Town of Georgetown
Annual Town Meeting
May 2, 2011

The Annual Town Meeting was held at 7 PM on Monday May 2, 2011 at the Georgetown Middle High School in the Auditorium.

The Town meeting was called to order by the Moderator at 7:02 PM. We have a quorum present and the return of the warrant shows that it has been properly served.

Daniel Shores, President of the Student Council led us in the Pledge of Allegiance.

George Moker was recognized by the School Committee for his 9 years of service and Eric Zadina for his 3 years.

This year's unsung hero award was presented to John "Jack" Enos for his 43 years of service to the Town of Georgetown as Selectman, ZBA member and as an Assessor.

Evan O'Reilly was recognized for his years of service to the Board of Selectmen

Non-voting members of the audience were recognized as well as both non-voting and voting members on stage.

A motion was made by David Surface and seconded by Evan O'Reilly to adopt a 2 minute speech rule for tonight's town meeting

There was no discussion.

This passed by a 2/3 vote.

At this time, the Moderator entertained a motion to adjourn tonight's annual town meeting as we have 1 article to discuss for FY10 and immediately reconvene the annual town meeting.

Motion was made by David Surface and seconded by Evan O'Reilly.

This passed by a majority vote by a show of hands.

SPECIAL TOWN MEETING

Article 1: Adjustments to the Fiscal Year 2011 operating budget *(STM5/11-01)*

To see if the Town will vote to amend the vote taken under Article 2 of the 2010 Annual Town Meeting warrant for the purpose of adjusting line items in the FY11 budget, and, as necessary, to raise and appropriate or transfer and appropriate from available funds a sum of money for the purpose of supplementing departmental expenses, or take any other action relative thereto.

MOTION: Sandy Gerraughty moved and it was seconded by Evan O'Reilly to amend the vote taken under Article 2 of the 2010 Annual Town Meeting for the purpose of adjusting line item 14231 Snow & Ice Control Expense in the FY 11 budget and to transfer from Free Cash the sum of $398,729 for such purpose.

There was no discussion

ACTION: By a show of hands, the Moderator declared this passed by a majority.

The Annual Town Meeting was reconvened.

Article 1: Town Officers and Committee Reports
To hear and act on the reports of the Town Officers and Committees.

Sandy Gerraughty gave an oral report of the Finance Committee.

Article 2: General Operating Budget/Reserve Fund
To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2011, or take any other action in relation thereto.

Motion: Finance and Advisory Board
Sandy Gerraughty moved and it was seconded by Evan O'Reilly that the Town raise and appropriate the sum of $20,957,755, appropriate by transfer from the Water Department Enterprise Fund the sum of $258,550, transfer from Septic Betterment the sum of $21,086, and appropriate from Free Cash the sum of $334,032, for a total appropriation of $21,571,423, to defray charges and expenses of the Town for the fiscal year beginning July 1, 2011, including support of the town's public schools and Whittier Regional Vocational Technical High School, to fix salaries of the several elected offices of the town, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2011, in accordance with the line items and Finance Committee and Advisory Board's report to the May 2, 2011, Annual Town Meeting.

There was no discussion.

ACTION: By a show of hands, the Moderator declared it passed by a majority.

Article 3: Public School Override

To see if the Town will vote to raise and appropriate the sum of $1,205,944, which shall be added to the amount appropriated under Article 2 for the purpose of funding the operating budget of the Public Schools for the fiscal year beginning July 1, 2011, contingent upon approval of a Proposition 2 ½ override, or take any other action in relation thereto.

Motion: Anne Donahue moved and it was seconded by Anne Blythe to raise and appropriate the sum of $1,205,944 to be added to the amount appropriated under Article 2 for the purpose of funding the operating public of the Public Schools for the fiscal year beginning July 1, 2011; provided, however, that the amount appropriated hereunder shall be contingent upon approval of a Proposition 2 ½ override question.

The Finance Committee voted 6-0-1 to place the question on the ballot
The Finance Committee does not recommend approval of this article by a 2-5 vote

DISCUSSION: Andrew Ciano asked if the money would go the school every year or does it go to the general fund.

The answer is: it goes into the general fund after the first year.

Lonnie Brennan is offering an amendment to this article

MOTION: Lonnie Brennan moved to reduce the amount of the override by replacing $1,205,944 with $642,000 and it was seconded by Evan O'Reilly.

DISCUSSION ON AMENDMENT: John Bonazoli asks where the amount of $642,000 comes from.
Lonnie answered that this was a previous amount discussed by the School Committee as a possible amount for the override.
Paul Forester stated that this amendment is a waste of time- no analysis for this. The 1.2 was brought forward by need to level services.
Lonnie stated that in 2007 the school override failed and in 2008, 2009 & 2010 the Schools didn't come back for anything and that this reduced amount takes away the risk of failure.
Steve Smith said is costs less if the override passes than to pay the increases for your child.

ACTION TO ALLOW AMENDMENT: By a show of hands, the Moderator declared this did not pass by a majority.

Back to the original amount of 1,205,944
DISCUSSION: Larry Ogden would like to know why the FinCom did not recommend approval of this article.
Sandy Gerraughty stated when they asked the union to reopen negotiations and take action of the raises, they stated no when the town side is taking a 0 increase.
Scott Jones stated that our teachers are paid below state average and that the override amount is reasonable. Time to pay our fair share
Nick Bruno asked if the administration also got a pay raise this year.
Anne Donahue responded yes they re-negotiate every year
Karen Myers would like to see more documentation than what was handed out tonight.

Anne Donahue guided her to the school website.

MOTION: Steve Smith requested to move the question and it was seconded by Phil Trapani.

ACTION TO MOVE THE QUESTION: Passed by a 2/3 vote

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 4: School/Town Maintenance Department Override

To see if the Town will vote to raise and appropriate the amount of $729,583, which sum shall be used to supplement various line items in the Town's operating budget appropriated under Article 2 for the purpose of operating a consolidated Town/School maintenance department for the fiscal year beginning July 1, 2011, contingent upon approval of a Proposition 2 ½ override, or take any other action in relation thereto.

There is no motion. This article is being passed over.

Article 5: Stabilization Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

There is no motion. This article is being passed over.

Article 6: Capital Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed $50,000 to be added to the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, said funds to be further appropriated by Town Meeting for improvements and/or repairs to municipal buildings and infrastructure, or take any other action in relation thereto.

Motion: Andy Belliveau moved and it was seconded by David Surface to appropriate from Free Cash the sum of twenty five thousand dollars ($25,000) to the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, said funds to be appropriated by a future Town Meeting for improvements and/or repairs to municipal buildings and infrastructure.

Finance Committee voted 7-0 in favor of this article.

DISCUSSION: None

ACTION: By a show of hands the Moderator declared this article passed by a 2/3 vote.

Article 7: Water Department Operating Budget

To see if the Town will appropriate the receipts and available funds of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2011, or take any other action in relation thereto.

Motion: Reidar Bomengen moved and it was seconded by Evan O'Reilly that the Town appropriate Water Department Enterprise Revenues for the operation of the Water Department under the direction and control of the Water Commissioners in accordance with the Water Department Budget as shown in the Finance & Advisory Board's Report to the May 2, 2011 Annual Town Meeting for the Fiscal Year beginning July 1, 2011, such that a total of $258,550 is appropriated for direct operating cost and a total of $1,151,397, as appropriated under Article 2, to the Town to pay indirect costs.

The Finance Committee voted 8-0 in favor

Sandy Gerraughty explained that at tonight's fincom meeting just before town meeting they moved a line item so that it's not as shown in the budget book.

Glenn Smith, Water Supt. Gave an explanation of the water budget.

Point of order: Mike Farrell stated that the wording in the motion is wrong $258,550 is indirect costs and $1,151397 is direct costs.

Reidar Bomengen rescinded his first motion and reread the motion as follows:

Motion: Reidar Bomengen moved and it was seconded by Evan O'Reilly that the Town appropriate Water Department Enterprise Revenues for the operation of the Water Department under the direction and control of the Water Commissioners in accordance with the Water Department Budget as shown in the Finance & Advisory Board's Report to the May 2, 2011 Annual Town Meeting for the Fiscal Year beginning July 1, 2011, such that a total of $258,550 is appropriated for indirect operating cost and a total of $1,151,397, as appropriated under Article 2, to the Town to pay direct costs.

AMENDMENT: Sandy Gerraughty moved and it was seconded by Evan O'Reilly to amend line 74501 to read $472,402 and line 74502 to read $508,038 (this does not change the total)

ACTION: By a show of hands the amendment passed by a majority.

Back to the main motion

DISCUSSION: There was a question asked in the audience if we will be adding fluoride to our water and will it still be brown
Glenn Smith responded that there will be no fluoride added and our goal is to eliminate brown water. This is a 100 year old water system.

ACTION: By a show of hands, the moderator declared this article passed by a majority

Article 8: Water Department Budget
To see if the Town will vote to appropriate from Water Department Enterprise Fund Retained Earnings, the sum of three hundred thousand dollars ($300,000) for the purpose of making improvements to the Town's water system and to authorize the Board of Water Commissioners to enter into any contracts necessary or incidental thereto, or take any other action in relation thereto.

MOTION: Reider Bomengen moved and it was seconded by George Comiskey that the Town appropriate $300,000 from the Water Department Enterprise Fund Retained Earnings for the purpose of making improvements to the Town's water system and to authorize the Board of Water Commissioners to enter into any contracts necessary or incidental thereto.

Finance committee voted 7-0 in favor of this article.

DISCUSSION: Josh Block asked what are the improvements? Why is the water so bad for the money spent.
Glenn Smith said they are having issues with the water in his area and that things were never set up right after all these years. He is working on improvements with a study of adding a clear well and treatments.

ACTION: By a show of hands the Moderator declared this passed by a majority.

{BEGIN CONSENT CALENDAR}

Article 9: Municipal Light Department Continuation of Operation
To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2011, or take any other action in relation thereto.

Article 10: Zoning Board of Appeals Revolving Fund
To see if the Town will vote to continue the Zoning Board of Appeals Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by applicants' fees to be expended without further appropriation for the purpose of application review including, but not limited to review services, clerical, legal expenses, equipment and office supplies. The Zoning Board of Appeals may expend from this account an amount not to exceed $ 20,000 for the Fiscal Year beginning July 1, 2011; or take any other action in relation thereto.

Article 11: Road Machinery Fund
To see if the Town will vote to continue the Road Machinery Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by payments for

rental of Highway machinery and shall be expended without further appropriation for the purpose of purchasing highway equipment. The Highway Surveyor, with approval of the Board of Selectmen, may expend from this account an amount not to exceed $25,000, or the balance in the account, whichever is lesser, for the Fiscal Year beginning July 1, 2011 or take any other action in relation thereto.

Article 12: Conservation Commission Revolving Fund for Camp Denison

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed $12,000 for the Fiscal Year beginning July 1, 2011; or take any other action in relation thereto.

Article 13: Local Access Programming

To see if the Town will vote to continue a Cable Television Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by the Annual License Fee and the PEG Capital Funding (Section 7.4 of the contract) paid by Comcast and Verizon to the Town to be expended without further appropriation for the purpose of Local Access Programming, including but not limited to, utilities, salaries, equipment, maintenance and office supplies. The Cable Advisory Committee, with the approval of the Board of Selectmen, may expend from this account an amount not to exceed $80,000 for the Fiscal Year beginning July 1, 2011; or take any other action in relation thereto.

Article 14: Chapter 90 Reimbursement, Transportation Bond

To see if the Town will appropriate the sum of $292,776, or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 15: Fire Department, Fire Alarm Revolving Fund

To see if the Town will vote to continue a Georgetown Fire Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the annual fees charged for connection to the Municipal Fire Alarm system to be expended without further appropriation for the purpose of maintaining the Municipal Fire Alarm System. The Fire Department may expend from the account an amount not to exceed $10,000 for the Fiscal Year beginning July 1, 2011; or take any other action in relation thereto.

Article 16: Conservation Department, Conservation Restriction Revolving Fund

To see if the Town will vote to continue a Georgetown Conservation Restriction Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees and donations to be expended without further appropriation for the purpose of inspecting the condition of land for which the Georgetown Conservation Commission is the holder of Conservation Restrictions including, but not limited to staff expenses, legal expenses, equipment and supplies. The Conservation Commission may expend from this account an amount not to exceed $1,000 for the Fiscal Year beginning July 1, 2011; or take any other action in relation thereto.

All Articles were read by the Moderator as printed in the warrant.

Motion: Evan O'Reilly moved and it was seconded by Robin O'Malley to approve the consent calendar which includes Article #9 through Article #16 as printed in the warrant.

DISCUSSION: There was no discussion.

ACTION: By a show of hands the Moderator declared Articles #9-16 passed by a majority.

{END CONSENT CALENDAR}

Article 17: Fire Department, Ladder Truck Payment

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $77,000 for the Fiscal Year 2012 lease payment for the Fire Department ladder truck, or take any other action thereon.

Motion: Andy Belliveau moved and it was seconded by Sandy Gerraughty to appropriate from Free Cash the sum of seventy-seven thousand dollars ($77,000) for the Fiscal Year 2012 lease payment for the Fire Department ladder truck.

Finance Committee voted 7-0 in favor of this article.

DISCUSSION: None

ACTION: By a show of hands the Moderator declared this passed by a majority.

Article 18: Fire Department, Ambulance Revolving Fund

To see if the Town will vote to establish a Georgetown Fire Department Ambulance Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the fees charged for ambulance services provided by the Georgetown Fire Department to be expended without further appropriation for the purpose of operating an ambulance service. The Fire Department may expend from this account an amount not to exceed $132,000 for the fiscal year beginning July 1, 2011, or take any other action in relation thereto.

Motion: Jeff Manning moved and it was seconded by Sandy Gerraughty to approve Article 18 as printed in the warrant.

Finance Committee voted 6-0-1 in favor of this article.

DISCUSSION: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 19: Local Option Meals Excise

To see if the Town will vote to accept G.L. c. 64L, § 2(a) to impose a local meals excise tax, or take any other action in relation thereto.

There was no motion. This article was passed over.

Article 20: Acceptance of G.L. c.138, §33B

To see if the Town will vote to accept the provisions of G.L. c.138, §33B, which authorizes the local licensing authority to allow for the sale of alcoholic beverages for on premises consumption between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on a Sunday.

Motion: Steve Smith moved and it was seconded by Evan O'Reilly to accept G.L. c.138, §33B to authorize the Town's local licensing authority to allow for the sale of alcoholic beverages for on premises consumption between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on a Sunday.

Finance Committee took no vote on this article.

DISCUSSION: None

EXPLANATION: This aligns Georgetown with the state laws.

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 21: Energy Services Performance Financing-Energy Committee

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of making energy and water conservation and similar improvements to Town owned properties, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental and necessary thereto, said sum to be expended by and under the direction of the Superintendent of Schools and the Town Administrator; and to authorize the School Committee, Board of Selectmen, Superintendent of Schools, Town Administrator, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said energy and water conservation improvements; and further to authorize the Superintendent of Schools and/or the Town Administrator to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this Article, or take any other action in relation thereto.

MOTION: Phil Trapani moved and it was seconded by Evan O'Reilly that the Town appropriate the sum of up to $4,000,000 to pay for the costs of making energy and water conservation and similar improvements to Town owned properties, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental and necessary thereto, said sum to be expended by and under the direction of the Superintendent of Schools and the Town Administrator, as appropriate; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3B) of the General Laws, or pursuant to any other enabling

authority, and to issue bonds or notes of the Town therefore; that the School Committee, Board of Selectmen, Superintendent of Schools, Town Administrator, or any other appropriate official or board of the Town is authorized to apply for a grant or grants, to be used to defray the cost of all, or any part of, said energy and water conservation improvements; and further that the Superintendent of Schools and/or the Town Administrator is authorized to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this vote.

Phil Trapani rescinded his motion and re-read it as printed in the warrant.

The Finance Committee voted 6-0-1

EXPLANATION: Wayne Snow, Light Dept. Manager explained that they have had energy audit done on gas & electric use. The systems need updating. The money from cost savings (approximately $150,000 annually) will be used to pay for the bond.

David Surface asked if we were guaranteed this amount of cost savings in the contract and what if we don't save enough to make the bond payment.

The answer was that the company would pay the difference and it is bonded should the company go under. The standard life cycle is 15 years.

ACTION: By a show of hands, the Moderator declared this passed by a 2/3 vote.

Article 22: Police Department (4x4) Replacement

To see if the Town will vote to raise and appropriate or transfer from available funds the amount of $11,904 for the leasing and equipping of a new police 4x4 vehicle, including all costs incidental and related thereto, or take any other action in relation thereto.

There was no motion. This article was passed over.

Article 23: Painting the Public Safety Building

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $20,000 for painting the exterior of the Public Safety Building, or take any other action in relation thereto.

MOTION: Andy Belliveau moved and it was seconded by David Surface
to appropriate the sum of twenty thousand dollars ($20,000) from the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B for the painting of the exterior of the Public Safety Building, including all costs incidental and related thereto.

Finance Committee voted 7-0 in favor of this article.

CIP Committee voted 4-0 in favor of this article.

DISCUSSION: None

ACTION: By a show of hands the Moderator declared this passed by a 2/3 vote.

Article 24: Replacement of Central Fire Station Garage Doors

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $22,000 for the replacement of the Central Fire Station garage doors, or take any other action in relation thereto.

MOTION: Rusty Ricker moved and it was seconded by David Surface
to appropriate the sum of twenty two thousand dollars ($22,000) from the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B for the replacement of the Central Fire Station garage doors, including all costs incidental and related thereto.
Finance Committee voted 7-0 in favor of this article.
CIP Committee voted 4-0 in favor of this article.

DISCUSSION: Sean Meskill asked what is wrong with the doors we have?
Rusty Ricker said the doors were low bid doors and were not insulated.

ACTION: By a show of hands the Moderator declared this article passed by 2/3 vote.

Article 25: Purchase of Permit Tracking Software

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $8,000 for the purchase of permit tracking software, or take any other action in relation thereto.

MOTION: David Surface moved and Steve Smith seconded to appropriate the sum of eight thousand dollars ($8,000) from Free Cash for the purchase of permit tracking software, including all costs incidental and related thereto.

Finance Committee voted 7-0 in favor of this article.

DISCUSSION: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 26: AccuVote Ballot Tabulator

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of $4,500 for the purchase of a refurbished AccuVote ballot tabulator for Precinct 3, or take any other action in relation thereto.

MOTION: Robin O'Malley moved and it was seconded by Kathy Roche to appropriate the sum of four thousand five hundred dollars ($4,500) from Free Cash for the purchase of a refurbished AccuVote ballot tabulator for Precinct 3, including all costs incidental and related thereto.

Finance Committee voted 7-0 in favor of this article.

DISC: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 27: Amend the Capital Improvement Planning Committee Bylaw

To see if the Town will vote to amend the Capital Improvement Planning Committee Bylaw, Article V, Section 63-18 of the Town's General Bylaws, by adding the underlined text, and deleting the strikethrough text, as follows:

The Committee shall study proposed capital projects and improvements involving major nonrecurring tangible assets and projects which: are purchased or undertaken at intervals of not less than five years; have a useful life of at least five years; and cost over $10,000. All officers, boards and committees, including the Selectmen and School Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider, **and report to the Finance and Advisory Board,** the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. ~~No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report or the Committee shall first have submitted a report to the Finance and Advisory Board explaining the omission.~~, or take any other action in relation thereto.

Motion: Andy Belliveau moved and it was seconded by David Surface to amend Article V, Section 63-18 of the Town Code by adding the underlined text and deleting the strikethrough text as printed in the warrant.

Finance Committee voted 8-0 in favor of this article.

CIP Committee voted 4-0 in favor of this article.

DISC: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 28: Official Town Map

To see if the Town will vote to amend the Official Town Map of the Town of Georgetown, Massachusetts, originally adopted May 7, 1984, as it may have been heretofore revised, to add and to and show on said Official Map, in satisfaction of the requirements of MGL Chapter 41, §§81E-F, all those public ways, parks and open space, and private ways depicted on the Map entitled "Official Town Map - Town of Georgetown Ma., prepared by: the Merrimack Valley Planning Commission, dated March 7, 2011 that are not presently depicted on said Official Map, or take any other action in relation thereto.

Comments – This amendment is proposed in order to: 1) clarify which streets or ways are required to be shown on the Town's Official Town Map; and, 2) prevent property owners from needing to apply for zoning relief from the Zoning Board of Appeals in order to obtain a building permit for their properties.

There was no motion. This article was passed over.

Article 29: Belleau Woods Street Acceptance

To see if the Town will vote to accept as a public way the roadway known as "Belleau Woods" as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled: "Subdivision Adjustment Plan Belleau Woods, Georgetown, MA, Owner - Applicant: Thomas & Karen Hebert, 51 Warren Street, Georgetown, Mass.", dated Jan. 11, 1994, prepared by S & W Landtech, and recorded with the Essex South Registry of Deeds in Plan Book 289, Plan 84, a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use Belleau Woods for all purposes for which public ways are used in the Town of Georgetown, or take any other action in relation thereto.

Comments – This amendment is proposed in order to accept this street which was substantially completed in 2000 and has been maintained by the Town for nearly 10 years without reimbursement under the state's Chapter 90 program for roadway maintenance assistance.

MOTION: Gary Fowler moved and it was seconded by Steve Smith to accept as a public way the roadway known as "Belleau Woods", 1,575 feet +/- as heretofore laid out by the Board of Selectmen and shown on the plan referenced in the warrant which is on file with the Town Clerk and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said way for all purposes for which public ways are used in Town.

Finance Committee voted 5-0 in favor of this article.

Planning Board voted unanimous in favor of this article.

DISC: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 30: Harris Way Street Acceptance

To see if the Town will vote to accept as a public way the roadway known as "Harris Way" as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled: "*Definitive Subdivision Harris Way off Jewett Street, Georgetown, Massachusetts prepared for Peter S. Confalone*" dated January 21, 2003, revised through July 23, 2003, and recorded with the Essex South District Registry of Deeds in Plan Book 371, Plan 70, a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said Harris Way for all

purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto.

Comments – This amendment is proposed in order to accept this street which was substantially completed in 2010 and is now eligible for acceptance as a public way. Acceptance will enable the Town to receive state funding for roadway maintenance under the Chapter 90 program.

MOTION: Gary Fowler moved and it was seconded by Steve Smith to accept as a public way the roadway known as "Harris Way", 800 feet +/- as heretofore laid out by the Board of Selectmen and shown on the plan referenced in the warrant which is on file with the Town Clerk and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said way for all purposes for which public ways are used in Town.

Finance Committee voted 5-0 in favor of this article.

Planning Board voted unanimously in favor of this article.

DISC: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 31: Railroad Avenue Street Acceptance

To see if the Town will vote to accept as a public way the roadway known as "Railroad Avenue" as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled "Street Acceptance Plan Located in Georgetown, Massachusetts, Roadway Layout Railroad Avenue, Owner: Railroad Georgetown Realty Trust, 499 East Broadway, Haverhill, Mass. 01830", dated Feb. 28, 2011, and prepared by Professional Land Services, L.C., a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said Railroad Avenue for all purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto.

Comments – This amendment is proposed in order to accept this street which was substantially completed in 2010 and is now eligible for acceptance as a public way. Acceptance will enable the Town to receive state funding for roadway maintenance under the Chapter 90 program.

MOTION: Gary Fowler moved and it was seconded by Steve Smith to accept as a public way the roadway known as "Railroad Avenue", 575 feet +/- as heretofore laid out by the Board of Selectmen and shown on the plan referenced in the warrant which is on file with the Town Clerk and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said way for all purposes for which public ways are used in Town.

Finance Committee voted 5-0 in favor of this article.

Planning Board voted unanimously in favor of this article.

DISCUSSION: John Gibson asked if the Highway Department has appraised the condition of these streets.

Harry LaCortiglia responded that they have gone through and subdivision process and have been inspected by an engineer. We hold money for one year after acceptance should there be any problems.

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 32: Richardson Lane Street Acceptance

To see if the Town will vote to accept as public way the roadway known as "Richardson Lane" as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled: "Road Acceptance Plan Richardson Lane Located in Georgetown, MA." dated Feb. 14, 2011, prepared by Christiansen & Sergi, Professional Engineers and Land Surveyors, a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said Richardson Lane for all purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto.

Comments – This amendment is proposed in order to accept this street which was substantially completed in 2010 and is now eligible for acceptance as a public way. Acceptance will enable the Town to receive state funding for roadway maintenance under the Chapter 90 program.

MOTION: Gary Fowler moved and it was seconded by David Surface to accept as a public way the roadway known as "Richardson Lane", 600 feet +/- as heretofore laid out by the Board of Selectmen and shown on the plan referenced in the warrant which is on file with the Town Clerk and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said way for all purposes for which public ways are used in Town.

Finance Committee voted 5-0 in favor of this article.

Planning Board voted unanimously in favor of this article.

DISCUSSION: John Adams asked what happens if we don't vote for these roads.
Harry LaCortiglia said the town won't be responsible to take care of them. We go through the process with the anticipation of road acceptance.

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 33: Community Preservation Committee

Article A: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation budget and to appropriate, pursuant

to G.L. Ch. 44B §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012; and further, pursuant to G.L. Ch. 44B §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space, excluding land for recreational use; a sum of money for acquisition, preservation and rehabilitation of historic resources; and a sum of money for the creation, preservation and support of community housing; as well as sum of money to be placed in the 2012 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:,

Appropriations:
$22,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year:

Reservations:
$55,000 (>10% of the estimated FY revenues) for the acquisition, creation and preservation of open space excluding land for recreational use.

$55,000 (>10% of the estimated FY revenues) for acquisition and preservation of historic resources; and

$55,000 (>10% of the estimated FY revenues) for the creation, preservation and support of community housing.

or take any other action in relation thereto.

Article B: Community Preservation Community Housing Category, "Housing Authority Emergency Shelter"
To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Community Housing Reserve Account, the amount of $30,000 (Thirty Thousand dollars) as a grant to the Georgetown Housing Authority to create an emergency shelter within the community room located at Assessor's Map 6D Lot 3, including the purchase and installation of an emergency generator. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article C: Community Preservation Historic Category "Camp Denison Historic Preservation"

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve Account the amount of $65,000 (Sixty Five Thousand dollars) to fund the engineering, permitting and implementation of improvements as recommended by the Georgetown Conservation Commission, in order to preserve, protect and rehabilitate the Camp. Said activities include: the control of runoff and erosion occurring around the historic lodge; the restoration and preservation of the access from the lodge area to the waterfront; and the installation of a new septic system for the Historic campground cabins. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article D: Community Preservation Historic Category "Union Cemetery Invasives Removal Project"

To see if the Town will vote, pursuant to G.L. c.44B, §6, to appropriate from the Community Preservation Fund Historic Reserve Account the amount of $12,000 (Twelve Thousand dollars) to preserve the Union Cemetery for the purpose of funding improvements to preserve and protect Union Cemetery, including the removal of invasive vegetation around gravesites; removal of the stump of a toppled pine tree and restoration of the damaged gravesite; the restoration of the Cemetery shed; and the restoration and rehabilitation of Cemetery land and surrounding tree-line perimeter and stone wall including the leveling and re-graveling of the internal cemetery road as recommended by the Georgetown Historical Commission. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article E: Community Preservation Historic Resources Category, "Preservation of Historical Artifacts, Documents and Records"

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve Account, the amount of $31,000 (Thirty One Thousand dollars) to be used for the ongoing preservation of Georgetown's historical artifacts, documents and records. These historical materials will be stored and curated. Historical Documents will be scanned and appropriately preserved. The funding will also provide for the restoration of Georgetown's One-Room Schoolhouse located at 108 East Main Street through the preservation and rehabilitation of surrounding landscape elements. Such funds will also be used for the preservation and display of Georgetown's Historical Assets as recommended by the Georgetown Historical Commission. Any funds from this appropriation remaining unspent after a period of 3

years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article F: Community Preservation Historic Resources Category, "Rowley Landing and Georgetown Historic Cisterns Research"

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve Account, the amount of $6,000 (Six Thousand dollars) to be used to research the Historical documents pertaining to the ownership, use and preservation of Rowley Landing and clam flats as a historical and recreational asset to the Town of Georgetown; and to research and map the position and condition, of the 12 cisterns that were available to the Georgetown public for livestock watering locations during the 19th century, to identify their location by GPS and identify any found intact to be considered as sights of historical significance in the Town of Georgetown. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article G: Community Preservation Open Space Category, "Bailey Woods Preservation and Enhancement"

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Open Space Reserve Account $10,000 (Ten Thousand dollars) to be allocated for the preservation, restoration and rehabilitation of open space, specifically to fund the labor and materials necessary to construct gravel parking spaces, inclusive of the creation of ADA parking, and allow for ADA access for this Town conservation property and to make general improvements to the access to the Bailey Woods Conservation Area; also, to provide for the purchase and installation of the appropriate signage for the area and for the improvement of walking trails to provide trail connectivity from the Bailey Woods to the Community Gardens, and further to allow the aforementioned purposes to be made compliant with the ADA. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

MOTION: Harry LaCortiglia moved and it was seconded by Steve Smith to approve Article 33(A,B,C,D,E,F &G) as set forth in the warrant.

DISCUSSION: None

ACTION: By a show of hands, the Moderator declared this passed by a majority

Article H: Community Preservation Open Space Category, "Conservation Land Purchase"
To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Open Space Reserve Account $270,000 (Two Hundred Seventy Thousand dollars) to fund the acquisition by purchase, gift or eminent domain for conservation purposes of approximately 32 acres of land off Wells Avenue, known as Driftway Farm, and described as Assessors' Map 18, Lots 27, 30, 84, 46, 45, 44 and 43, as shown on a plan on file with the Town Clerk, to be perpetually maintained as open space under the care, custody, management and control of the Conservation Commission, and to authorize the Board of Selectmen to acquire said property; and further, that the Board of Selectmen, Community Preservation Committee and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments for any grants, including a LAND grant under G.L. c.132A, §11, to defer the costs associated with the purchase and protection of the parcel(s) and including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184, as required by Section 12(a) of Chapter 44B as amended, as may be necessary on behalf of the Town of Georgetown to affect said purchase. Said restriction may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. c.44B. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

MOTION– Article H
Harry LaCortiglia moved and it was seconded by Steve Smith that the Town vote to appropriate $270,000 (Two Hundred Seventy Thousand dollars) from the Community Preservation Fund Open Space Reserve Account for the purposes of acquiring for conservation purposes approximately 32 acres of land off Wells Avenue, known as Driftway Farm, described as Assessors' Map 18, Lots 27, 30, 84, 46, 45**,** 44 and 43, as shown on a plan on file with the Town Clerk, to be perpetually maintained as open space under the care, custody, management and control of the Conservation Commission and to authorize the Board of Selectmen to acquire said property, and further to authorize the Board of Selectmen, Community Preservation Committee and Conservation Commission to enter into all agreement and execute any and all instruments for any grants, including a LAND Grant under G.L. c.132A, §11, to defray the costs associated with the purchase and protection of the parcels and including the conveyance of a perpetual conservation restriction in accordance with G.L. c.184 as required by G.L. c.44B, §12(a).
Fin Com approved 6-0
DISCUSSION: Ann Tentindo says this sounds good but parking spaces will be a concern

Steve Przyjemski, Conservation Agent stated that there will be minimal parking at the end of Wells Ave for 10+ spaces which will make it ADA compliant.

John Adams asked where this money was coming from.

Steve said CPA funds which we already have.

ACTION: By a show of hands, the Moderator declared this passed by a majority.

Article I: Community Preservation Recreational Land Use Category, "East Main Street Active Recreational Land Access and Development (Phase 1)"

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account, $350,000 (Three Hundred Fifty Thousand Dollars) to provide for the costs of the engineering, permitting, development and legal pursuance of the creation of an Active Recreational Municipal Utility at the location of the Recreational land off of East Main Street, purchased by Art 20(E) of the Annual Town Meeting of May 4th, 2009; and further, that the Board of Selectmen, the Parks and Recreation Commission and the Community Preservation Committee be authorized to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the development of this Municipal Utility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Motion – Harry LaCortiglia moved and it was seconded by Philip Trapani that the Town vote to appropriate $250,000 (Two hundred and fifty thousand dollars) from the Community Preservation Fund Undesignated Account and $100,000 (One Hundred Thousand dollars) from the Community Preservation Open Space Reserve Account for a total appropriation of $350,000 (Three Hundred Fifty Thousand Dollars) for the purposes and subject to the conditions set forth in the warrant and to authorize the Board of Selectmen, Parks and Recreation Commission and the Community Preservation Committee to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the development of this municipal utility.

Finance Committee voted 6-0 in favor of this article:

DISC: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 34: Chapter 57. Stormwater and Erosion Control Bylaw

To see if the Town will vote to amend the Town Code by deleting the existing Chapter 57, "Erosion Control," Sections 57-1 through 57-4, and inserting in its place Chapter 57, "Stormwater and Erosion Control," Sections 57-1 through 57-9, as follows:

Section 57-1. Purpose

A. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems and other applicable State and Federal mandates.
2. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
3. Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics where appropriate in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
4. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; Establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
5. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
6. Require when feasible, the use of nonstructural stormwater management, better site design practices or “low-impact development practices”, such as reducing impervious cover, minimizing the area of disturbance, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.
7. Promote water conservation through the re-use of stormwater for irrigation.
8. Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
9. Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
10. Establish provisions for the long-term responsibility for and maintenance & operation of structural stormwater control facilities and nonstructural stormwater management

practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.

11. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw.
12. Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.
13. Ensure that construction and waste materials, toxic materials, hazardous materials, hazardous wastes and other pollutants used and stored on site are prevented from mixing with stormwater runoff, which would degrade water quality.
14. Establish the Town of Georgetown's legal authority and capacity to ensure compliance with the provisions of this Bylaw through funding, permitting, inspection, monitoring, and enforcement.
15. Establish a permit mechanism and associated fees for activities covered under this bylaw.

B. Nothing in this Bylaw is intended to replace or supersede the requirements of the Town of Georgetown Zoning Bylaw, the Massachusetts Wetlands Protection Act, the Town of Georgetown Wetlands Protection Bylaw, any other Bylaw that may be adopted by the Town of Georgetown, or any Rules and Regulations adopted there under.

Section 57-2. Definitions

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

DEVELOPMENT: Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND: Any action causing removal of vegetation or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L .c. 21, §§ 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Georgetown.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas. Normal Maintenance: Activities that are regularly scheduled to maintain the health and condition of
a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

PERMIT GRANTING AUTHORITY (“PGA”): The Conservation Commission, its employees, or its agents designated to administer and enforce this Bylaw.

PRE-DEVELOPMENT: The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

RUNOFF: Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE: The entire parcel of land being developed.

STOCKPILING: The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less secured and utilizing erosion controls to prevent erosion of material.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Conservation Commission in its capacity as the PGA, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

Section 57-3. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34., and as authorized by the residents of the Town of Georgetown at Town Meeting dated May 2, 2011.

Section 57-4. Applicability

A. This Bylaw shall be applicable to all new development and redevelopment, land disturbance and any other activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, that exceed any of the Storm Water Management Permit thresholds in Section 57-4.B, unless exempt pursuant to Section 57-5 of this Bylaw. This Bylaw shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this Bylaw, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section 57-4.B and are not exempted by Section 57-5. A development shall not be segmented or phased in a manner to avoid compliance with this Bylaw.

B. Storm Water Management Permit Thresholds - A Storm Water Management Permit shall be required for any of the following, except for an activity exempt per Section 57-5:

1. <u>Minor Permit</u>:
   a) The creation of new impervious area, or expansion of existing impervious area, greater than 200 square feet and less than 2,500 square feet.
   b) Disturbance of land exceeding 1,000 square feet in area and not exceeding 5,000 square feet or 10% of a parcel, whichever is less.
   c) Stockpiling of material.

2. Major Permit:
   a) Construction of any new dwelling or new dwelling replacing an existing dwelling in conformance with Article VIII, Section V.B.1.a of the Georgetown Zoning Bylaws;
   b) Any land disturbance exceeding an area of 5,000 square feet, or more than 20% of a parcel or lot, whichever is less.
   c) Any activity that will disturb land with a 10% or greater slope or where an area is proposed to have a 10% or greater finished slope, and where the land disturbance is greater than or equal to 2,500 square feet within the sloped area.
   d) Creation of new impervious surface area, or expansion of existing impervious area, greater than 2,500 square feet.
   e) The addition or on-site redistribution of more than 100 cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

Section 57-5. Exemptions

Exemptions from this Bylaw apply to the following activities, provided that a project is solely comprised of any one of these activities:

A. Activities that require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board.
B. As authorized in the NPDES General Permit for Stormwater Discharges for Small MS4s for Massachusetts, an activity that is wholly subject to jurisdiction under the Wetlands Protection Act and Wetlands Protection Bylaw and demonstrates compliance with Massachusetts storm water standards as reflected in an issued Order of Conditions, provided that the activity also demonstrates compliance with any additional performance standards contained in the Regulations promulgated to implement this By- Law
C. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 (“Agricultural”)
D. Normal maintenance of Town owned public land, ways and appurtenances;
E. Repair, replacement, or reconstruction of an existing driveway provided that erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.
F. Any work or projects for which all necessary approvals and permits were issued before the effective date of this Bylaw.
G. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.
H. Construction of any fence that will not alter existing terrain or drainage patterns.
I. Repair or replacement of septic systems or wells when approved by the Board of Health for the protection of public health on lots having an existing dwelling provided that the Board of Health determines:
   1. there is minimal grading as defined in Title 5 of the State Environmental Code, 310 CMR 15.000;
   2. there is no change or expansion of use as defined by Title 5, and
   3. the work includes the use of BMPs to prevent erosion, sedimentation, and release of pollutants.

J. Construction of utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.

K. Emergency repairs to any existing utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the PGA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission. This would require verbal authorization from the authority having jurisdiction

L. The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities provided that written notice be filed with the PGA fourteen days (14) prior to commencement of activity;

M. The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals

Section 57-6. Administration

A. The Conservation Commission (PGA) shall be responsible for the administration, implementation, and enforcement of this Bylaw. Any powers granted to or duties imposed upon the PGA may be delegated in writing by the PGA to its employees or agents or other municipal employees as appropriate.

C. Stormwater & Erosion Control Regulations ("Regulations"). The PGA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this Bylaw after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the PGA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

D. Massachusetts Stormwater Handbook. The PGA will utilize the policy, criteria and information including specifications and standards of the most recent edition of the Massachusetts Stormwater Handbook for execution of the provisions of this Bylaw. Unless otherwise specified in the Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Stormwater Management Permit. The PGA shall have the authority to issue a Stormwater Management Permit (SMP) for projects exceeding the thresholds defined in Section57-4.B. of this Bylaw and not otherwise exempted by Section 57-5. Requirements of the SMP may be defined and included within the Regulations promulgated pursuant to Section 57-6.C of this Bylaw.

F. Action by the PGA. Each application for a Stormwater Management Permit that complies with the Regulations, and is determined to be a complete application by the PGA shall be acted upon within forty-five (45) days of the date of filing with the PGA and the Town Clerk, unless such application has been withdrawn from consideration. If the PGA

determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the PGA may disapprove the application and deny the Permit.

1. The PGA may take any of the following actions as a result of an application for a Stormwater Management Permit:
2. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
3. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this Bylaw; or
4. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw.

G. Appeals of Action by the PGA. A decision of the PGA shall be final. Further relief of a decision by the PGA made under this Bylaw shall be to a court of competent jurisdiction.

H. Waivers. The PGA may waive strict compliance with some of the requirements of this Bylaw or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action:

1. is allowed by federal, state and local statutes and/or regulations,
2. is in the public interest, and
3. is not inconsistent with the purpose and intent of this Bylaw.

Any request from an Applicant for a waiver of these rules shall be submitted, in writing, to the PGA at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this Bylaw and the rules and regulations promulgated hereunder.

Section 57-7. Performance Standards

Criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section 57-6.C of this Bylaw.

Section 57-8. Enforcement

A. The PGA, or an authorized agent of the PGA, shall enforce this Bylaw, and any Regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.

B. If a person violates the provisions of this Bylaw or its Regulations, or a permit, notice or order issued there under, the PGA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.

C. The PGA, or an authorized agent of the PGA, may issue a written order to enforce the provisions or this Bylaw or the Regulations, which may include requirements to:

1. Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;
2. Maintain, install or perform additional erosion and sediment control measures;
3. Perform monitoring, analyses, and reporting;

4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
5. Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems; and,
6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems. If the PGA or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

D. Criminal Penalties. Any person who violates any provisions of this Bylaw, regulation, order or permit issued hereunder, shall be punished by a fine of not more than $300. Each day a violation occurs or continues shall constitute a separate violation.

E. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Section 1-4 through 1-8 of the Town Code, in which case any police officer of the Town of Georgetown, the Conservation Commission, or Building Inspector and such other persons as are authorized by the PGA shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this Bylaw, regulation, order or permit issued there under, shall be punished by a penalty of $50. Each day or part thereof that a violation occurs or continues shall constitute a separate violation.

F. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available to the PGA or the Town under any applicable federal, state or local law.

Section 57-9. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Motion: Peter Durkee moved and it was seconded by Steve Smith to amend the Town Code by deleting the existing Chapter 57, “Erosion Control,” Sections 57-1 through 57-4, and inserting in its place Chapter 57, “Stormwater and Erosion Control,” Sections 57-1 through 57-9, as printed in the warrant.

Finance Committee voted 8-0 in favor of this article.

DISCUSSION: None

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 35: Chapter 156-Outdoor Water Restrictions

To see if the town will vote to amend the Town Code by deleting the existing Chapter 156, “Water,” Sections 156-1 through 156-17, and inserting in its place Chapter 156, “Outdoor Water Restrictions,” Sections 156-1 through 156-18, as follows:

Article I-State of Water Supply Conservation (§ 156-1 — § 156-10)

§ 156-1 Authority.
This Article is adopted by the town under its powers to protect public health and welfare and its powers under MGL C. 40, § 21 et seq. This Article implements the town's authority to regulate water use pursuant to MGL C. 41 § 69B.

§ 156-2 Purpose.
The purpose of this Article is to preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation by providing for enforcement of any duly imposed restriction, requirements, provisions or conditions imposed by the town or by the Department of Environmental Protection.

§ 156-3 Definitions.
As used in this Article, the following terms shall have the meanings indicated:

BOARD OF WATER COMMISSIONERS
The Board of Water Commissioners of the Town of Georgetown.

ENFORCING PERSON
The town's Board of Water Commissioners, its duly appointed agents, employees and members, the Board of Health, the town police, special police and any other person designated by the town as having police powers.

PERSON
Any individual, corporation, trust, partnership or association or other entity.

STATE OF WATER SUPPLY CONSERVATION
A state of water supply conservation declared by the town pursuant to **§ 156-4** of this Article. During a state of water supply conservation, the Board of Water Commissioners may impose mandatory restrictions on non-essential outdoor water use as described in **§ 156-5** of this Article.

WATER USERS OR WATER CONSUMERS
All public and private users of the town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

NONESSENTIAL OUTDOOR WATER USE
"Nonessential outdoor water use" includes uses that are not required:

a. for health or safety reasons;
b. by regulation;
c. for the production of food and fiber;
d. for the maintenance of livestock; or
e. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings).

Examples of nonessential outdoor uses of municipal water include:

- Irrigation of lawns, except by means of a hand-held hose outside the hours of 9 AM to 5 PM. All hand-held water hoses shall be controlled by a nozzle or other device used to regulate the flow of water leaving the hose.

• Washing of vehicles other than by means of a commercial car wash, except as necessary for operator safety.
• Washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

§ 156-4 Declaration of a state of water supply conservation

A. The town through its Board of Water Commissioners may declare a state of water supply conservation upon a determination by a majority vote of the Board that:

(1) The current daily use is 80% or more of the daily quantity of water available to the system; or

(2) A problem exists that would prevent the Board from supplying an adequate volume of water for the health and welfare of its customers; or

(3) A shortage of water exists or is anticipated, and conservation measures are appropriate to ensure an adequate supply of water to all water consumers; or

(4) Environmental impacts are unacceptable.

B. Public notice of a state of water supply conservation shall be given under **§ 156-6** of this Article before it may be enforced.

§ 156-5 Restricted uses.

A declaration of a state of water supply conservation issued by the Board of Water Commissioners may include one or more of the following restrictions, conditions or requirements restraining the use of water for nonessential purposes as necessary to protect the water supply, which shall be included in the public notice required under **§ 156-6**:

A. Nonessential outdoor water use restrictions. Nonessential outdoor water use may be restricted as deemed necessary by the Board of Water Commissioners. For example, nonessential outdoor water use may be restricted to certain days of the week for certain hours of the day outside the hours of 9:00 a.m. to 5:00 p.m.

B. Nonessential outdoor water use ban. Nonessential outdoor water use may be entirely prohibited by the Board of Water Commissioners.

§ 156-6 Public notification of a state of water supply conservation.

Notification of any condition imposed by the town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the town, or such other means reasonably calculated to reach and inform all users of water of the state of conservation. Any restriction imposed under **§ 156-5** shall not be effective until such notification is provided. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 156-7 Termination of a state of water supply conservation; notice.

A state of water supply conservation may be terminated by a majority vote of the Board of Water Commissioners upon a determination that the condition or conditions set forth in **§ 156-4** no

longer exist. Public notification of the termination of a state of water supply conservation shall be given in the same manner as for the notice of its imposition.

§ 156-8 Penalties.
A. The enforcing persons, as defined in **§ 156-3** of this Article, may enforce the provisions of this Article. Any person violating this Article may be subject to civil or criminal enforcement.

B. **Criminal Penalties.** Any person who violates any provisions of this Article or any regulation or order issued hereunder, shall be punished by a fine of not more than $300. Each day a violation occurs or continues shall constitute a separate violation.

C. Noncriminal Disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Section 1-4 through 1-8 of the Town Code, in which case any police officer of the Town of Georgetown, including any special police officer, the Board of Water Commissioners, and the Water Department Superintendent shall be the enforcing persons. If non-criminal disposition is used, any person who violates any provision of this Article, regulation, order or permit issued there under, shall be punished by a penalty of $50. Each day or part thereof that a violation occurs or continues shall constitute a separate violation.

§ 156-9 Exemptions.
Water users may apply in writing to the Georgetown Water Department for an exemption to restrictions on non-essential outdoor water usage during a state of water supply conservation. Exemptions shall only apply outside the hours of 9 a.m. to 5 p.m.

Examples of outdoor water uses that may be eligible for an exemption outside the hours of 9 a.m. to 5 p.m. during a state of water supply conservation include:

Irrigation to establish a new lawn during the months of May and September;
Irrigation for the production of food and fiber or the maintenance of livestock;
Irrigation by plant nurseries as necessary to maintain stock;
Irrigation by golf courses as necessary to maintain tees and greens only; and
Irrigation of public parks and recreational fields.

§ 156-10 Severability.
The invalidity of any portion or provision of this Article shall not invalidate any other portion or provision thereof.

Article II-State of Water Supply Emergency (§ 156-11 – § 156-18)

§ 156-11 Authority.
This Article is adopted by the Town of Georgetown under its home rule powers, its police powers to protect public health and welfare and its specific authorization under MGL C. 40, §§ 21 and 21D. This Article also implements the Town's authority under MGL C. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under MGL C. 21G, §§15-17.

§ 156-12 Purpose.
The purpose of this Article is to protect, preserve and maintain the public health, safety and

welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the town or by the Department of Environmental Protection and included in the town's plan approved by the Department of Environmental Protection to abate the emergency.

§ 156-13 Definitions.
As used in this Article, the following terms shall have the meanings indicated:

ENFORCEMENT AUTHORITY
The town's Board of Water Commissioners, the Board of Health, the Police Department and any other officer having police powers.

STATE OF WATER SUPPLY EMERGENCY
A state of water supply emergency declared by the Department of Environmental Protection pursuant to MGL C. 21G (§§ 15, 16 and 17).. During a State of Water Supply Emergency, the Board of Water Commissioners shall prohibit all non-essential outdoor water use as stated in **§ 156-15** of this Article.

WATER USERS OR WATER CONSUMERS
All public and private users of the town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

NONESSENTIAL OUTDOOR WATER USE
"Nonessential outdoor water use" includes uses that are not required:
a. for health or safety reasons;
b. by regulation;
c. for the production of food and fiber;
d. for the maintenance of livestock; or
e. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings).

§ 156-14 Public Notification of a State of Water Supply Emergency.
The following shall apply to all users of water supplies supplied by the town.

A. Following notification by the town of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Board of Water Commissioners to abate a water supply emergency, or in an order approved or issued by the Department of Environmental Protection intended to bring about an end to the emergency.

B. Notification of any provision, restriction, requirement or condition with which users of water supplied by the town are required to comply to abate a situation of water emergency shall be sufficient for purposes of this Article if it is published in a newspaper of general circulation within the town or by such other notice as is reasonably calculated to reach and inform all users of the town supply.

C. Upon notification to the Board of Water Commissioners that the Department of

Environmental Protection has terminated a declaration of a state of water supply emergency, public notification of the termination will be provided in the same manner as is provided in Section 156-14.B for notice of its imposition.

§ 156-15: Prohibited Uses
Lawn watering and all other forms of nonessential outdoor water use during a state of water supply emergency are prohibited, and other uses may be restricted or prohibited as provided in the plan of the Board of Water Commissioners or an order approved or issued by the Department of Environmental Protection, described in Section 156-14.A.

§ 156-16 Penalty.
A. The Enforcing Authority, as defined in **§ 156-13** of this Article, may enforce the provisions of this Article. Any person violating this Article may be subject to civil or criminal enforcement.

B. **Criminal Penalties.** Any person who violates any provisions of this Article or any regulation or order issued hereunder, shall be punished by a fine of not more than $300. Each day a violation occurs or continues shall constitute a separate violation.

C. **Noncriminal Disposition**. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Section 1-4 through 1-8 of the Town Code, in which case any police officer of the Town of Georgetown, including any special police officer, the Board of Water Commissioners, and the Water Department Superintendent shall be the enforcing persons. If non-criminal disposition is used, any person who violates any provision of this Article, regulation, order or permit issued there under, shall be punished by a penalty of $50. Each day or part thereof that a violation occurs or continues shall constitute a separate violation.

D. **Shut-Off of Water Service.** If a state of water supply emergency has been declared, and a person or entity has been issued three or more notices of violation of this Article, the Board of Water Commissioners may, in accordance with MGL C. 40, §41A, and upon notice to said person or entity, shut off its water supply at the meter or the curb stop. In the event of shut-off, an additional fee of $200 shall be assessed for restoring connection to the Town water supply.

§ 156-17 Right of entry.
To the extent permitted by law, or if authorized by the owner or other party in control of the property, agents of the enforcement authority may enter any property for the purpose of inspecting or investigating any violation of this Article or enforcing against the same. Upon such lawful entry, and in the absence of the water user, the Enforcement Authority may shut off non-essential outdoor water systems.

§ 156-18 Severability.
The invalidity of any portion or provisions of this Article shall not invalidate any other portion, provision or section thereof.

AND FURTHER, to amend the Town Code, Section 1-8, "Specific Violations Enumerated," by inserting a new subsection N, as follows:

N. Outdoor Water Restrictions Bylaw (Chapter 156): Board of Water Commissioners,

Water Department Superintendent.

Motion : George Comiskey moved and it was seconded by Philip Trapani to amend the Town Code by deleting the existing Chapter 156, "Water," Sections 156-1 through 156-17, and inserting in its place Chapter 156, "Outdoor Water Restrictions," Sections 156-1 through 156-18, as printed in the warrant.

Finance Committee took no vote on this article.

ACTION: By a show of hands the Moderator declared this article passed by a majority.

Article 36: Definitions and Word Usage

To see if the Town will vote to amend the Zoning Bylaw by inserting the underlined text into §165-7 – Definitions and word usage by adding the following definitions:

ASSISTED LIVING/ CONGREGATE CARE FACILITY – A residential development containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include independent living, congregate care, or institutional care services such as medical or nursing facilities.

MIXED-USE – A single building containing more than one type of land use where the ground-floor or street-level use of the building is a commercial use and a residential use is only located above the ground-floor or street-level of the building.

MAJOR OUTDOOR ACTIVE RECREATIONAL FACILITY — A Major Outdoor Active Recreational Facility, owned and operated by a public or private interest or agency, shall be defined as being 5 or more contiguous acres of active recreational uses and such facility may contain more than one active recreational field. The principle use of such facilities shall include, but not be limited to: active recreational fields used for organized sports, courts, playgrounds, rinks, boat launches and all associated concessions, bathroom and off-street parking facilities.

MINOR OUTDOOR PUBLIC ACTIVE RECREATIONAL FACILITY — A Minor Outdoor Active Recreational Facility, owned and operated by a public or non-profit interest or agency, shall be defined as being less than 5 contiguous acres of active recreational uses and such facility shall contain not more than one active recreational field. The principle use of such facilities shall include, but not be limited to: an active recreational field used for organized sports, courts, playgrounds, boat launches and all associated concessions, bathroom and off-street parking facilities.

MINOR OUTDOOR PRIVATE ACTIVE RECREATIONAL FACILITY — A Minor Outdoor Active Recreational Facility, owned and operated by private interest or agency, shall be defined as being less than 5 contiguous acres of active recreational uses and such facility shall contain not more than one active recreational field. The principle use of such facilities shall include, but not be limited to: an active recreational field used for organized sports, courts, playgrounds, boat launches and all associated concessions, bathroom and off-street parking facilities.

OUTDOOR PASSIVE RECREATIONAL FACILITY – An Outdoor Passive Recreational Facility shall be for the general use of the public and include, but not be limited to: public recreational trails, bikeways, beaches, passive boating and picnic areas and all associated off-street parking facilities.

Comments – These amendments are proposed in order to: 1) clarify how recreational uses fit within the Zoning Bylaw; and, 2) encourage expanded commercial development opportunities within the downtown area and the Town's two Priority Development Sites along Route 133 and the I-95 Corridor.

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Motion: Harry LaCortiglia moved and it was seconded by Steve Smith to amend the Town's Zoning Bylaw by adding the underlined text into Section 165-7 –Definitions and word usage as printed in the warrant.

Finance Committee voted 5-0 in favor of this article.

Planning Board voted unanimously in favor of this article.

DISC: None

ACTION: By a show of hands the Moderator declared this article passed by a 2/3 vote.

Article 37: Definitions and Word Usage

To see if the Town will vote to amend the Zoning Bylaw by amending §165-7 – Definitions and word usage by replacing the existing definition of "Building Height" with the following definition:

BUILDING HEIGHT - The vertical distance from either: 1) the average undisturbed existing natural grade at the foundation of the building to the top of the roof ridge; or, 2) the average finished grade at the foundation of the building to the top of the roof ridge; whichever is less. The average undisturbed existing natural grade or finished grade shall be established by averaging the grade six feet from the four main building corners and their midpoints.

Comments – This amendment is proposed to equitably address building height issues for new construction projects that remove existing slopes or hillsides prior to construction.

Motion: Harry LaCortiglia moved and it was seconded by Steve Smith to amend the Town's Zoning Bylaw Section 165-7 –Definitions and word usage by replacing the existing definition of "Building Height" with the definition printed in the warrant.

Finance Committee voted 5-0 in favor

Planning Board voted unanimously in favor

DISCUSSION: None

ACTION: By a show of hands, the Moderator declared this passed by a 2/3 vote

Article 38: Use and Intensity Schedules

To see if the Town will vote to amend the Zoning Bylaw by amending the text to §165-11 – Use and Intensity Schedule by adding the following uses as follows:

	RA	RB	CA	CB	CC	IA	IB	RC
Assisted Living/ Congregate Care Facility	D	D	O	O	D	O	D	D

Mixed-Use	O	O	D	O	O	O	O	O
Open Space Residential Development*	D	D	O	O	O	O	O	D
Independent Senior Housing	D	D	O	O	O	O	O	D
Outdoor Passive Recreational Facility	P	P	P	P	P	P	P	P
Minor Active Public Recreational Facility	D	D	O	O	D	D	D	D
Minor Active Private Recreational Facility	D	D	O	O	D	D	D	D
Major Active Recreational Facility	D	D	O	O	D	D	D	D
Medical Office	O	O	D	D	D	D	D	O

** Replaces Planned Unit Development*

D = Special Permit by Planning Board, O = An excluded or prohibited use, P = A permitted use

Comments – These uses are being proposed in order to: 1) clarify where existing or new uses are permitted within the Zoning Districts; and, 2) encourage expanded commercial development opportunities within the downtown area and the Town's two Priority Development Sites along Route 133 and the I-95 Corridor.

Motion: Harry LaCortiglia moved and it was seconded Steve Smith to amend the Town's Zoning Bylaw Section 165-11 –Use and Intensity Schedule by adding the uses as printed in the warrant.

Finance Committee voted 5-0 in favor

Planning Board voted unanimously in favor

ACTION: By a show of hands, the Moderator declared this passed by a 2/3 vote

Article 39: More than one building on lot requires special permit

To see if the Town will vote to amend the Zoning Bylaw by adding the underlined text to *§165-81 – More than one building on lot requires special permit* by amending the text as follows:

> Notwithstanding the requirements listed under §365-6 of the Town Bylaws, not more than one building designed or available for use for residential, recreational, business, industrial, institutional or other use as described in the Use Regulations Schedule shall be erected or placed or converted to such use on any lot in Town without a special permit from the Board of Appeals or, in instances where the Planning Board is the special permit granting authority for the principle use of the property or for Major Project Reviews, the Planning Board shall be this special permit granting authority.

Comments – This amendment is proposed in order to: 1) reduce permitting redundancy and cost to private developers for larger industrial or commercial projects; and, 2) encourage expanded commercial development opportunities within the downtown area and the Town's two Priority Development Sites along Route 133 and the I-95 Corridor.

MOTION: Harry LaCortiglia moved and it was seconded by Steve Smith to amend the Town's Zoning Bylaw by adding the underlined text into Section 165-81 as printed in the warrant.

Finance Committee voted 5-0 in favor

Planning Board voted unanimously for approval

There was no discussion

ACTION: By a show of hands, the Moderator declared this passed by a 2/3 vote

Article 40: Site Plan Approval

To see if the Town will vote to amend the Zoning Bylaw by adding the underlined text to *§165-83 – Site Plan Approval* for subsections A, B, C, D, E, O and P as follows:

Amending subsection A – *Purpose and Conditions of Approval* by inserting the underlined text as follows:

The purposes of a site plan approval are to protect the health, safety, convenience, and welfare of the inhabitants of the Town of Georgetown as well as the natural resources that people depend upon by providing a comprehensive review of land use and development plans to insure that the following conditions have been met:

(7) Water resources are protected from depletion and contamination including drinking water supplies, watershed protection land, aquifers and the Parker River and its tributaries.

Amending subsection B – *Projects requiring site plan approval* by inserting the underlined text in subsection B(1) as follows:

Applicability.

Except as otherwise exempted in accordance with subsection C, no building permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be permitted and no new or existing use(s) shall be established or expanded in off-street parking or floor area except in conformity with a site plan approved by the Planning Board. Required approval includes, but is not limited to, proposals for commercial, industrial, office, multiple-family dwelling residential developments, municipal, institutional, utility, fraternal or recreational uses.

Amending subsection C – *Exemptions from Site Plan Approval* by adding and amending the underlined text as follows:

(5) Construction of single-family residential subdivisions;
(6) Construction of any passive recreational trails or pathways;and
(7) Addition or expansion of up to three off-street parking spaces.

Amending subsection D - *Procedure* by inserting the following text as subsection D(2)(i) and renumbering the existing subsections accordingly:

(i) Water Conservation Committee

Amending subsection E – *Contents of Site Plan* by inserting the following text as subsection E(1)(n) and renumbering the existing subsections accordingly:

(n) Stormwater and infiltration facilities (detention areas, rain gardens, treatment swales, etc.) and water conservation measures (cisterns, rain barrels, etc.).

Amending subsection O. – *Drainage* by inserting the underlined text as follows:

O. Stormwater Management, Infiltration, and Retention. Adequate on-site drainage shall be provided to handle peak stormwater runoff and stormwater runoff for the one hundred-year

storm and shall not adversely affect abutting properties and the Town drainage system. Low impact development stormwater management techniques are encouraged and preferred to enhance infiltration and better replicate pre-development watershed conditions. Low impact development techniques shall meet the treatment and design standards outlined in the Department of Environmental Protection stormwater management standards (Massachusetts Stormwater Handbook (2008)) as amended from time-to-time. Examples of low impact development stormwater management techniques include: permeable pavement, rain gardens, vegetated swales, etc.

Stormwater retention is also strongly encouraged to capture and store rain water for practical uses including irrigation. Examples of stormwater retention facilities include rain barrels and cisterns. In ground sprinkler systems shall be prohibited for all non-residential uses unless they are supplied by on-site stormwater retention and storage facilities and are approved by the Georgetown Water Commission. Drainage calculations and plans will be reviewed by an outside technical consultant at the applicant's expense.

Amending subsection P. – *Standards for Review* by inserting the underlined text as follows:

(10) Drainage and watershed protection

Comments – These amendments are proposed in order to: 1) clarify the applicability thresholds and exemptions for Site Plan Approval; 2) encourage the use of Low Impact Development drainage techniques in new projects; and, 3) meet the Town's obligations under our MS4 Stormwater Management Permit with the EPA.

Motion: Harry LaCortiglia moved and it was seconded by Steve Smith to amend the Town's Zoning Bylaw by adding the underlined text into Section 165-83 –Site Plan Approval for subsections A, B, C, D, E, O and P as printed in the warrant.

Finance Committee voted 5-0 in favor

Planning Board voted unanimously for approval

ACTION: By a show of hands, the Moderator declared the article passed by a 2/3

Article 41: Courts and Lanes

To see if the Town will vote to amend the Zoning Bylaw by adding the underlined text to *§165-73 – Adequate lot frontage; common drive* as follows*:*

§ 165-73.2. Courts and Lanes

A. Subject to the granting of a special permit by the Planning Board, a "Court" or "Lane", as defined by and regulated in accordance with the Subdivision Rules and Regulations adopted by the Planning Board pursuant to G.L. c.41, §81Q, may be constructed and used provided it has been approved under a Definitive Subdivision Plan and/or an Open Space Residential Development – Special Permit.

Comments – This amendment is proposed in order to address recent concerns regarding the suitability of using courts or lane to access otherwise, undevelopable backland for new residential development. This amendment will provide the Planning Board an opportunity to evaluate, on a case-by-case basis, whether

approval of a "Court" or "Lane" for a new subdivision is in the public interest in respect to impacts on the property, surrounding neighborhood properties and town services.

MOTION: Harry LaCortiglia moved and it was seconded by Steve Smith to amend the Town's Zoning Bylaw by adding the underlined text into Section 165-73 –Adequate Lot Frontage as printed in the warrant.

Finance Committee recommended 5-0 for approval

Planning Board voted unanimously for approval of this article

ACTION: By a show of hands, the Moderator declared this passed by a 2/3 vote

Article 42: Citizen's Petition, Amend Chapter 20, Article 1 of the Code of Town of Georgetown

To see if the Town will vote to amend Chapter 10, Article 1 of the Code of the Town of Georgetown, which was adopted at the ATM on 6/16/1975 by inserting after the phrase "invitees or licensees" the following (except that the Board of Selectmen may, if they deem it appropriate, issue a special one day liquor license for events at Camp Denison and the Peabody Library)….. Or WHAT ACTION IT WILL TAKE THEREON.

§ 10-1 Consumption on public or private property.

No person shall use or consume any alcoholic beverage, as defined in MGL C. 138, § 1, while in or upon any public way or any way which the public has a right of access or in any place where the public may be invitees or licensees; except that the Board of Selectmen may, if they deem it appropriate, issue a special one day liquor license for events at Camp Denison and the Peabody Library; nor shall any person use or consume any alcoholic beverage in or upon any private land, building or structure without the consent of the owner or person in control thereof.

MOTION: Bob Morehouse moved and it was seconded by Steve Smith that the Town vote to amend Chapter 10, Section 1 of the Code of the Town of Georgetown, which was adopted at the ATM on 6/16/1975 by replacing the existing by-law with the following:

§ 10-1 Consumption on public or private property.

No person shall use or consume any alcoholic beverage, as defined in MGL C. 138, § 1, while in or upon any public way or any way which the public has a right of access or in any place where the public may be invitees or licensees; nor shall any person use or consume any alcoholic beverage in or upon any private land, building or structure without the consent of the owner or person in control thereof. However, the Board of Selectmen may issue special licenses under G.L. c.138 for the sale of alcoholic beverages at events that take place on Town property or, upon written application, may provide written authorization allowing for the consumption of alcoholic beverages on Town property.

Finance Committee recommended approval 7-0-1

DISCUSSION: Renee Jones asked if it is limited to beer or wine?
Bob Morehouse stated it depended on the permit
George Comiskey said that the state contract stressed that it was for conservation purposes and we could lose the land.
Bob Morehouse answered that the contract allows consumption but not sale. We know it's under Conservation Commission authority. The state says this is a legal use.

ACTION: By a show of hands, the moderator declared this passed by a majority.

MOTION TO ADJOURN: David Surface moved and it was seconded by Steve Smith to adjourn.

There was no discussion

ACTION: By A show of hands, the Moderator declared this passed by a majority.

The time is 9:47 P.M.

A true copy attest:

_____
Janice M. McGrane
Town Clerk