



TOWN OF GEORGETOWN
ZONING BOARD OF APPEALS
Business Meeting Minutes
September 1, 2009
7PM - Town Hall, 2nd floor Meeting Room

Board Members Present:

Paul Shilhan, Chairman
Jeff Moore, regular member
Paul Taraszuk, associate member
Scott MacDonald, associate member (*arrived at 7:30 pm*)
Jon Pingree, associate member (*arrived at 7:20*)

Absent: Mike Muller, Matt Lewis, Joe Young

Zoning Clerk: Patty Pitari

Chairman Shilhan called the business meeting to order at 7:22 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.

With no objection, the chair took moved New Business up on the agenda, as Selectman Evan O'Reilly was present.

New Business:

Selectman Evan O'Reilly asked to attend to discuss a potential bylaw for political signs. He passed out a signed by law from the Town of Hanover and also a sheet named Draft Political Sign Bylaw.

Selectman O'Reilly explained that signs, especially over the last couple of years have started to appear in traffic islands as well as the 30-40 signs that appear over at the Penn Brook School at election time and he has had complaints and wanted to meet with us for input on perhaps creating a bylaw for this so it is easier to enforce. We are going to have some special elections this year in December and January. He stated right now the Police can't do anything when someone calls because it's not in their jurisdiction. He stated right now there is nothing in our bylaws that address this issue. He presented the board with the Town of Hanover's signed by law to review, and he also presented a separate sheet with a draft. Selectman O'Reilly stated with fall town meeting approaching, he thought it may be a good time to do this.

SDM
MPL.
P.H.S.
MM

Patty compiled copies of the Georgetown Bylaw (what we have now for signs), the Topsfield MA bylaw for signs, and sign definitions from the Mass Land Use and Planning Law book. Patty also spoke to Mr. Glen Clochey who is the Building Inspector in Topsfield and West Newbury; stated West Newbury tried this and didn't go over well, but he said Topsfield had one.

J. Pingree asked Selectman O'Reilly who will be responsible for enforcing this bylaw?

O'Reilly stated the Town of Hanover tags the Building Inspector for enforcement, but I would also extend it to the police.

J. Pingree asked the reason and if there were complaints.

O'Reilly stated there have been complaints, but the police can't enforce it without a bylaw.

J. Moore asked if there is something on the books as far as enforcement so we have something to go by. Patty informed the board the Mass Planning Law book charges the DPW with enforcement.

J. Pingree stated it should be the Building Inspector, as he is the Zoning Enforcement Officer, but does he have time for this now too?

P. Shilhan asked if the candidate be held responsible. The general consensus is there is no rule.

P. Taraszuk stated we could put up a public announcement on the Cable TV Station.

J. Moore stated another problem may be selective enforcement, but we could place it under Temporary Signs.

O'Reilly agreed it would be good placed under temporary signs.

J. Pingree stated in his opinion he didn't see this as a major problem.

S. MacDonald brought up the issue of signs located on a piece of traffic island that are maintained by a company, how would that be handled and also suggested passing something out when candidates have to pull papers at the Town Clerk's office.

Selectman O'Reilly stated its an option, but it would not be a rule, because it's not a bylaw, and stated he will be meeting with the Building Inspector and Planning Board, and maybe starting with a public request to begin with and see how that goes.

Finance Report

The clerk review the ZBA revolving and payroll account updates.

Vendor Warrant for FY10 Supplies – Patty stated we were able to keep the cost down from \$288 last year as we did not need to order folders, labels and envelopes.

PNG 50M
MP

Motion P. Taraszuk to pay Vendor Warrant for WB Mason in the amount of \$164.90 for FY10 supplies, seconded by S. MacDonald. All in favor. Motion carries.

Chairman Shilhan stated he will be contacting the Interim Town Administrator to find out about the ZBA participation in department head meetings, as well as department head emails.

Correspondence:

1. Memo from Town Administrator re: Ad Hoc Committee meetings

2. Notice of Intent for 304 Central Street, and Marlboro Road. – Patty looked at plans and nothing in plans reflected anything relating to the boards jurisdiction. These came in at the time of transition of the chairman; Patty will contact P. Shilhan for any new requests to review items from other departments.

3. Merrimack Valley Letter dated August 5th for 4th session of CPTC workshop. – Paul Shilhan and Jeff Moore attended the other sessions; this is the final of the 4 to receive a certificate. This final session is also open to all for a reduced cost of \$25.

Jeff Moore and Paul Shilhan will attend this last session of 4 on 10/29/09. Patty will notify Merrimack Valley Planning to confirm their attendance.

4. Draft Zoning Amendments for Municipal Outdoor Rec Facilities from Town Planner – J. Moore and J. Pingree explained they were meeting with Town Planner on this subject and is just a draft of a proposal. More discussion will be taking place with the Planning Board.

J. Pingree stated the Town Planner is working on filtering through the system. It may not happen until Spring Town Meeting to get the process correct.

Fee Discussion

Discussion on Zoning Fees specifically Cell Tower/Wireless. A rough estimate of \$660, what the board spent on the Omnipoint application for the cell antenna back in December of 2008 which did not include Kopelman & Paige invoices that the town did not pickup which was around \$200 that ZBA paid for. Discussion followed on being able to cover the cost of the administrative part as well as postage, etc... Discussion on previous cell applications in residential district, brief discussion on commercial and residential. Brief discussion on our regular Special Permit/Variance Fees. It was decided to leave those as is right now.

Motion: J. Pingree to add a separate fee category of New Wireless Facilities at a fee of \$1,000, seconded by P. Taraszuk for discussion. Discussion followed on making it separate fee and also to add the wording of additions to existing or not and covering costs. Discussion on wording, perhaps new facility only or addition to existing, and to add as Section G on fee schedule. It was decided to just use as stated in 165-80.1 “Wireless Communication Facilities”, leaving out the word “New”.

Handwritten signatures and initials:
PWS, SDM, M.P.L.
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Discussion of main motion resulted in a friendly amendment.

Friendly Amendment by J. Pingree, seconded by J. Moore to amend the main motion, to read "Wireless Communication Facilities" to be a separate item label Section G on the Fee Schedule, amending the Zoning Application fee schedule to be at a fee of \$1,000, seconded by J. Moore, all in favor of friendly amendment, amendment passes.

Main Motion: Chairman Shilhan asks all in favor of the Main Motion as amended, all in favor. Vote: All in Favor, motion carried unanimously.

Patty will change the ZBA Application file it with the Town Clerk and repost on website.

Discussion on office hours vs. hours when a hearing gets filed, and for Patty to compile more information on how much is spent in money and time on hearings before we talk about the other fees. Patty explained the fine line of revolving account hours, are defined and this was told to her by John Bonazoli, Chairman back in 2001, it was worked out in 2003/03 with budget cuts that office hours would come out of payroll, and anything related to a hearing or meeting would come out of the revolving account, technically just about everything done in related in one way or another to a hearing or meeting. Patty stated she is working on a spreadsheet (on her own time) that details how it long it takes to process a typical hearing. Also the office hours are to cover the people coming to the window, and that what was cut this past year, if we are slow with hearings the revolving is affected, not the office hours and that was the basis of the cut from the former Town Administrator, but the issue is just as many people are at the window, the cut affects what can get done to help people who come in for help. It was briefly discussion if Patty needs to stay to help someone at the window it would have to come out of revolving.

Discussion on Variances and Special Permits. J. Moore stated we don't want people coming to window and apply for something and find out that they should not have applied for a Variance and it should be a special permit. J. Pingree stated we need to be on the same page. J. Moore stated if the modification is not detrimental to the neighborhood; each case can be reviewed on a case by case basis. J. Pingree disagreed in that if you have increased the non-conformity it has always been a variance, the boards in the past have always looked at it that way. Lengthy discussion took place on Variances vs. Special Permits.

Motion by P. Taraszuk, second by J. Pingree to adjourn the Business meeting was 9:57 pm.

Respectfully Submitted

*Patty Pitari, ZBA Clerk
Georgetown Zoning Board of Appeals*

Approved Date: 10-6-09

RMZ
SDM
MP.L.
JAM