



TOWN OF GEORGETOWN
ZONING BOARD OF APPEALS
Business Meeting Minutes
March 3, 2009
7PM - Town Hall, 3rd floor Meeting Room

Board Members Present:

Paul Taraszuk, Chairman
Matt Lewis, regular member
Jon Pingree, regular member

Scott MacDonald, associate member
Jeff Moore, associate member
Paul Shilhan, associate member

Ted Kottcamp, Economic Development Committee
Nick Cracknell, Town Planner

Absent: Joe Young, regular member Mike Muller, regular member

Zoning Clerk: Patty Pitari

Chairman Taraszuk called the business meeting to order at 7:02 pm and stated the Board of Appeals will conduct this meeting according to rules laid out in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, Roberts Rules of Order and its own particular set of rules, entitled Rules of Procedure, a copy of which is on file with the town clerk, another copy is available from the clerk at this meeting. This meeting is being taped recorded for the purpose of recording minutes; once the minutes are approved the tape may be taped over.

Finance Report

The clerk review the ZBA revolving and payroll account updates.

MOTION: M. Lewis to pay invoice for WB Mason for printer in \$118. seconded by S. MacDonald, all in favor. Motion carries.

MOTION: J. Pingree to pay invoice for Schwabb replacement ink for the office date stamp for printer in \$24.49, seconded by M. Lewis, all in favor. Motion carries.

Correspondence:

1. Notice of Culvert Replacement
2. MVPC Flyer
3. Kopelman memo's
4. Notice of Hearing from Planning – Cronin Court

Handwritten signatures: M. Lewis, J. Pingree, S. MacDonald, P. Shilhan, J. Moore, P. Taraszuk

New Business:

Ted Kottcamp, Economic Development Committee and Nick Cracknell, Town Planner – Nick explains they are here to get feedback from the ZBA as there may be items you want to add/change if so we can build a list. The Economic Development Committee is co sponsoring with the Planning Board as well as the Board of Selectmen two of the many zoning amendments we are hoping to take to the spring town meeting. Nick passed a PowerPoint presentation around and noted in the board's version is a bit different; they have removed the Wind Bylaw for now and may look at it again in the fall.

Nick stated this is not something that needs to be finalized tonight we will have at least 3-4 more Planning Board meetings to discuss this.

Accessory Structure Amendment Discussion: - See draft amendment

Nick started with Accessory Structures amendment based on feedback from the Planning Board. We are proposing to allow a slightly easier permitting process for accessory structures but you would still coming to the ZBA for special permit instead of a variance.

J. Pingree asked why RC is left out.

Nick stated he originally drafted it with RA, B & C, but with significant feedback from Planning Board members, the lots are much larger and it didn't seem to them RC would fit it.

J. Pingree stated I think it should be consistent across the board.

M. Lewis asked why pools were taken out in the language.

Nick stated there is an essential difference in accessory structures and primary they are not lived in, pools are trickier, they can be noisy, we also had feedback from Planning on pools.

J. Pingree – Now, it's virtually impossible now to get a variance for a pool, this would help.

Nick stated there were many different opinion on pools, as a structure, it's tricky, pools can be elevated, flushed and can be noisy, and if you have a wall or fence.

J. Pingree stated pools should definitely be included in the amendment. M. Lewis agreed.

J. Pingree stated we can also write conditions to mitigate the pools.

Nick asked how the board would want to amend the wording to include pools. A pool is defined by the Building Inspector as a structure. Do you want to give them one structure (pool or garage) as it reads now it's for one structure?

J. Pingree and M. Lewis stated we can still just stick with the pool included in as one structure, so they can't do both, unless the board decides at the special permit hearing.

Handwritten signatures and initials at the bottom right of the page. From left to right: a signature that appears to be 'M. Lewis', a signature that appears to be 'J. Pingree', and the initials 'PFT' written vertically. There is also another signature below 'PFT'.

J. Moore stated in the bylaw there is a definition for Accessory Building not structure, should the definition be changed? There is no clear definition for accessory structure, it reads accessory building.

Nick stated they are the same thing; we could amend the definition of Accessory Building to Accessory Structure and include the pools.

Nick stated he will add language for discussion on pools and adding RC, and bring it back to the Planning Board. I can say in ground or above ground (one) are considered an accessory structure.

J. Pingree stated accessory structure/building wording would work.

P. Shilhan inquired about having it attached instead of detached some of the older houses. Discussion followed on primary building vs. accessory, and J. Pingree explains you can do it as right with a building permit long as you don't encroach on the setbacks.

M. Lewis asked where all this came from. Nick stated the Building Inspector's office. I haven't seen this in the works, I can understand were the Building Inspector is coming from when we didn't have a clerk, we didn't have any information on this prior to this.

Nick stated most of these changes aren't related to the ZBA, it was brought to my attention, and it was discussed with the building department, and I am a conduit, we just want to make things better, but we all want to be in agreement.

J. Pingree asked if Nick was looking for a consensus from the board. Nick stated it would be better to get a consensus from the board.

The board agreed unanimously to the 4 changes discussed to the Accessory structure amendment

1. Add RC district to Accessory Structure
2. Explicit inclusion of Pools
3. Residential uses are prohibited definition of Accessory Building to Accessory Structure
4. Make the definition consistent

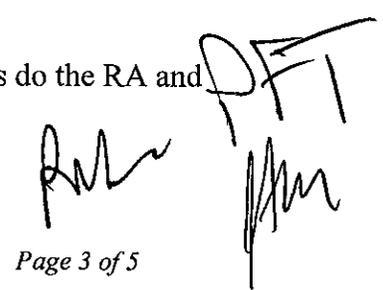
Bed & Breakfast

Nick stated someone came in to the building dept, about 2 months ago looking to do a bed and breakfast in residential which is a variance, some larger older homes may be suited for it and speaking to the building inspector, we thought changing it to a special permit instead of a variance would make it easier.

J. Pingree stated it would be more suited in downtown or around the pond, not in a residential neighborhood. I would be opposed to it in RB I think it should stay in RA for a special permit. It would be out of character with those neighborhoods.

Nick stated he doesn't think just RA is a bad one, the RA is most likely, so let's do the RA and see how it goes, and down the line until we may want to look at it again.

They unanimously board agrees RA is a good start.



43D Expedited Permitting Program

Nick Cracknell, Town Planner

Ted Kottcamp, Economic Development Committee – Mr. Kottcamp

Nick – this is a statute and there is funding attached to it adoption of the statute, the Planning Board and EDC are exploring the benefits of adopting this 43D Expedited Permitting district for 12 commercial or industrially-zoned properties located along National Ave. and Carleton Drive. The total land area within the proposed district is approximately 90 acres. Three separate property owners control these properties and most of the properties are currently available for development. Originally developed by the state in 2006 as a response to permitting delays across the state, the primary purpose of the 43D Expedited Permitting program is to streamline local permitting decisions by setting a clear timeline for project review as well as providing communities technical assistance grants so they can develop local permitting checklists, review procedures, and designate a local permitting coordinator to facilitate a more integrated project review and approval process.

In the case of Georgetown, all of the existing land use permits currently meet the maximum 180 day review and decision period required under the 43D program so adoption of the program will not require any changes to the existing land use regulations. However, adoption would enable the town to secure state funding that may be used for local permit coordination, infrastructure assessment, and other economic development initiatives that encourage new commercial or industrial development in the town.

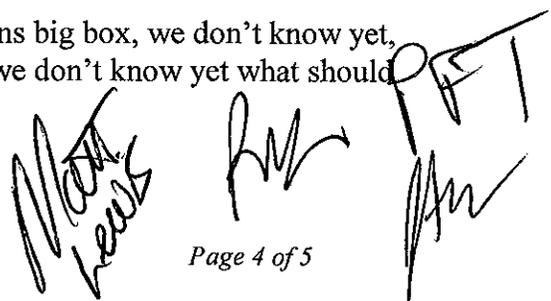
Nick stated it affects the ZBA by way of special permits only, for use variances, also site plan review, planning and conservation and the timeline is 180 days for decision by all boards. If it's adopted someone has to be a coordinator so we get some grant money from the state to pay someone (an existing employee) whether it be me or not to facilitate this, we will submit a grant for \$60,000.

P. Taraszuk asked about the wedge of land zoned RB.

Nick stated when this went to town meeting in 2005; it didn't go through to get rezoned. In front of that is a 100 ft. buffer zone and it removes the development rights for that area. Mr. Kennedy came in to us in December and he expressed to come back to rezone the wedge. I am going to planning, Economic Development and ZBA. Last time big box was the concern as well as the buffer zone; I drafted (in your packet) a definition for big box and prohibited that use in the industrial district. Mr. Kennedy stated big box was not his intention. We are taking that off the table right now.

P. Taraszuk asked if there is a buffer zone where it hits Rowley. Nick stated there is a setback to a property line, and they have to go through the Planning board and it's for anything 30,000 sq. ft or larger with an enhanced site plan review.

Ted stated a lot of people think you change that wedge and it means big box, we don't know yet, we are coming up with an economic development strategic plan, we don't know yet what should be in that space.



J. Pingree what assurance the applicant will get you all the information to you in time, at the first meeting, engineer's etc....like our 40b's it dragged and dragged. How do you control it?

Nick states if approved, the state has to get back to us probably by July, you have 120 days from when the state sends the letter to create a permitting check list so they know exactly what they need and have pre application conference meetings, and tell them we are not starting the clock until that list is complete.

J. Pingree asked can they still ask for an extension as they do now.

M. Lewis asked further down the line what if one business is in and it gets sold as a supermarket.

P. Taraszuk stated we should wait on that discussion; Nick has taken the big box off the table.

Nick will come back to another meeting to discuss the 40R Smart Growth Overlay District.

Nick will send out invitations to come to the public hearing.

Business meeting was suspended to open hearing on 150 Elm St, and resumed at 8:15pm.

MOTION: S. MacDonald, second by J. Moore to adjourn the business meeting at 9:40pm.

Respectfully Submitted


Patty Pitar, ZBA Clerk
Georgetown Zoning Board of Appeals

Approved: 4-7-09


Mark Lewis



Proposal

5) **Big Box Retail**

1. Amend §165-7 (Definitions) by adding new definition of "Big Box Retail Development" as follows:

Big Box Retail Development: A big box retail development is a singular retail establishment that involves construction or use of a singular retail sales establishment that is greater than 50,000 gross square feet in floor area.

2. Amend §165-8 (Use and Intensity Schedules) by adding new use for "Big Box Retail Development" as follows:

Business Use	Use Regulations Schedule							
	RA	RB	CA	CB	CC	IA	IB	RC
Big Box Retail Establishment	O	O	O	O	A	O	O	O