Mr. Rich: I have faith in our boards.

Mr. Howard: Why should someone have to come in with a hardship?

Ms. Evangelista: If you don't like the decision of the ZBA, you have to go to court. People won't want to do that if it is their neighbor. It also costs money.

Mr. Cracknell: Your whole town government is predicated that you are dealing with reasonable people.

Mr. LaCortiglia: Tillie, if they do have enough room, they are going to do it where they can. I was against including the RC and the RB. That was when it was by right.

Mr. Howard: You can show up at that ZBA about a swimming pool and complain about that. This just gives them a legal means of doing it without breaking the law. If the neighbor is up in arms about it, it probably isn't going to happen.

Mr. Rich: In H, we should say, "All uses for residential habitation are prohibited."

Mr. Cracknell: I want to give Tillie a response with the RC be included. Is everybody comfortable with that?

Ms. Evangelista: I am still uncomfortable.

Mr. Cracknell: My suggestion to Tillie's concern is: Let's call it "T": No other suitable location exists on the property for the Accessory Building, conforms with the setbacks listed in 165.11.

Mr. Howard: I disagree with that. That takes it away from the ZBA. We want to give them a means of being able to say yes.

Mr. Rich: Now you are giving someone a basis for appeal when you are asking a board for their discretion.

Ms. Evangelista: I have been here for 38 years in Georgetown. The findings should be there.

Mr. LaCortiglia: I can see where you are coming from Tillie. Some people on boards may have agendas and not always make the best decision.

Ms. Evangelista: I don't think it is so much that, Harry. The ZBA is a legal board. Court is the reason an appeal is expensive, time consuming and against your neighbor.

Mr. Rich: If they don't like the decision, they have the right to appeal.

Mr. Cracknell: The 6 members that I saw on the ZBA board are working hard, willing to work with

people, very reasonable. We are rolling in the same direction. Let's roll with it. We can't pass laws for the lowest common denominator or Georgetown will be passed by. Let us go with these changes for the notice. We have 4 changes: the buildings, pools, the H and the RC. We can make adjustments at the hearing and take Tillie's concerns.

Mr. LaCortiglia: We have RC on it and we can always take it off, we can't add it.

Mr. Rich: Motion and seconded to amend Accessory Structures, 165-10.1, to include the RC district to include all purposes residential for habitation prohibited within the accessory building (Item H).

Mr. LaCortiglia: Second

All in favor? 4-1; Ms. Evangelista abstained

### **Bed and Breakfast Uses**

Mr. Cracknell: The ZBA felt more comfortable that we only increase B&B uses in RA, that those areas have many big homes, zoned residential but some have commercial use (near Harry Murch park).

The ZBA are worried about people in big subdivisions with big houses will be wanting to have B&Bs, like in Chaplin Hills. Their gut reaction was that we are not ready for this. They were more comfortable with the RA for the town meeting.

Mr. Carter: Originally, I thought that they (B&Bs) should be in all districts. Now I feel with all the traffic and other issues that they should not be in B & C. I am comfortable with RA to start, but I would like to see B & C in the future. But we need to have good rules about who can have a B&B and who can't.

Mr. Cracknell: It is reasonable to have the RA in the short term and see how it works out. The ZBA would like to see B&C added in the fall.

Mr. LaCortiglia: I wonder if we are trying their hands in the definition for B&Bs regarding "gross living space." I am also concerned with limiting it to "25% of gross living space." I would be more comfortable with 35%.

Mr. Howard: Why would we want to put that restriction for an older couple with extra bedrooms. Why can't they rent their space out?

Mr. Cracknell: It is the rooms divided by the gross living area. I got this from Andover. I have no problem with 35%. Parking will become more of a problem.

Mr. Carter: Let's be more flexible.

Mr. Cracknell: Most B&B's will be in a 3500-4000 SF house in the RA district. We do not want it to be unbridled. We are all looking for criteria and that takes time. All the ZBA is saying with the B&B's is

we are a little bit under regulated yet for the RB and the RC. These are commercial land uses that you are bringing into neighborhoods.

Ms. Evangelista: Nick and I have looked at this in a lot of different communities and there aren't a lot of bylaws that can address this other than what we composed here.

Mr. Rich: Let's change, third from the last line: Any tenant shall not exceed 15 consecutive days.

Mr. LaCortiglia: And, change 25% to 35%.

Mr. Rich: I make a motion to adopt as revised, Article 23, Bed & Breakfast Uses 165-11 and 165-7, Uses and Regulations and definitions and word uses as described in the document sponsored by the Planning Board dated March 11, 2009.

Mr. LaCortiglia: Second  
All in favor? 5-0; Unam

Mr. Howard: I make a motion to allow Nick to provide the legal notice for the warrant for the town meeting.

Mr. LaCortiglia: Second  
All in favor? 5-0; Unam

Mr. Rich: I make a motion to adjourn the meeting at 10:10 pm

Mr. Howard: Second  
All in favor? 5-0; Unam