

**TOWN WARRANT
SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
May 4, 2015**

We have a quorum present and the annual town meeting was called to order at 7:14 PM

The return of the warrant showed that it was properly served.

The non-voting members were recognized in the audience.

The Moderator called up to the stage all residents in the audience who had served the town in any capacity. More than 50% of the audience came forward. They led us in the Pledge of Allegiance.

The Moderator accepted a motion to adopt a 5 minute speech limit by Harry LaCortiglia and it was seconded by Robin O'Malley.

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

Motion to adjourn the annual town meeting to take care of FY15 business at the special town meeting and immediately reconvene by Kathleen Sachs and seconded by Phil Trapani.

By a show of hands, the Moderator declared this passed by a unanimous vote.

The Special Town Meeting was called to order.

Article 1: Adjustments to the Fiscal Year 2015 operating budget

To see if the Town will vote to amend the vote taken under Article 3 of the 2014 Annual Town Meeting warrant for the purpose of adjusting line items in the FY 2015 budget, and as necessary, to transfer from available funds a sum of money for the purpose of supplementing departmental expenses, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-0-0)

This article was passed over.

Article 2: Police Department, Police Academy Expenses

To see if the Town will vote to transfer from available funds the sum of \$4,150.00 (four thousand-one hundred and fifty dollars) for the academy expenses of a new police officer who was hired to replace a long time employee who has since retired, or take any other action in relation thereto.

This article was passed over.

Article 3: Reserve Fund for Accrued Liabilities

To see if the Town will vote to transfer from available funds a sum of money to be added to the Reserve Fund for Accrued Liabilities, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

MOTION: Robin O'Malley moved and it was seconded by Sandy Gerraughty to transfer the sum of \$21,964.73 (twenty one thousand nine hundred sixty four dollars and seventy three cents) from Free Cash to the Reserve Fund for Accrued Liabilities Account Z-32927.

Explanation: This was set up 2 years ago to set aside money in anticipation of retirement payoffs (sick, vacation etc.)

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

Article 4: Transfer from Overlay Surplus

To see if the Town will vote to transfer a sum of money from the Overlay Surplus Account for the purpose of funding overlay deficits, or to take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Tom Berube moved and it was seconded by Sandy Gerraughty to transfer from Overlay Surplus \$2,090.77 (two thousand ninety dollars and seventy seven cents) to an interest accrual account to pay interest related to an abatement of FY2013 real estate property for ATB Case F319784, transfer from Overlay Surplus \$908.60 (nine hundred and eight dollars and sixty cents) to an interest accrual account to pay interest related to an abatement of FY2014 real estate property for ATB Case F319784, transfer from Overlay Surplus for ATB Case F319784 \$3,757.03 (three thousand seven hundred fifty seven dollars and three cents) to fund an actual payment deficit for FY2013, transfer from FY2014, and transfer from Overlay Surplus for ATB Overlay Surplus for ATB Case F32252 \$15,927.53 (fifteen thousand nine hundred twenty seven dollars and fifty three cents) to fund a potential overlay deficit for Case F32252 \$9,271.23 (nine thousand two hundred seventy one dollars and twenty three cents) to fund a potential deficit for FY2015.

EXPLANATION: Tom Berube stated they were just moving monies from other fiscal years to FY2015 to cover liabilities for exemptions granted by the ATB.

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

Article 5: Transfer from Overlay Surplus (ATM15-38) (Submitted by the Assessors)

To see if the Town will vote to transfer a sum of money from the Overlay Surplus Account for the purpose of funding Thermal Imaging Cameras and Automatic External Defibrillators (AED's), for the Fire Department, or to take any other action in relation thereto.

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Jim Lacey moved and it was seconded by Sandy Gerraughty to transfer from Overlay Surplus the sum of \$15,000 (fifteen thousand dollars) for the purpose of funding thermal imaging cameras and automatic external defibrillators for the Fire Department.

ACTION: By a show of hands, this passed unanimously.

MOTION: Kathleen Sachs moved and it was seconded by David Surface to adjourn the special town meeting and return to the annual town meeting

ACTION: By a show of hands, the Moderator declared this passed by a majority.
We will now reconvene the annual town meeting

Annual Town Meeting May 4, 2015

Article 1: Town Officers and Committee Reports

To hear and act on the reports of the Town Officers and Committees.

Board of Selectmen recommend approval. (Vote-4-0)

Finance Committee Report: Sandy Gerraughty thanked the department heads, Town Administrator, Town Accountant & Treasurer for their hard work putting together this year's budget. The Town does not have a lot of money this year, so you will see many articles passed over.

CPC report: CPC used money this year to digitize old town records, park & recreation purposes, affordable housing & the new turf field

A proclamation was presented to Steve Smith for his years of service to the Town.

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, 2015, or take any other action in relation thereto.

Board of Selectmen recommends approval. (Vote-4-0)

Finance Committee recommends approval 6-0

MOTION: Jim Lacey moved and it was seconded by Sandy Gerraughty that the Town raise and appropriate the sum of \$26,852,291 (twenty six million eight hundred fifty two thousand two hundred ninety one dollars), appropriate by transfer from the Water Department Enterprise Fund the sum of \$262,164 (two hundred sixty two thousand one hundred sixty four dollars), transfer from Septic Betterment the sum of \$21,060 (twenty one thousand sixty dollars), and transfer from the Affordable Housing Trust the sum of \$12,791 (twelve thousand seven hundred ninety one dollars), and transfer from CPC the sum of \$41,487 (forty one thousand four hundred eighty seven dollars) for a total appropriation of \$27,189,793 (twenty seven million one hundred eighty nine thousand seven hundred ninety three dollars), to defray charges and expenses of the Town for the fiscal year beginning July 1, 2015, including support of the Town's public schools, Whittier Regional Vocational Technical High School, and Essex North Shore Agricultural & Technical 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, 2015, in accordance with the line items and Finance Committee and Advisory Board's report to the May 4, 2015, Annual Town Meeting.

DISCUSSION: Harry LaCortiglia asked what the CPC money transfer was for as there was no recommendation from CPC.

Mike Farrell explained that this money was appropriated last year and was not spent. It is being used for the acquisition cost of the bond. It is not being spent two times.

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

Article 3: 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.

Board of Selectmen recommend approval. (Vote-4-0)

There is no motion. This article was passed over

Article 4: 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.

Board of Selectmen recommend approval. (Vote-4-0)

There is no motion. This article was passed over

Article 5: 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, 2015, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Lou Mammolette moved and it was seconded by Robin O'Malley 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 4, 2015 Annual Town Meeting for the Fiscal Year beginning July 1, 2015, such that a total of \$262,164 (two hundred sixty two thousand one hundred sixty four dollars) is appropriated for indirect operating cost as appropriated under Article 2, and a total of \$1,685,836 (one million six hundred eighty five thousand eight hundred thirty six dollars), to the Town to pay direct costs.

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

Article 6: Fire Department Ambulance Operating Budget

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2015, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Phil Trapani moved and it was seconded by David Surface that the Town appropriate Fire Department Ambulance Enterprise Revenues for the operation of the Fire Department's Ambulance Services under the direction and control of the Board of Selectmen and Fire Chief in accordance with the Fire Department Ambulance Budget as shown in the Finance & Advisory Board's Report to the May 4, 2015 Annual Town Meeting for the Fiscal Year beginning July 1, 2015, such that a total of \$31,680 (thirty one thousand six hundred eighty dollars) is appropriated for indirect operating costs as appropriated under Article 2, and a total of \$280,270 (two hundred eighty thousand two hundred seventy dollars) to the Town to pay direct costs.

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

{BEGIN CONSENT CALENDAR}

Article 7: 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, 2015, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

Article 8: 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, 2015; or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

Article 9: 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 \$25,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

Article 10: Chapter 90 Reimbursement, Transportation Bond

To see if the Town will appropriate the sum of \$305,483 (Three hundred five thousand four hundred eighty three dollars) 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.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

Article 11: 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 \$14,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

Article 12: Inspections Department, Revolving Fund

To see if the Town will vote to continue an Inspections Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees associated with electronic permit tracking software when permits are issued by the Town of Georgetown. Funds to be expended without further appropriation for the purpose of funding permit tracking software fees, training, computer upgrades, data storage, and electronic data conversion of existing paper files and contract work associated with the electronic permitting system. The Inspections Department may expend from this account an amount not to exceed \$12,000 for the fiscal year beginning July 1, 2015, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

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 \$100,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

{END CONSENT CALENDAR}

The Moderator will accept one motion for articles 7 thru 13. If you wish to hold any of the articles for discussion, just say “hold” as the Moderator reads that article # and description.

MOTION: Chris Tentindo moved and it was seconded by Joe Soucy to approve the consent calendar which includes Articles 7 through Article 13 as printed in the warrant.

ACTION: By a show of hands, the Moderator declared Articles 7 through 13 passed by a majority.

Article 14: 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 (seventy seven thousand dollars) for the Fiscal Year 2016 lease payment for the Fire Department ladder truck, or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Jim Lacey moved and it was seconded by Sandy Gerraughty to appropriate from the Stabilization Fund the sum of \$77,000 (seventy seven thousand dollars) for the Fiscal Year 2016 lease payment for the Fire Department ladder truck.

David Surface stated that there is 1 more payment after this one.

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

Article 15: Other Post-Employment Benefits Trust Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed \$50,000 (fifty thousand dollars) to be added to the Other Post-Employment Benefits Liability Trust Fund, created by vote of the May 7, 2012 Annual Town Meeting pursuant to the provisions of G.L. c.32B, §20, or take any other action in relation thereto.

Board of Selectmen recommend approval. (Vote-4-0)

Finance and Advisory Board recommends approval. (Vote-1-5)

MOTION: Gary Fowler moved and it was seconded by Phil Trapani to appropriate from Overlay Surplus the sum of \$15,000 to be added to the Other Post-Employment Benefits Liability Trust Fund, created by vote of the May 7, 2012 Annual Town Meeting pursuant to the provisions of G.L. c.32B. §20.

Fin Com Report: Joe Bonavita stated that the Finance Committee did not vote in favor of this article.

EXPLANATION: Ed Dobie from the FinCom stated that money is tight this year and they felt that it was unnecessary at this time.

Dave Surface explained that this would help out the bond rating by putting money in this fund but we can wait until the fall town meeting to see if we have the money then.

ACTION: By a show of hands, the Moderator declared that this article does not pass.

Article 16: Council on Aging, Senior Center

To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds, a sum of money for design and engineering services and to modify and equip a portion of the Perley School to be used as the Georgetown Senior Center, including all costs incidental or related thereto, or take any other action in relation thereto.

Board of Selectmen recommend approval. (Vote-4-0)

Finance and Advisory Board recommends approval. (Vote-4-2)

Motion: David Surface moved and it was seconded by Phil Trapani to transfer from the Capital Stabilization Fund the sum of \$45,000 for the purpose of funding design and engineering services and to modify and equip a portion of the Perley School to be used as the Georgetown Senior Center, including all costs incidental or related thereto.

Finance Committee Report: Ed Dobie stated that the concept of this is good but the timing is bad. We just do not have the money right now.

DISCUSSION: Joanne Pasquale asked what they needed the \$45,000 for

David Surface explained that this is for the initial work to convert and bring it up to code. It is time for a senior center. Sandy Gerraughty stated this is for design and engineering of the classrooms to convert them over to a senior center.

Rob Hoover, Ed Desjardins & Alan Aulson spoke in favor of voting for this article.

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

Article 17: Capital Improvement Program, Voting Machines

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to purchase three (3) new digital scan vote tabulators, or take any other action in relation thereto.

There is no motion. This article was passed over.

Article 18: Capital Improvement Program, Tree Removal

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money for the removal of trees around the Public Safety Building, or to take any other action in relation thereto.

There is no motion. This article was passed over.

Article 19: Capital Improvement Program, Auditorium Flooring

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to replace the auditorium flooring in the Middle/High School, or to take any other action in relation thereto.

There is no motion. This article was passed over.

Article 20: Capital Improvement Program, Steel Exterior Door

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to replace the exterior door in the Middle High School, or to take any other action in relation thereto.

There is no motion. This article was passed over.

Article 21: Fire Department, Calibration System

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to purchase a calibration system for the Fire Department's gas meters, or to take any other action in relation thereto.

This is no motion. This article was passed over.

Article 22: Fire Department, Repair Engine 1, 2003 E-One Pumper Truck

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to repair and equip Engine 1, or to take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Stu Egenberg moved and it was seconded by David Surface to transfer the sum of \$12,000 from the Capital Stabilization Fund to the repair and equip Engine 1, including all costs incidental and related thereto.

ACTION: By a show of hands, the Moderator declared that this article passed by a unanimous vote.

Article 23: Reduce Finance and Advisory Committee from 9 to 7 members

To see if the Town will vote to amend the General Bylaw, §63-1, *Finance and Advisory Board*, by deleting the language shown in strikethrough and adding the language shown in bold to reduce the number of members of the Finance and Advisory Board from nine to seven as follows:

It shall be the duty of the Moderator to maintain a board of ~~nine~~ **seven** members to be known as the "Finance and Advisory Board," who shall hold no elective office in the town, and who shall serve without pay. The term of appointment for said Board members shall be **for alternating** three years **terms** or for **such** shorter periods ~~when as may be~~ necessary to fill vacancies. At or following each Annual Town Meeting, the Moderator shall appoint ~~three~~ members to said Board., ~~except that the first year this article takes effect he is to appoint three members for three years, three members for (2) years and three members for one year~~

Provided, however, that to implement this reduction in the size of the Finance and Advisory Board, one of the Board member positions expiring June 30, 2015 and one expiring June 30, 2016 shall not be filled.

or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-2-1-1)

The Assistant Moderator, Kathleen Sachs, stepped up to read this article as this is a conflict for Beverly Enos, Moderator as the appointee of the Finance Committee.

MOTION: Jim Lacey moved and it was seconded by Sandy Gerraughty to approve Article 23 as printed in the warrant with the exception of the last paragraph "Provided, however, that to implement this reduction in the size of the Finance and Advisory Board, one of the Board member positions expiring June 30, 2015 and one expiring June 30, 2016 shall not be filled."

ACTION: By a show of hands, Kathleen Sachs, Assistant Moderator, declared this passed by a majority.

The Community Preservation Article is being treated as was the consent calendar, the Moderator will read the motion, if you wish to hold any portion of the article just say hold and it will be acted on separately.

Article 24: Community Preservation Committee (ATM15-25) (Submitted by CPC)

Finance and Advisory Board recommends approval of B, C, D, F, G, H, and I. (Vote-6-0)

Finance and Advisory Board recommends approval of E. (Vote-5-0-1)

Board of Selectmen recommend approval of A,B,C,D,E,F,G,H, and I. (Vote-4-0)

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 2016 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 2016; 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 open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 2016 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$56,000 (>10% of the estimated FY revenues) for open space, including land for recreational use; and

\$56,000 (>10% of the estimated FY revenues) for historic resources; and

\$56,000 (>10% of the estimated FY revenues) for community housing.

Appropriations:

\$21,000 (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;

\$144,424.85 (One Hundred Forty Four Thousand four hundred twenty four dollars and eighty five cents) from Undesignated Funds and **\$56,000** (Fifty Six Thousand dollars) from the Open Space / Recreational Land Reserve for a total of **\$200,424.85** (Two Hundred Thousand Four Hundred Twenty Four dollars and eighty five cents) for: the Debt Service, principal and interest payments and any and all costs associated with Bond notes and instruments incurred by the Community Preservation Fund related to the Articles previously appropriated at Annual Town Meeting in 2013 (Articles 27(H) ATM 5-6-13 and 27(I) ATM 5-6-13);

or take any other action in relation thereto.

Annual Town Meeting in 2013 (Articles 27(H) ATM 5-6-13

B: Community Preservation Community Housing Category, “Affordable Housing Trust Grant”

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate from the Community Preservation Fund Community Housing Reserve Account, the amount of **\$63,134** (Sixty Three

Thousand one hundred thirty four dollars) and **\$16,866** (Sixteen Thousand eight hundred sixty six dollars) for a total of **\$80,000** (Eighty Thousand Dollars) as a grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust's Articles of Incorporation and the accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen and the Community Preservation Committee to enter into a grant agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, which may include a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and further, to authorize the Board of Selectmen to accept such restrictions; or take any other action in relation thereto.

Finance and Advisory Board recommends approval. (Vote-6-0)

MOTION: CPC Article 24 B

Harry LaCortiglia moved and it was seconded by Sandy Gerraughty that the Town vote to appropriate \$63,134 (sixty three thousand one hundred thirty four dollars) and \$16,866 (sixteen thousand eight hundred sixty six dollars) from the Undesignated Account for a total of \$80,000 (eighty thousand dollars) from the Community Preservation Fund Community Housing Reserve Account for the purposes and subject to the conditions set forth in the warrant.

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

We have revised this article to allow, but not require, acquisition of permanent restrictions in order to provide the Trust with a level of programmatic flexibility. The scope of use of funds under the revised CPA for housing purposes is not yet clear; however, provision of CPA funds to an Affordable Housing Trust is clearly allowable.

C: Community Preservation Community Housing Category, "Housing Authority Stormdoors"

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account, the amount of **\$3,600** (Three Thousand Six Hundred Dollars) to the Georgetown Housing Authority for the costs related to the installation of storm doors at the Trestle Way Housing Authority Complex; and to authorize the Board of Selectmen and the Housing Authority, in consultation with the Community Preservation Committee to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. 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.

Finance and Advisory Board recommends approval. (Vote-6-0)

D: Community Preservation Historic Resources Category, “Digitization of Historic Documents”.

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 **\$22,000** (Twenty Two Thousand dollars) to be used solely for the ongoing preservation via digitization of Georgetown's historical documents and records. These historical documents will be scanned and appropriately archived ; and to authorize the Board of Selectmen and the Georgetown Historical Commission, in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative; 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 Historic Reserve 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.

Finance and Advisory Board recommends approval. (Vote-6-0)

E: Community Preservation Historic Resources Category, “Town Hall Shrub Fence”.

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 **\$9,500** (Nine Thousand five hundred dollars) to be used for the ongoing preservation of Georgetown's Historic Town Hall through the installation of a Shrub Fence for the property; and to authorize the Board of Selectmen and the Georgetown Highway Surveyor in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for this purpose and for any grants to defer the costs associated with this initiative; 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 Historic Reserve 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.

Finance and Advisory Board recommends approval. (Vote-5-0-1)

MOTION: CPC Article 24 E

Scott Paganelli moved and it was seconded by Sandy Gerraughty that the Town vote to approve Article 24 (E) as printed in the warrant.

DISCUSSION: Ann Lacey stated that the fence should be removed as it is a rusty old fence but not with shrubs. She stated that a hedge could not support the weight of snow that gets pushed down there in the winter. It is a steep slope and a hedge would not be good. There would also be the need to take down 3 trees. Vote against this as a fence would be better.

Ed Desjardins from the historical commission agreed this is an eyesore but a fence would be much more costly. We could do a shrub fence for under \$10,000.00 There were many pros and cons about replacing the fence with shrubs due to maintenance & costs.

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

F: Community Preservation Open Space / Recreational Land Category “Rehabilitation of American Legion Park (Phase 3)”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated funds the amount of **\$46,833** (Forty Six Thousand Eight Hundred Thirty Three dollars) to further fund the ongoing engineering, permitting and implementation of improvements as recommended by the Georgetown Park and Recreation Commission, including all costs incidental and related to the rehabilitation of the American Legion Park. This will include the replacement of playground equipment; and improvements to comply with the Americans with Disabilities Act and other federal, state or local building, access, and safety codes; and further to authorize the Board of Selectmen and Park and Recreation Commission, in consultation with the Community Preservation Committee to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of this Facility. 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.

Finance and Advisory Board recommends approval. (Vote-6-0)

G: Community Preservation Open Space / Recreational Land Category “West St. Soccer fields Rehabilitation (Phase 1)”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Funds the amount of **\$45,000** (Forty Five Thousand Dollars) to fund the engineering, permitting and implementation of improvements, as recommended by the Parks and Recreation Commission, to the West Street fields, including all costs incidental and related to the rehabilitation of the facility; and further to authorize the Board of Selectmen; Parks and Recreation Commission; and the Georgetown Water Commission, in consultation with the Community Preservation Committee to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of this Facility. 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 Open Space / Recreational Land Reserve 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.

Finance and Advisory Board recommends approval. (Vote-6-0)

H: Community Preservation Recreational Land Use Category, “East Main Street Active Recreational Land Access and Development (Phase 1 Completion Costs)”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account a total of **\$140,000** (One Hundred Forty Thousand Dollars) to fund the ongoing engineering, legal, permitting, and development costs, including all costs incidental and related thereto, for the ongoing creation of an Active Recreational Facility at the location of the Recreational land off of Main Street, purchased by Art 20(E) of the Annual Town Meeting of May 4th, 2009; and to further provide for the costs of the engineering, permitting, development and legal pursuance regarding the access to and the continued development of The Georgetown Active Recreational Greenway of which the said Recreational land Facility is a component; and further, to authorize the Board of Selectmen and Parks and Recreation Commission, in consultation with 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 Facility. 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.

Finance and Advisory Board recommends approval. (Vote-6-0)

I: Community Preservation Recreational Land Use Category, “Active Recreational Land Purchases”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account **\$158,000** (One Hundred Fifty Eight Thousand Dollars) to fund for Active Recreational purposes, the acquisition of two parcels of land totaling approximately 29 acres, and for the appraisal, survey, title research and legal costs associated with the purchase, gift or eminent domain of the purchase of the two parcels, and to authorize the Board of Selectmen to acquire said property. The first parcel, of approximately 9 acres, is identified as Assessors Map 16, Lot 6. The second parcel, of approximately 20 acres, is identified as Assessors Map 16, Lot 7. Said parcels are to be managed and controlled by the Parks and Recreation Commission of the Town of Georgetown. And further to provide for the costs of the engineering, permitting, development and legal assistance regarding the parcels for the access to and the continued development of The Georgetown Active Recreational Greenway. And further, that the Board of Selectmen, Community Preservation Committee and the Parks and Recreation Commission be authorized to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the purchase and development of the parcels and including the conveyance of perpetual recreational restrictions 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 restrictions may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. Ch. 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.
Finance and Advisory Board recommends approval. (Vote-6-0)

MOTION: CPC Article 24 I

Harry LaCortiglia moved and it was seconded by Gary Fowler to approve Article 24 (I) as printed in the warrant.

Laura Repplier stated that this piece of land is landlocked and accessed only by a Turning Leaf Parcel. Jim DiMento stated this would allow access to the “Greenway” of approximately 500 acres from Martel Way to East Main

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

I note that unlike other appropriations for acquisitions of interests in land, appropriations from CPA funds for the purchase of land require only a majority vote.

There was a hold put on section B & E

MOTION: Harry LaCortiglia moved and it was seconded by Kathleen Sachs to accept Article 24 Sections A, C, D, F, G, H & I as printed in the warrant

MOTION TO AMEND: Sandy Gerraughty moved and it was seconded by Joe Bonavita to hold section I in addition to B & E

ACTION ON AMENDMENT: By a show of hands, The Moderator declared this passed by a majority

Motion to accept A, C, D, F, G & H passed by a majority

Back to section “B” (see motion after section B)

Article 25: Definitions and Word Usage: Subtractions and Additions

Definitions and Word Usage: Subtractions.

To see if the Town will vote to amend the Zoning Bylaw,
§165-7 – Definitions and word usage by *REMOVING* the following definitions:

PLANNED UNIT DEVELOPMENT – A tract developed in accordance with Article VII.

Comments – This amendment is proposed as definition is no longer required due to: 1) Article VII Planned Unit Development was repealed with Article 28 at ATM 2005 (amendment No. 155); and 2) Planned Unit Development was replaced with Open Space Residential Development §165-47 thru §165-59. D

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on February 25th, 2015. The Planning Board voted 4-0 in the affirmative.

Definitions and Word Usage: Additions.

To see if the Town will vote to amend the Zoning Bylaw,
§165-7 – Definitions and word usage by *ADDING* the following definitions:

MEDICAL OFFICE – Suite of rooms, including a laboratory, where a physician or group of medical practitioners receive and treat patients on an on-going basis and otherwise provide health services to consumers.

OPEN SPACE RESIDENTIAL DEVELOPMENT – Method of planning residential development that conserves open space in a manner that maximizes the protection of natural resources (wetlands, forests, agriculture lands, open space) while providing for new construction and adequately compensating landowners.

or take any other action in relation thereto.

Comments – These amendments are proposed in order to: 1) Add definitions of a use that are currently considered in Chapter §165 Zoning Bylaws. Uses in the bylaws but not defined are Medical Offices and Open Space Residential Development.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on February 25th, 2015. The Planning Board voted 4-0 in the affirmative.

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Rob Hoover moved and it was seconded by Sandy Gerraughty to approve Article 25 as printed in the warrant.

Planning Board Report: Planning Board recommend approval. (Vote-4-0)

Finance and Advisory Board recommends approval. (Vote-6-0)

Howard Snyder, Planner explained that this is removing terminology that is not accurately defined

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

Article 26: Solar Energy Facilities

To see if the Town will vote to amend the Zoning Bylaw by inserting a new bylaw, Article XXIV Solar Energy Facilities, as set forth below, applicable to solar photovoltaic installations, establishing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations, or take any other action in relation thereto.

ARTICLE XVIII Solar Energy Facility

§ 165-135 Purpose and Intent.

A.

The purpose of this bylaw is to promote the creation of new solar photovoltaic installations, herein referred to as a Solar Energy Facility, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

- B. The Provisions set forth in this bylaw shall be applied together and consistent with all other applicable provisions of the Zoning Bylaws, provided that in the event of a conflict the more restrictive provision shall apply

§ 165-136 Scope of Authority.

- A. The Planning Board shall act as the Permit Granting Authority (PGA) for Site Plan Approval of Solar Energy Facility projects.

§ 165-137 Applicability.

- A. Construction and use of a Solar Energy Facility or any part thereof shall require Site Plan Approval issued in accordance with this bylaw and Section 165-83 of the Zoning Bylaws. Such approval shall be required for new Solar Energy Facilities and for subsequent modifications to existing facilities that materially alter the type, configuration, or size of such facilities or related equipment.
- B. Nothing in this section shall be construed to prevent the installation of accessory roof-mounted, solar photovoltaic installations on single and two-family residential dwelling structures.

§ 165-138 Definitions.

The following terms as used in this ordinance are defined as follows;

Commercial Solar Energy Facility: A ground mounted and/or roof mounted solar photovoltaic installation where the primary use is electrical generation to be sold to wholesale electricity markets. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

Ground Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground.

On-Site Solar Energy Facility: A ground mounted and/or roof mounted solar photovoltaic installation for the purpose of electrical generation where the facility is an accessory use to the principal use of the property on which the facility is located, and will generate electricity to be primarily consumed by the principal use of the property. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures,

transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

Solar Energy Facility: For the purpose of this bylaw, a Solar Energy Facility shall mean both on-site solar energy facilities and commercial solar energy facilities. Such facility shall include, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

§ 165-139 General Provisions.

B. Administration:

Prior to construction, installation or modification of a Solar Energy Facility, all provisions of this bylaw shall be met.

C. Compliance with Zoning Laws, Ordinances and Regulations:

The construction and operation of all Solar Energy Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Solar Energy Facility shall be constructed in accordance with the State Building Code.

D. Fees:

A filing fee as established by the PGA must accompany the Solar Energy Facility Site Plan Approval Application. This filing fee is established as the minimum filing fee required by the Planning Board for Site Plan Approval as outlined in the fee schedule.

E. General:

All plans, maps and pertinent documents shall be prepared, stamped and signed by the appropriate professional engineer or landscape architect who is licensed to practice in the Commonwealth of Massachusetts.

F. Utility Notification:

No Solar Energy Facility shall be constructed until satisfactory evidence has been provided to the PGA that the Town of Georgetown Municipal Light Department has approved the connection of the Solar Energy Facility to the power grid. Installation of a Solar Energy Facility must meet the requirements of the "Qualifying Facility Power Purchase Rate" and "Standards for Interconnecting Distributed Generation" as published by the Town of Georgetown Light Department.

G. Safety Standards:

The Solar Energy Facility owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility to the PGA, the Building Inspector, the Police Chief, and the Fire Chief.

(1) **Emergency Services Plan:** The Solar Energy Facility owner and/or operator shall provide a written plan including but not limited to a project summary, electrical schematic, and site plan to the Town's local safety officials including the Police Chief, Fire Chief and Building Inspector. The PGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any site plan for the Solar Energy Facility.

(2) **Unauthorized Access:** The Solar Energy Facility shall be designed to allow access within the area of proposed limit of work to authorized personnel only. Electrical equipment shall be locked where possible.

H. Proof of Liability Insurance:

The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility;

I. Financial Surety:

Proponents of solar photovoltaic projects shall provide a form of surety to the Town of Georgetown, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Solar Energy Facility is discontinued and not removed and the site remediated as required herein. The surety shall be in an amount and form determined to be reasonable by the PGA but not in an amount to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and confirmed by the PGA. The proponents shall provide a security sufficient to cover the cost of removal for the first ten (10) year period. For every five (5) year term thereafter, the proponent shall return to the PGA to renew the surety in the amount sufficient to cover the costs of removal of the facility for the next five (5) year term. The applicant shall submit a fully inclusive estimate of the costs associated with removal of the facility as outlined in this section. The estimate of cost shall be prepared by a professional civil engineer and shall include a mechanism requiring the permit holder to continually adjust the amount of security in proportion to cost of living adjustments.

Such surety will not be required for municipal and state-owned facilities.

J. Operations and Maintenance Plan:

The project proponent shall submit a plan for the operation and maintenance of the Solar Energy Facility. This plan shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation

§ 165-140 Site Plan Approval Review Criteria and Procedures.

A. Criteria:

In the review and evaluation of a Solar Energy Facility application, and in making a written final determination, the PGA shall consider but not be limited to the following regulations;

- (1) Minimizes the volume of cut and fill, the number of removed trees that are six (6) inches or more in caliper, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;
- (2) Provides adequate storm water management and other utilities, which shall at a minimum be consistent with the requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised), and other applicable regulation;
- (3) Minimizes obstruction of scenic views from publicly accessible locations;
- (4) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
- (5) Minimizes glare from headlights and lighting intrusion and reflection from photovoltaic panels;
- (6) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;
- (7) Provides adequate access to each structure for emergency response service equipment;

B. Submission Requirements and Required Documents:

The following information shall be provided for a Solar Energy Facility Site Plan Approval application, together with such information as is required to be submitted in accordance with the requirements of Section §165-83.

- (1) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and over current devices;
- (2) Photovoltaic panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversion of solar energy into electrical energy production;
- (3) Documentation of the major system components to be used, specifications of the photovoltaic

panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversion of solar energy into electrical energy production.

- (4) Name, address, and contact information for proposed system installer;
- (5) Location of the proposed solar system panels, arrangement of arrays, appurtenant structures, transmission infrastructure, foundations, and associated ground equipment, fencing, exterior lighting and access to them for maintenance and emergencies;
- (6) Outline of all existing buildings, including proposed structures (e.g. residence, garage, storage shed, etc.) on site and on adjacent parcels within 300 feet of the property lines of the site and any private access thereto. Distance from the Solar Energy Facility to each building shall also be shown on the plan;
- (7) Location and approximate height of tree cover and any potential shading from nearby structures or vegetation.
- (8) Designation of NHESP Estimated Habitats of Rare Wildlife, NH Priority Habitats of Rare Species zones and Groundwater Protection District if applicable
- (9) **Visualizations:** The PGA may select up to four sight lines, including from the nearest building with a view of the Solar Energy Facility for pre- and post-construction view representations. Sight lines for the view representations shall be selected from populated areas proximate to the proposed Solar Energy Facility. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre- construction photographs and accurate post-construction simulations of the height and breadth of the Solar Energy Facility (e.g. superimpositions of the Solar Energy Facility onto photographs of existing views);
 - (b) All sight line view representations will include existing, or proposed, buildings or tree coverage;
- (10) Applicant shall demonstrate to the PGA's satisfaction that the following design process was followed in determining the layout of a proposed Commercial Solar Energy Facility or On-Site Solar Energy Facility;
 - (a) Understanding the development site: Inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other;
 - (b) Evaluating site context: The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities;

The PGA may require additional information, data or evidence as it deems necessary pursuant to the site plan approval process.

C. Waivers:

The PGA may waive, by an affirmative vote, any of the submittal and design requirements if it determines that strict compliance with those submittal and design requirements, because of the size or unusual nature of proposed building(s), structure(s), or lay of the land, may not be in the best interest of the Town and general public.

D. Modifications to Approved Site Plans:

All material modifications to a Solar Energy Facility made after issuance of the required permit shall require approval by the PGA as outlined in Section 165-83.V.

E. Appeals:

The decision of the PGA and/or Building Inspector made on any project subject to the provisions of this section may be appealed pursuant to the provisions of Chapter §165-98 of Town of Georgetown's Zoning Bylaw.

F. Enforcement:

Enforcement of violations of any approvals and conditions of approvals, including violations of any development and/or performance standards identified in this Section shall be governed by Section §165-97 of the Town of Georgetown Zoning Bylaw.

G. Severability:

The invalidity of any section or provision of this Bylaw by a Court or Agency of competent jurisdiction shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

H. Issuance of Building Permit:

No building permit for a Solar Energy Facility shall be issued until the PGA has rendered its' decision on the Site Plan Approval application. Any site clearing or disturbance done on a site proposed for a Solar Energy Facility without a Building Permit shall be deemed improper clearing; a violation of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to provisions of Chapter 165 Article XVI.

I. Expiration:

A permit issued pursuant to this bylaw shall expire if a Solar Energy Facility is not installed and operational within 24 months from the date of approval, or is discontinued or deemed discontinued pursuant to this bylaw.

J. Violations:

It shall be unlawful for any person to construct, install, or operate a Solar Energy Facility that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw. Alterations or expansion of existing Solar Energy Facilities shall be subject to the provisions of this bylaw.

§ 165-141 Development and Performance Standards.

Any proposed Solar Energy Facility shall be subject to development and performance standards, as set forth below, for the placement, design, construction, monitoring, modification and removal. Such development and performance standards exist to address public safety and minimize impacts on scenic, natural and historic resources of the Town. Whereas all projects must demonstrate compliance with applicable provisions of Section §165, the following standards shall be in addition to and in the effect of a conflict shall take precedence over design standards of Section §165-83 and Appendix 4 Intensity of Use Schedule:

A. Dimension and Density Requirements.

(1) **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For a Solar Energy Facility, compliance with front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard shall have a depth of at least 20 feet from the property line provided, however, where the parcel abuts a conservation use, recreational use or residential district, the front yard shall not be less than 50 feet;
- (b) Side yard: Each side yard shall have a depth at least 20 feet from the property line provided, however, where the parcel abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;
- (c) Rear yard: The rear yard depth shall be at least 20 feet from the property line provided, provided, however, where the parcel abuts a conservation use, recreational use or residential district, the rear yard shall not be less than 50 feet.

(2) The PGA may grant a waiver from setback requirements if the applicant can demonstrate:

- (a) Failing to do so would render the siting of the Solar Energy Facility unfeasible; and
- (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
- (c) The waiver will not adversely affect the intent of this bylaw in terms of development and design standards.

B. Design Standards.

- (1) **Lighting:** Lighting of a Solar Energy Facility shall be consistent with Town of Georgetown, state and federal law and shall be limited to that required for safety and operational purposes.
- (2) **Landscaping:** Applicant shall submit a Landscape Plan detailing the following:
 - (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening, fencing, planting, exterior lighting and structures;
 - (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;
 - (c) All landscaped areas shall be properly maintained and monitored for at least two growing seasons. Shrubs or trees that die shall be replaced by the applicant or property owner, at their expense, within the first growing season. The long term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.
- (3) **Signage:** Location, materials and details of proposed signs shall be submitted. Signs shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:
 - (a) A required sign identifying the owner and providing a 24-hour emergency contact phone number;
 - (b) A sign providing identification of the manufacturer or operator of the solar photovoltaic installation;
 - (c) Educational signs providing information about the facility and the benefits of renewable energy;

No advertising signs shall be permitted.

- (4) **Fencing:** The Applicant shall demonstrate, if required by the PGA, the type and manner of installation for adequate security fencing.

C. Appurtenant Structures:

All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from off-site view by vegetation and joined and/or clustered to avoid adverse visual impacts. Architectural elevation drawings for structures exceeding 500 square feet of gross floor area shall be submitted as part of the application.

D. Utility Connections:

Reasonable efforts, as determined by the PGA, shall be made to place all utility connections from the Solar Energy Facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers and inverters to enable

utility interconnections may be above ground if required by the Town of Georgetown Light Department.

E. Land Clearing and Soil Erosion:

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy facilities and per best management practices for natural and/or developed areas and otherwise prescribed by applicable laws, regulations, and bylaws, in particular but not limited to Town of Georgetown's Chapter §49 Earth Removal and Chapter §57 Erosion and Stormwater Control. The limit of work will be shown on the approved Site Plan and Proposed Installation Plan.

F. Natural Buffer and Wildlife Corridors:

An undisturbed buffer shall be part of the setback area and maintained between the Solar Energy Facility and the property line. This buffer would only be required on those projects that abut a residential district. The natural buffer should be maintained at or slightly above the highest level of the solar panels. If the natural vegetative visual buffer would have a detrimental effect on the ability to generate power, an alternative screening buffer may be proposed. A Solar Energy Facility shall be designed and constructed to optimize the existence and maintenance of natural buffers and wildlife corridors.

G. Operation, Monitoring and Maintenance:

(1) **Minimum Maintenance Responsibilities:** The applicant, owner or operator shall maintain the Solar Energy Facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be provided and maintained to a level acceptable to the Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Facility and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified until the Facility is discontinued or decommissioned. After decommissioning the property owner shall be responsible for all maintenance;

(2) **Operation and Maintenance Plan:** As required in and to satisfy Section 165-139.J.

H. Removal / Decommissioning / Discontinuance:

(1) **Removal Requirements:** Any Solar Energy Facility that has reached the end of its useful life or has been discontinued shall be removed. A Facility not in operation for a period of one hundred and fifty (150) continuous days or more without written permission from the PGA shall be considered discontinued. Upon written request from the Building Inspector addressed to the contact address provided and maintained by the owner and operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the Facility. Failure to provide such evidence within thirty (30) days of such written request shall be conclusive evidence that the Facility has been discontinued. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. At least thirty (30) days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the PGA and the Building Inspector by Certified Mail of the proposed date of discontinued operations and include plans for removal. If the owner or operator of the Solar Energy Facility fails to remove the Facility in accordance with the requirements of this section, the Town of Georgetown shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and remove the Facility at the expense of the owner of the Facility and the owner(s) of the site on which the Facility is located.

(2) **Decommissioning:** shall consist of:

- (a) Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
- (b) Any municipal utility connections shall be disconnected to the satisfaction of the Municipal Light Department, Highway Surveyor and Fire Department;
- (c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- (d) Stabilization or re-vegetation of the site as necessary to minimize erosion. The PGA may require submission of a landscape plan showing post decommissioning site conditions for its review and approval. The PGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

Comments – These amendments are proposed in order to: 1) To provide standards and promote the creation of new solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations; and 2); Gain designation as a Green Community under the state's Green Communities Act, G.L. c.25A, §10.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on February 25th, 2015. The Planning Board voted 4-0 in the affirmative.

A 2/3 vote is required to approve this article.

Finance and Advisory Board recommends approval. (Vote-6-0)

MOTION: Rob Hoover moved and it was seconded by Sandy Gerraughty to approve Article 26 as printed in the warrant.

Planning Board Report: Planning Board recommend approval. (Vote-4-0)

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

Article 27: Use Regulations and Intensity of Use Schedule: Modifications (ATM15-27)

(Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw, §165-11 – Use Regulations and Intensity of Use Schedule by *REMOVING* the following use category and the uses thereunder:

Other Uses:	RA	RB	CA	CB	CC	IA	IB	RC
Commercial Radio and Television Transmission	O	A	O	O	O	O	A	A
Signs	P	P	P	P	P	P	P	P
Temporary Structures	P	P	P	P	O	P	P	P
Pipe Organ Making	O	O	P	O	O	O	O	O
Housing for Elderly	P	A	A	A	A	A	P	A

D = Special Permit by Planning Board, O = An excluded or prohibited use, P = A permitted use and *INSERTING* the following uses in the categories indicated:

	RA	RB	CA	CB	CC	IA	IB	RC
Business Uses:								
Pipe Organ Making	O	O	P	O	O	O	O	O
Signs	P	P	P	P	P	P	P	P
Solar Energy Facilities	P	P	P	P	P	P	P	P

Industrial Uses:

Commercial Radio and Television Transmission	O	A	O	O	O	O	A	A
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Rural Uses:

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

or take any other action relative thereto.

A 2/3 vote is required to amend the Zoning Bylaw.

Comments – These amendments to the use regulation and intensity of use schedule are being proposed in order to: 1) Remove the category of “Other” as the term is not an appropriate use category; and 2) Place uses into an appropriate category that properly relates its’ associated activity to a zone designation; and 3) Organize the use’s permitting description to the Town’s current zoning district designations.

Note – Uses listed in “Other Uses” category are moved to appropriate use categories with the same permitting designations. These permitting designations are to reflect what is outlined in the current bylaw. Solar Energy Facilities is proposed as a permitted use in all zoning districts. The bylaw for each use requires site plan approval for any facility as to provide the Planning Board with oversight of development. As well, this allows for conformance to the Green Communities Act. In particular, meet the intent of Section 3 of Chapter 40A and “unreasonably regulate.” The use Housing for Elderly is no longer in the zoning bylaw articles or in the 165-7 Use Definitions section and should therefore be removed from the use regulations and intensity of use schedule.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on February 25th, 2015. The Planning Board voted 4-0 in the affirmative.

Board of Selectmen recommend approval. (Vote-4-0)

Finance and Advisory Board recommends approval. (Vote-6-0)

MOTION: Rob Hoover moved and it was seconded by Kathleen Sachs to approve Article 27 as printed in the warrant.

Planning Board Report: Planning Board recommend approval. (Vote-4-0)

EXPLANATION: Howard Snyder explained that they added categories to better define “Other Uses”

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

Article 28: §165 - 69 Accessory Apartments To see if the Town will vote to amend the Zoning Bylaw, §165-69.2 Affordable Accessory Apartments, by INSERTING the following text:

§165-69.2 Affordable Accessory Housing

Purpose and intent. It is the specific intent of this section to allow accessory apartments, including kitchens, within single-family properties for the purpose of meeting the need for affordable housing by adding units to the town’s affordable housing census.

To achieve these goals and to promote the other objectives of this section, specific standards are set forth below for such accessory apartment uses. A special permit issued by the Zoning Board of Appeals may authorize such use that meets the criteria shown below.

REQUIREMENTS

- A. Owner occupancy required. The owners of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. An owner shall not be deemed to occupy a unit unless the owner resides in the premises for a minimum of nine (9) months per year.
- B. The acceptance of the apartment on the State Subsidized Housing Inventory “SHI” by the State Department of Housing and Community Development. Requirements may include, but not be limited to, regulatory agreements, deed riders and other restrictions, limitations and reviews as deemed necessary by DHCD and the permitting authority.
- C. Apartment size. The maximum livable floor area for an accessory apartment shall not exceed 33% of the total livable floor area of the existing primary dwelling or 700 square feet, whichever is greater. In the case of new construction, the aforementioned will apply to the planned primary dwelling. Livable floor area is defined under this chapter. *Editor's Note: See § 165-7 where "livable floor area" is defined.*
- D. The permit shall be suspended if the approved unit is no longer included on the “SHI” and the occupancy permit issued under this Zoning Bylaw shall become null and void
- E. Code compliance. The accessory apartment must be determined to comply with current safety, health and construction requirements before occupancy and at every change in occupancy.
- F. Preservation of single-family characteristics. The accessory apartment shall not change the single-family characteristic of the dwelling except for the provision of an additional access or egress.
- G. There shall be no more than one accessory apartment for a total of two dwelling units permitted per lot.

- H. Dwelling units in new developments may apply for special permit after subdivision road as-builts have been provided and approved by the Planning Board.
- I. The number of apartments approved pursuant to this bylaw shall not exceed ten (10) per year.

or take any other action in relation thereto.

Comments – This amendment is proposed in order to: 1) Preserve or create additional accessory housing units within existing owner-occupied homes for the purpose of providing affordable housing units; and 2) Allow for such accessory apartment units to be added to Georgetown's Subsidized Housing Inventory (SHI) in accordance to Department of Housing and Community Development (DHCD) requirements.

Note – The Affordable Housing Task Force (AHTF) is the proponent of this bylaw amendment will be in attendance at the meeting to discuss the proposed amendment. The AHTF has worked over the past year to formulate the bylaw amendment that is based upon the existing accessory (in-law) apartment bylaw. The AHTF has met and coordinated with the Zoning Board of Appeals as they are the Special Permit Granting Authority for accessory apartments and would be for an Accessory Affordable Housing unit.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on February 25th, 2015. The Planning Board voted 3-1 in the affirmative.

Board of Selectmen recommend approval. (Vote-3-1)

Planning Board recommend approval. (Vote-3-1)

A 2/3 vote is required to approve this article.

Finance and Advisory Board recommends approval. (Vote-0-6)

MOTION: David Surface moved and it was seconded by Joe Soucy to approve Article 28 as printed in the warrant.

Planning Board Report: Planning board recommends approval 3-1

EXPLANATION: Wayne Snow from the Finance Committee explained that they voted against this article 0-6 because they felt it needed a little tweaking between the ZBA and the Affordable Housing Committee. It's complicated and confusing.

Matthew Martin from the Affordable Housing Committee explained that we need to stay above our 10% affordable housing

Elizabeth Lowell states she does not believe this would be considered by the state.

Tillie Evangelista said this would be approved by the state and the applicant would need to apply to them.

Pat Ratay stated her and her husband attended the two hearings that were held by the Planning Board and at the first meeting they had too many unanswered questions. At the second hearing she said they hurried to vote on this so it would be in time to make the warrant for this meeting. She spoke to a couple real estate companies who assured her this would decrease home values if this were to happen. She stated only 3 towns in MA have this in place and one of them regrets

ever passing this type of bylaw. We would have no choice on who moved into our homes so do not vote for this article.

Alan Aulson asked if home with under ¼ acre would be exempt from this and his answer was yes.

Paul Nelson, Frank Puopolo and Rob Hoover like the idea of this bylaw.

ACTION: By a show of hands, the Moderator declared this did not carry by a 2/3rds vote.

Article 29: Town By-Law Amendment Chapter 15

To see if the Town will vote to amend Chapter 15 of the Town's Bylaws and add the following section: **Removal of dog waste from public property or property of others**

- A. Any person having care, custody or control of a dog shall be responsible for the removal and sanitary disposal of any feces left by his or her dog in or upon any public property, including but not limited to any sidewalk, street, thoroughfare, beach or wetland, or in or upon the property of persons other than the owner or person have care, custody or control of said dog. Any person having care, custody or control of a dog off the property of the owner or person in custody of the dog shall have in his or her possession a device or equipment to pick up and remove dog feces. Individuals with disabilities aided by service dogs and law enforcement, emergency or rescue officials with dogs carrying out official duties are exempt from this paragraph.

- B. Violations and Penalties:

Any person found in violation of Chapter 15 by the Animal Control Officer, Assistant Animal Control Officer or a Police Officer shall be subject to payment of a fine of \$30.00 for the first offense; \$50.00 for the second offense and \$150.00 for the third and subsequent offenses. In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person, may enforce these penalties through the Town's Non-Criminal Disposition as outlined in Chapter 15, Section 5 (M.G.L. 140).

Finance and Advisory Board recommends approval. (Vote-6-0)

Board of Selectmen recommend approval. (Vote-4-0)

MOTION: Don Cudmore moved and it was seconded by Phil Trapani to approve Article 29 as printed in the warrant, except that the reference at the end of Section B to "Chapter 15, Section 5 (MGL 140)" be stricken and replaced with "Article II of the Town's General Bylaws"

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

Article 30: Gift of land Parcel F, 172 East Main Street

To see if the Town will vote to authorize the Board of Selectmen to accept, for passive recreation purposes, a gift of land shown as “Parcel F, having an area of 14.635 acres, on a plan entitled: “Definitive Plan, Turning Leaf, Georgetown, Ma.”, dated Oct. 10, 2013, and recorded with the Essex South Registry of Deeds in Plan Book 445, as Plan 49, and to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, and further to place such land in the care, custody and control of the Georgetown Conservation Commission, or take any other action in relation thereto. (Majority vote)

Board of Selectmen recommend approval. (Vote-3-1)

MOTION: Gary Fowler moved and it was seconded by Harry LaCortiglia to authorize the Board of Selectmen to accept, for recreation purposes, a gift of land shown as “Parcel F, having an area of 14.635 acres, on a plan entitled: “Definitive Plan, Turning Leaf, Georgetown, Ma.”, dated Oct. 10, 2013, and recorded with the Essex South Registry of Deeds in Plan Book 445, as Plan 49, and to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition.

DISCUSSION: Laura Repplier, Conservation stated she assumed it would be under the control of the Conservation Commission, why was that not in the motion.

Gary Fowler, Board of Selectmen stated that they voted to accept it as read in the motion.

David Surface responded that the Board of Selectmen changed their vote after consulting with legal counsel as to who should be in control of the land.

Jim DiMento stated this land runs under power lines and could possibly be part of the rail trail someday. He feels this should be under the control of the Selectmen. George Comiskey said there are other accesses on Sawmill, Waldingfield & Fazio Farm Rd. Lou Mammolette said that connectivity rests with this parcel to get from E Main to Martel Way. No building can happen out there due to the large amounts of wetland so for now it should remain under the control of the Board of Selectmen

MOVE THE QUESTION: Motion made by Wayne Snow and seconded by Harry LaCortiglia.

ACTION TO MOVE THE QUESTION: The Moderator declared this passed by a 2/3rds vote.

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

Article 31: Intensity of Use Schedule

To see if the Town will vote to amend the Zoning Bylaw by amending Chapter §165-11 – *Intensity of Use Schedule*, specifically to remove footnotes 1, 8, and 9, which footnotes provide as follows:

1. For multiple-family units or apartments, 10,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [**Amended 6-4-1973 ATM, Art. 5 (Amdt. No. 44); 6-11-1990 ATM, Art. 37 (Amdt. No. 82)**]

8. For multiple-family units, 20,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [**Amended 6-11-1990 ATM, Art. 37(Amdt.No.)**]

9. For multiple-family units, 40,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [**Amended 6-11-1990 ATM, Art. 37**]

and further to amend Chapter §165-68 *Apartments*, specifically to delete Section A, which section provides as follows:

There shall be a minimum usable land area of 10,000 square feet for each family or dwelling unit hereafter altered or erected. "Usable Land" shall be constructed to mean land that is continuous, without interruption by a swamp, permanent or semi-permanent body of natural water, such as a brook, river, pond or swamp. All the required area shall consist of continuous building area (CBA) as defined in §165-7. [**Amended 6-11-1990 ATM, Art. 37 (Amdt.No.82)**]

, or take any other action in relation thereto.

Planning Board does not recommend approval. (Vote-0-4)

Finance and Advisory Board recommends approval. (Vote-0-6)

A 2/3 vote is required to amend the Zoning Bylaw.

There is no motion. This article was passed over.

MOTION: Stu Egenberg moved and it was seconded by Phil Trapani to adjourn tonight's town meeting.

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

The time is 9:46 PM

A true Copy Attest:

Janice M. McGrane
Town Clerk

