

**Town of Georgetown  
Annual & Special Town Meeting  
May 4, 2009**

The Annual Town Meeting was held at 7 PM in the auditorium at the Georgetown Middle High School.

The meeting was called to order at 7 PM. We have a quorum. The return of the warrant has been properly served.

The Georgetown Police Department Honor Guard led us in the Pledge of Allegiance.

A plaque was presented to Matt Vincent, Chairman of the Board of Selectmen by Phil Trapani for his years of service to the Town. Matt will not be seeking re-election this year.

The invocation was given by Rev. Jim McLaughlin of the New Life Community Church.

The Moderator announced the non-voting members in the audience and on the stage.

Georgetown's first Unsung Hero Award was presented to Jim Lacey for his many years of service and dedication to the town by Sandy Gerraughty and Matt Vincent.

The Moderator asked for a motion to adopt a 5 minute speech limit.

**MOTION:** Reg Tardif

2<sup>ND</sup>: Chris Rich

**The motion passed by a majority**

The Moderator accepted a motion from Harry LaCortiglia and a second from Chris Rich to adjourn to the Special Town Meeting for fiscal 2009 business.

**ACTION:** The motion passed by a majority.

**SPECIAL TOWN MEETING**

**Article 1: Adjustments to the Fiscal Year 2009 operating budget (STM05/09-01)**

To see if the Town will vote to amend the vote taken under Article 3 of the 2008 Annual Town Meeting warrant for the purpose of adjusting line items in the FY09 budget, and, as necessary, to raise and appropriate or transfer and appropriate from available funds a sum of money for the purpose of supplementing departmental expenses, or take any other action relative thereto.

**MOTION:**

Robin O'Malley moved and it was seconded by Sandy Gerraughty to appropriate from free cash, the sum of \$175,000 to be allocated to Fiscal 2009 budget line number 14231, "Snow/Ice Control" for the purpose of eliminating a portion of the deficit in this account for Fiscal 2009.

EXPLANATION: Robin O'Malley stated that they would leave the remainder of the deficit for fall town meeting.

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

**Article 2: Amendment to Article 27C of the ATM Warrant May 5, 2008 "Harry Murch Park" (STM05/09-02)**

To see if the Town will vote to amend the vote taken under Item C of Article 27 of the 2008 Annual Town Meeting, which appropriated \$115,000 from Community Preservation Undesignated Account and \$35,000 from Community Preservation Historic Reserve for the historic restoration and preservation of Harry Murch Park, to authorize expenditure of such funds as follows:

for historic preservation purposes, *the historic rehabilitation and restoration*, and preservation of Harry Murch Park through the undertaking of the work necessary therefore, and further *to reconfigure the park per the concept plan prepared for the Georgetown Historical Commission by the Professional Landscape Architects of the Walker-Kluesing Design Group*; and further, to temporarily relocate memorials currently located at said park to the Historic Veterans Memorial Green at Jackman and Warren Streets and to properly provide for their preservation *during the park's rehabilitation, and in addition to fund the replacement of the badly deteriorated wooden guard rail fence around said VFW Green*; such funds to be expended under the direction of the Georgetown Historical Commission and the Town Highway Department; provided, however, that any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect.

Or take any other action in relation thereto.

**Motion (Rec'd from Harry LaCortiglia, 5/4/09, 10:30AM)**

**Harry LaCortiglia moved and it was seconded by Deb Jackson to amend the vote taken under Item C of Article 27 of the 2008 Annual Town Meeting, which appropriated \$115,000 from the Community Preservation Undesignated Account and \$35,000 from Community Preservation Historic Reserve for the historic restoration and preservation of Harry Murch Park, as set forth in the warrant; and further, to transfer the sum of \$15,800 from the amount appropriated under said Item C to the Community Preservation Fund Historic Reserve.**

EXPLANATION: Harry- this corrects the term used in the motion at last years town meeting.

DISCUSSION: Steve Epstein asked if this change will affect the look of the park.

Harry LaCortiglia: No

Bob Davidson made a motion to move the question and it was seconded by Ed DesJardins

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

**ACTION ON MAIN MOTION:** By a show of hands the Moderator declared this passed by a majority.

**MOTION TO DISSOLVE THE STM:** Harry LaCortiglia, seconded by Deb Jackson

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

**Article 1: Town Officers and Committee Reports (ATM09-01)**

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

Finance Committee: Robin O'Malley explained the budget process and what has gone on over the last few months to arrive at a balanced budget.

The Moderator moved on to the Consent Calendar which is articles #5 through #11. They will remain in order in the minutes of this town meeting

**Article 2: General Operating Budget/Reserve Fund (ATM09-02)**

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, 2009, or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION:**

Robin O'Malley moved and it was seconded by Dave Bjork that the Town raise and appropriate the sum of \$19,979,514, appropriate by transfer from the Water Department Enterprise Fund the sum of \$221,113, and transfer from Septic Betterment the sum of \$21,086, for a total appropriation of \$20,221,713, to defray charges and expenses of the Town for the fiscal year beginning July 1, 2009, including support of the town's public schools and Whittier Regional Vocational Technical High School, to fix salaries of the several elected offices of the town, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2009, in accordance with the line items and Finance Committee and Advisory Board's report to the May 4, 2009, Annual Town Meeting.

**MOTION TO AMEND:**

Harry LaCortiglia moved and it was seconded by Tillie Evangelista that the budget line item number 11752 in the amount of 48,764 be amended to the amount of 72,014 with the additional 23,250 to come from Free Cash.

**Discussion:**

Evan O'Reilly stated that 3 salary line items from this year's budget were cut and that we shouldn't be increasing the Planners wages from part time to full time.

Harry LaCortiglia explained that 43D requires that the planner's hours be increased to full time. We are applying for a 2 year grant through the state which may pay for this increase.

Robert Kelley asked if after the two year grant, the Planner would be willing to step back to part time because the Town would now be responsible for paying this increased salary.

Harry LaCortiglia couldn't answer that question right now.

Rose Provencher asked if this change went before the Personnel Board.

Robin O'Malley who is currently serving on the Personnel Board said they knew nothing of this.

Steve Epstein recommended rejecting this amendment.

Hugh Carter from the Planning Board says we need this to move Georgetown forward.

Kathy Roche stated the Town Clerks office has been looking for increased hours for the last 3-4 years and have been denied due to budget concerns. We deal with the entire population in Georgetown.

Evan O'Reilly made a motion to Article 2 as amended to transfer from free cash \$1,053 to line item 11752 and 46493 to line item 12951 and it was seconded by Harry LaCortiglia.

Steve Epstein asked for a balance in Free Cash.

David Surface, Fin Com stated it was \$688,000 before tonight's town meeting. Jim Lacey stated that if everyone does this sort of thing tonight that we will have no money left.

Harry LaCortiglia stated it is up to the people at town meeting. That's the final vote.

Steve Delaney gave an explanation on the line items that were cut. ZBA wages, Inspectional Services and Board of Health. He said it was a difficult decision but things could have been worse. No one lost their job.

Evan stated that these only total .09% of the budget. Only 3 depts were cut.

Chris Rich stated that a 1% increase to the non-union employees this year was an embarrassment, What did Police & Schools get for increases. Not proper to take anything away.

Matt Vincent called to move the question

It was seconded by Paul Taraszuk.

This motion was pass by a majority

ACTION ON AMENDMENT ONLY: This did not pass.

ACTION: MAIN MOTION ON ARTICLE 2 AS AMENDED: After a hand count by the tellers, the motion carried Yes 91, No 76.

**Article 3: Stabilization Fund (ATM09-03)**

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.

*The Finance and Advisory Board voted to pass over this article. (Vote: 7-0)*

This article was passed over

**Article 4: Water Department Operating Budget (ATM09-04)**

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, 2009, or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION**

Reidar Bomengen moved and it was seconded by George Comiskey 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, 2009 Annual Town Meeting for the Fiscal Year beginning July 1, 2009, such that a total of \$1,210,556 is appropriated for direct operating cost and a total of \$221,113, as appropriated under Article 2, to the Town to pay indirect costs.

There was no discussion.

**ACTION:** This article passed by a majority.

**{BEGIN CONSENT CALENDAR}**

All articles in the consent calendar were read by the Moderator

**ARTICLES 5-11– Majority vote on all articles in consent calendar**

**Article 5: Municipal Light Department Continuation of Operation (ATM09-05)**

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, 2009, or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Article 6: Zoning Board of Appeals Revolving Fund (ATM09-06)**

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, 2009; or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Article 7: Road Machinery Fund (ATM09-07)**

To see if the Town will vote to continue the Road Machinery Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by payments for rental of Highway machinery and shall be expended without further appropriation for the purpose of purchasing highway equipment. The Highway Surveyor, with approval of the Board of Selectmen, may expend from this account an amount not to exceed \$25,000, or the balance in the account, whichever is lesser, for the Fiscal Year beginning July 1, 2009 or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Article 8: Conservation Commission Revolving Fund for Camp Denison (ATM09-08)**

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed \$12,000 for the Fiscal Year beginning July 1, 2009; or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Article 9: Local Access Programming (ATM09-09)**

To see if the Town will vote to continue a Cable Television Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by the Annual License Fee and the PEG Capital Funding (Section 7.4 of the contract) paid by Comcast and Verizon to the Town to be expended without further appropriation for the purpose of Local Access Programming, including but not limited to, utilities, salaries, equipment, maintenance and office supplies. The Cable Advisory Committee, with the approval of the Board of Selectmen, may expend from this account an amount not to exceed \$80,000 for the Fiscal Year beginning July 1, 2009; or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Article 10: Chapter 90 Reimbursement, Transportation Bond (ATM09-10)**

To see if the Town will appropriate the sum of \$220,246, 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.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Article 11: Fire Department, Fire Alarm Revolving Fund (ATM09-11)**

To see if the Town will vote to continue a Georgetown Fire Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the annual fees charged for connection to the Municipal Fire Alarm system to be expended without further appropriation for the purpose of maintaining the Municipal Fire Alarm System. The Fire Department may expend from the account an amount not to exceed \$10,000 for the Fiscal Year beginning July 1, 2009; or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

A motion to accept the consent calendar was made by Chris Rich and seconded by Missy Bjork.

ACTION: The motion passed by a majority.

**{END CONSENT CALENDAR}**

**Article 12: Fire Department, Ladder Truck Payment (ATM09-12)**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$77,000 for the Fiscal Year 2010 lease payment for the Fire Department ladder truck, or take any other action thereon.

*The Finance and Advisory Board recommends approval of this article. (Vote: 6-1)*

**Motion:**

Robin O'Malley moved and it was seconded by Chris Rich to appropriate from the Stabilization Fund the sum of \$77,000 for the Fiscal Year 2010 lease payment for the Fire Department ladder truck.

DISCUSSION: Steve Epstein asked why this payment on the lease was coming from the Stabilization Fund.

EXPLANATION: Steve Delaney, Town Administrator, stated that this was the 3<sup>rd</sup> year that it was coming from this fund.

ACTION: The Moderator declared the motion carried by a 2/3 vote.

**Article 13: Citizen Petition: Re-Appropriate Bailey Lane Bridge Funds (ATM09-29)**

To see if the Town will vote to re-appropriate the \$200,000 designated for the reconstruction of the Bailey Lane Bridge, and to re-designate the purpose for which these funds were originally appropriated at the May 2007 Annual Town meeting under Article 14, for the purpose of one or more of: (i) the replacement of the roof at the old highway garage, including all costs incidental and related thereto; (ii) the repair/replacement of the roof at the public safety building, including all costs incidental and related thereto; and (iii) the repair /replacement of the HVAC system at the public safety building, including all costs incidental and related thereto; said funds to be expended under the direction of the Board of Selectmen, with any remaining funds of the \$200,000 to be transferred to Town's Reserve Fund, or take any action relative thereto.

*The Finance and Advisory Board did not recommend approval of this article. (Vote: 0-7)*

**MOTION:** Lauren MacDonald moved and it was seconded by Nicholas Bruno that the Town re-appropriate the \$200,000 designated for the reconstruction of the Bailey Lane Bridge, and to re-designate the purpose for which these funds were originally appropriated at the May 2007 Annual Town meeting under Article 14, for the purpose of one or more of: (i) the replacement of the roof at the old highway garage, including all costs incidental and related thereto; (ii) the repair/replacement of the roof at the public safety building, including all costs incidental and related thereto; and (iii) the repair /replacement of the HVAC system at the public safety building, including all costs incidental and related thereto; said funds to be expended under the

direction of the Board of Selectmen, with any remaining funds of the \$200,000 to be transferred to Town's Reserve Fund, or take any action relative thereto.

**EXPLANATION:** Lauren MacDonald explained that this article asks the voters to reappropriate the monies for more pressing projects which would benefit the greater good of the town. She stated the most of the people in that area would like to keep the bridge closed and many signed the petition.

**DISCUSSION:** Mark Unger would like to see this bridge open. Minutes save lives. Mutual aid just recently went the wrong way. This is a safety issue.

Brad Shores stated he did not sign that petition. It is very difficult to go around town to get to West Main Street and this creates safety issues. This bridge being closed is not fair to them as taxpayers. This is not a bridge, it is a culvert. We should vote against this.

Drew Fraser, Claire Maimone and Anthony Maimone had same safety concerns.

The question was raised to Peter Durkee, Highway Surveyor if he could get this done as a culvert and get the road opened for the \$200,000. Peter said he spoke with the engineering firm today and indicated that he could get it done for less than the \$200,000

**ACTION:** The Moderator declared that this article did not pass by a majority.

**Article 14: Public Safety, Roof Replacement (ATM09-13)**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$125,000 for the repair/replacement of the roof at the public safety building, including all costs incidental and related thereto, or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 6-0)*

**MOTION:**

Don Cudmore moved and it was seconded by Matt Vincent to appropriate the sum of \$125,000 from Free Cash for the repair/replacement of the roof at the public safety building, including all costs incidental and related thereto, said funds to be under the direction and control of the Town Administrator and the Board of Selectmen in consultation with the Finance and Advisory Committee or its authorized representative.

**DISCUSSION:** Steve Epstein asked when this project will go out to bid. It's best to do a roof in warm weather.

Steve Delaney stated they will wait until fall to see what the finances are. It's possible it could be earlier.

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



**Article 15: Old Highway Garage, Roof Replacement (ATM09-14)**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 for the repair/replacement of the roof at the old highway garage, including all costs incidental and related thereto, or take any other action in relation thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 8-0)*

**MOTION:**

Peter Durkee moved and it was seconded by Robin O'Malley to appropriate the sum of \$50,000 from Free Cash for the repair/replacement of the roof at the old highway garage, including all costs incidental and related thereto.

EXPLANATION: Peter Durkee stated that they had a roofing company checking the roof last fall and his foot fell right through the roof. There are at least 1 dozen holes in the metal roof.

**ACTION:** The Moderator declared this passed by a majority.

**Article 16: Fire Department, Implementation of Vaccine Program (ATM09-16)**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$9,500 for the establishment of a Hepatitis B vaccination program for public safety personnel, or take any other action related thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION**

Russ Moyer moved and it was seconded by Dave Bjork to appropriate the sum of \$1,500 from free cash for the establishment of a Hepatitis B vaccination program for public safety personnel including all costs incidental and related thereto.

EXPLANATION: These vaccinations are given to protect personnel.

**ACTION:** The Moderator declared the motion passed by a majority.

**Article 17: School Department, Request for Various Items (ATM09-17)**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$43,935 for Replacement of Cafeteria Doors at GMHS (\$ 9,000); New Elementary Science Curriculum (\$16,000); New Web Design course Software/Texts ( \$4,473); New Science books and kits for the middle school (\$ 5,519); New Health textbooks for the middle school (\$ 1,943); and 10 New Infocus projectors for the high school (\$7,000), or take any other action related thereto.

This article was passed over

**Article 18: Establishment of Capital Fund (ATM09-19)**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed \$50,000 for the purpose of establishing a special purpose stabilization fund, to be known as the Capital Fund, under the provisions of Massachusetts General Laws Chapter 40, Section 5B, with said funds being appropriated by the Town Meeting for improvements and/or repairs to municipal buildings and infrastructure, or take any other action related thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION:**

Tim Ruh moved and it was seconded by Robin O'Malley to establish a special purpose stabilization fund, pursuant to the provisions of G.L. c.40, §5B, to be known as the Capital Fund, such fund to be expended for improvements and/or repairs to municipal buildings and infrastructure, and, for such purposes, to appropriate the sum of \$5,000 from Free Cash.

**ACTION:** The Moderator declared the motion carried by a 2/3 vote.

**Article 19: Conservation Commission, Request for Appropriation to the Conservation By-Law Account (ATM09-20)**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000, (an amount that was earlier received by the Conservation Commission and deposited to the general fund of the town), said amount to be appropriated to the Conservation By-Law Account, or take any other action related thereto.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION:**

Carl Shreder moved and it was seconded by Harry LaCortiglia to appropriate from free cash the sum of \$10,000 to the Conservation Bylaw Account.

EXPLANATION: These are funds given to the Conservation Commission that went into the general fund in error. It is just a housekeeping item.

**ACTION:** The Moderator declared the motion passed by a majority.

Article 20 was going to be voted in the same manner as the consent calendar. Every article was designated by the voters as a hold, so they will be voted individually.

**Article 20: Community Preservation Committee (ATM09-21)**

**Article A: Community Preservation General Budget**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate, pursuant to G.L. Ch. 44B §6 from the Community Preservation Fund estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2009; and further, pursuant to G.L. Ch. 44B §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space, excluding land for recreational use; a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources; a sum of money for the creation, preservation and support of community housing; as well as a sum of money to be placed in the 2009 Budgeted Reserve for general Community Preservation Act projects or purposes as recommended by the Community Preservation Committee; or take any other action related thereto.

**Article B: Community Preservation Community Housing Category, "Roof Replacement"**

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Affordable Housing Reserve, the amount of \$40,000.00 to be allocated to the Georgetown Housing Authority for the purpose of replacing the roofs on the buildings at 1 through 5 Hemlock Lane, pursuant to a grant agreement between the Board of Selectmen and said Housing Authority,. 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 related thereto.

**Article D: Community Preservation Historic Resources Category, “Historic Gravestones Preservation at Union Cemetery”**

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate from Community Preservation Fund Historic Reserve , the amount of \$47,750.00) to be expended under the direction of the Georgetown Historical Commission for the restoration and conservation of 86 of the most deteriorated of the 374 gravestones and monuments requiring conservation, . 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 related thereto.

**Article F: Community Preservation Open Space Category, “Conservation Restriction Endowment”**

To see if the Town will vote, pursuant to M.G.L. Ch. 44B, to appropriate from Community Preservation Fund Undesignated Account the amount of \$15,000.00 to be given to the Essex County Greenbelt Association pursuant to a grant agreement between the Board of Selectmen and such Association for the purpose of management of a conservation restriction in the Town-owned parcel acquired pursuant to the vote taken under Article 28(I) of the 2007 Annual Town Meeting, shown as Assessors Map 9A, Lot 8F (the recently purchased Camp Denison Adjacent land parcel). 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 related thereto.

**Article G: Community Preservation Open Space Category, “Pentucket and Rock Ponds Preservation”**

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from Community Preservation Fund Undesignated Account \$15,000 to be allocated to protect ponds from point source and non-point source discharges of stormwater. 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 related thereto.

**Article H: Community Preservation Historic Resources Category, “Historic Schoolhouse No. 3”**

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve Account, the amount of \$10,000.00 to be expended under the direction of the Georgetown Historical Commission for the restoration of the original windows to the only remaining schoolhouse in Georgetown. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation 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 related thereto.

**Article I: Community Preservation Historic Resources Category, “Historic Shoe Shop Preservation”**

To see if the Town will vote, pursuant to G. L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve the amount of \$7,000.00 for the Georgetown Historical Society for the restoration of the only remaining shoe shop in Georgetown, located at 108 East Main Street, Georgetown, MA, pursuant to a grant agreement between the Board of Selectmen and said Society, which agreement shall provide for the provision to the Town of a preservation restriction in said property. Any funds from this appropriation remaining unspent after a period of three 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 related thereto.

*At the time of printing of the warrant, the Finance and Advisory Board was not able to make a recommendation on the CPC article.*

**CPC Annual Report for the May 4<sup>th</sup> 2009 ATM**

In the fiscal year 2008 the town received:

\$281,669.12

(two hundred eighty one thousand six hundred sixty-nine dollars and twelve cents) in local receipts

\$268,815.00

(two hundred sixty eight thousand eight hundred fifteen dollars) in our state match, which was a 99.12 percent match from the reported local 07 receipts.

\$53,626.91

(fifty three thousand six hundred twenty six dollars and ninety one cents) in Earnings on investments In addition to

\$631.28

(six hundred thirty one dollars and twenty one cents in other receipts

Which brings the total revenue to:

\$604,742.31

(six hundred four thousand seven hundred forty two dollars and thirty one cents)

To everyone who submitted projects for consideration this year, the Community Preservation committee would like to say, "Thank You" for trying to make and keep Georgetown a nicer place to live.

(CPC motions received from Harry LaCortiglia, 5/4/09, 10:30AM)

**MOTION:**

Harry LaCortiglia moved and it was seconded by Chris Rich that the Town hear a report from the Community Preservation Committee and that the amounts identified as items B, D, and F through I under Article 20 of the warrant be appropriated or reserved from Fiscal Year 2010 Community Preservation Fund Revenues, or transferred from prior year's revenues for Community Preservation purposes, all as specified in said items B, D and F through I under Article 20 of the warrant and further :

I move that the Town appropriate from the Community Preservation Fund:

\$27,500 (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;

and reserve for future appropriation the following amounts as recommended by the Community Preservation Committee:

\$62,000 (>10% of the estimated FY revenues) for the acquisition, creation and preservation of open space excluding land for recreational use.

\$62,000 (>10% of the estimated FY revenues) for acquisition and preservation of historic resources; and

\$62,000 (>10% of the estimated FY revenues) for the creation, preservation and support of community housing.

Fin Com votes: A) 7-0-1 ; B) 7-0-1; D) 0-6-2 F) 8-0 G) 8-0 H) 8-0 I) 7-0-1

DISCUSSION: Tim Ruh questioned spending \$47,000 on 86 grave stones, is it the best use for the money. Ed Desjardins stated these require conservation. These are the worst stones and no work has been done for 260 years. Terry Hart quoted MGL that there are veterans in those graves and we are responsible. Steve Epstein questioned spending \$15,000 (G) on what? Carl Shreder explained that this will correct the situation with any pipes going to the ponds for stormwater. Tom McGrane questioned (B) asked who owns the buildings at Trestle Way that we keep replacing roofs on, the state or the Town? Beverly Enos responded the state. Then why does the Town keep paying to maintain their buildings? Betty Davidson claims the state does not have the money to maintain their buildings and this benefits our town.

Steve Epstein moved to amend the main motion by striking Article G

There is no second.

**ACTION:** By a show of hands the Moderator declared the motion carried by a majority.

**Article C: Community Preservation Historic Resources Category, “Historic Town Hall Restoration and Rehabilitation”**

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve and the Community Preservation Fund Undesignated account, the amount of \$130,000.00 (for the Restoration and Rehabilitation of the Historic Town Hall and development by an architect specializing in preservation of a Comprehensive Conditions Assessment for that historic property. Also that the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments for any grants to defray 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 related thereto.

**MOTION:**

Harry LaCortiglia moved and it was seconded by Rose Provencher that the Town vote to appropriate \$130,000.00 from the Community Preservation Fund Undesignated account balance for the purposes set forth in the warrant.

**EXPLANATION:** Steve Delaney explained that this was part 2 of the work that was started years ago. AC was not completely installed. This will eliminate the need for putting in and taking out of the numerous air conditioners in the windows. The windows need to be restored. This will develop a plan to take care of the building.

Fin Com vote was 8-0

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

**Article E: 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 a sum of money from the Community Preservation Fund Undesignated Account, for:

- (1) Acquisition of the fee or lesser interest, including all costs incidental and related thereto, in two parcels of land commonly known as (insert street or landmark information if appropriate), the first of which comprises approximately 14.8 acres, and is shown as Assessors Map 10, Lot 4, the second of which comprises approximately \_\_\_\_ acres, and is shown as Assessors Map 10, Lot 8, and to authorize the Board of Selectmen to acquire said parcels or interests therein for active recreation purposes by gift, purchase, eminent domain or otherwise, said parcels to be managed and controlled by the Parks and Recreation Commission of the Town of Georgetown; and,

- (2) Engineering, permitting, and development of the above-referenced parcels, including all costs incidental and related thereto, for access to and use as Active Recreational Municipal Facilities.

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 defray the costs associated with the purchase and development of the parcels; and

To authorize the Board of Selectmen to convey a conservation restriction in accordance with M.G.L. Chapter 184, as required by Section 12(a) of Chapter 44B as amended, as may be necessary on behalf of the Town of Georgetown to affect said purchase. 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 related thereto.

**MOTION:** Jim Dimento moved and it was seconded by Harry LaCortiglia that the Town appropriate the sum of \$144,000 from the Community Preservation Fund Undesignated Account, for:

- (1) Acquisition of the fee or lesser interest, including all costs incidental and related thereto, in two parcels of land off Pillsbury Lane, the first of which is shown as Assessors Map 10, Lot 4, believed to be owned by James N. Tolman, the second of which is shown as Assessors Map 10, Lot 8, believed to be owned by the New Life Community Church; and

- (2) Engineering, permitting, and development of the above-referenced parcels, including all costs incidental and related thereto, for access to and use as Active Recreational Municipal Facilities;

and authorize the Board of Selectmen to acquire said parcels or interests therein for active recreation purposes by gift, purchase, eminent domain or otherwise, said parcels to be managed and controlled by the Parks and Recreation Commission of the Town of Georgetown;

And further to authorize the Board of Selectmen, Community Preservation Committee and the Parks and Recreation Commission to enter into all agreements and execute any and all instruments for any grants to defray the costs associated with the purchase and development of the parcels; and to authorize the Board of Selectmen to convey a conservation restriction in said parcels 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, provided that 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 upon a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect.

Fin Com vote 5-2-1

**DISCUSSION:** Tim Ruh asked what the use of this land will be. Jim DiMento stated, baseball, soccer and possibly a skate park behind the church. Sandy Gerraughty asked who will maintain these fields and Jim responded that they assume GAA will. Brad Shores, President of GAA stated that by adding more fields we can rest some of the fields. Sometimes West St. fields are

closed when turtles lay their eggs on the fields, the fields cannot be fertilized as they are close to our water supply and these additional fields would take some of the pressure off the proposed fields for Stone Row.

**MOTION:** Jeff Wade moved and it was seconded by Harry LaCortiglia to move the questions.

**ACTION:** The motion carried by a 2/3 vote.

**ACTION ON MAIN MOTION:** By a show of hands, the Moderator declared the main motion passed by a majority.

**Article 21: Planning, 43D Expedited Permitting District (ATM09-22)**

To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws and to approve and authorize the Board of Selectmen to file a formal application with the Interagency Permitting Board for the designation of an Expedited Permitting District of the following parcels within the “Route 133/ I-95 Expedited Permitting District”: Assessors Map 14 - Lots 7, 8A, 8B, 8c, and 10 and Assessors Map 15 – Lots 27, 44, 45, 46, and 68; or take any other action thereon.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION**

Hugh Carter moved and it was seconded by Harry LaCortiglia to accept the provisions of Chapter 43D of the Massachusetts General Laws and to approve and authorize the Board of Selectmen to file a formal application with the Interagency Permitting Board for the designation of two Expedited Permitting Districts including the following parcels within the “Route 133/ I-95” and “National Ave.” Expedited Permitting Districts”: Assessors Map 14 - Lots 7, 8A, 8B, 8c, and 10 and Assessors Map 15 – Lots 27, 44, 45, 46, and 68.

**EXPLANATION:** Hugh Carter stated this would stimulate economic development because a decision would be granted in 180 days.

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

**Article 22: Planning, Georgetown Square 40R Smart Growth Overlay District (ATM09-23)**

To see if the Town will vote to amend the Zoning Bylaw by inserting a new section, Section §165-135 – Georgetown Square Overlay District (GSOD), making an amendment to the definition of Overlay Districts in Section 165-7, and adopting an amendment to the Zoning Map, all substantially as on file with the Planning Board and Town Clerk. The proposed GSOD will allow “as-of-right” residential uses above the ground floor within mixed-use buildings or with multi-family uses in an eight acre overlay district containing four sub-district areas. The proposed GSOD includes requirements for: 20% of the units to be designated as affordable housing; the Planning Board to be the permit granting authority; procedural requirements; reduced dimensional and density requirements; the plan approval process; submission requirements; and a set of comprehensive design and development standards covering items including but not limited to building and site design, landscaping, lighting, parking, energy efficiency and utility requirements. The proposed amendment also inserts a definition for “Overlay Districts” in Section 165-7, adds an exemption for 40R developments under §165-17 Rate of Development Bylaw, and proposes an amendment to the zoning map to create the GSOD; or take any other action thereon.

**§165-135. Georgetown Square 40R Overlay District**



## 1. PURPOSE

The purpose of this Bylaw is to establish the Georgetown Square Overlay District (GSOD) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R and to foster a range of housing opportunities within mixed use buildings to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities within Georgetown Square;
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving Georgetown's unique community character;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which mixed-use and residential development can contribute directly to increasing the supply and diversity of housing and promote economic development within Georgetown Square;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning that is compatible with the surrounding neighborhood, protects neighborhood property values and enhances its unique natural, cultural and historic resources;
7. To encourage the permanent preservation of contiguous open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, waterbodies, areas of critical environmental concern, and wetlands, and historical and archeological resources, in a manner that is consistent with the Master Plan and Open Space Plan;
8. To encourage a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional commercial or housing development; and
9. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and G.L. Chapter 40S arising from the development of housing in the GSOD.

## 2. DEFINITIONS

For purposes of this Overlay District the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 2.0, or as set forth in the Planned Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

*Administering Agency* – the Georgetown Affordable Housing Trust or other qualified housing entity designated by the Board of Selectmen, pursuant to Section 6, to review and implement the Affordability requirements affecting Projects under Section 6.

*Affordable Homeownership Unit* - an Affordable Housing unit required to be sold to an Eligible Household.

*Affordable Housing Unit* - housing that is affordable to and occupied by Eligible Households.

*Affordable Housing Restriction* - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6 of this Bylaw.

*Affordable Rental Unit* - an Affordable Housing unit required to be rented to an Eligible Household.

*Applicant* – the individual or entity that submits a Project for Plan Approval.

*As-of-right* - a use allowed under Section 5 without recourse to a special permit, variance, zoning amendment, waiver or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 7 through 12 shall be considered an as-of-right Project.

*Department or DHCD* - the Massachusetts Department of Housing and Community Development and any successor agency.

*Design Standards* –The Design Standards listed in Section 12 are applicable to all Projects within the GSOD that are subject to Plan Approval by the PAA.

*Developable Land* – all land within the GSOD that can be feasibly developed into residential development. Developable Land shall not include:

1. Substantially Developed Land;
2. Open Space;
3. The right-of-way of existing public streets, ways, and transit lines;
4. Land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
5. Areas exceeding one-half (0.5) acre of contiguous land that are:
  - Protected wetland resources (including buffer zones) under federal, state, or local laws;
  - Rare species habitat designated under federal or state law;
  - Characterized by steep slopes with an average gradient of at least 15%;
  - Subject to any other local bylaw, or regulation that would prevent the development of residential or Mixed-Use Development Projects at the As-of-right densities set forth in M.G.L. 40R.

*Eligible Household* - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

*Enabling Laws* – G.L. Chapter 40R and 760 CMR 59.00.

*Future Open Space* – To the extent feasible under the GSOD, the area, identified on the Sub-District Plan as Future Open Space, as shown in Exhibit 1, shall be set aside a dedicated as permanent open space areas through the use of a conservation restriction as defined in G.L. c. 184 or other effective means.

*GSOD* – the Georgetown Square Overlay District (GSOD) established in accordance with this Section.

*Maximum Building Area* - Maximum Building Area includes the total area used for all buildings, primary access, driveways, parking, loading areas and stormwater management areas.

*Multi-Family Residential Use* – an apartment or condominium unit in a building that contains or will contains three or more such units.

*Minimum Open Space* –The minimum open space area required under Section 7.1 shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes. The open space shall be suitable for and protected and maintained for wildlife habitat, conservation, wetland and habitat areas, historic preservation (landscapes and/or accessory structures), outdoor education, passive and active outdoor recreation, park purposes, agriculture, horticulture, forestry, and/or a combination of these uses. At the discretion of the PAA, utility easements and wastewater or stormwater management systems serving the Project may be located within the minimum open space areas.

*Mixed-Use / Multi-Family Residential Use* – an apartment or condominium unit in a building that contains or will contains one or more such units located above the ground floor.

*PAA Regulations* – the rules and regulations of the PAA adopted pursuant to Section 8.3.

*Plan Approval* - standards and procedures which Projects in the GSOD must meet pursuant to Sections 8.0 through 12.0 and the Enabling Laws.

*Plan Approval Authority (PAA)* - the local approval authority authorized under Section 8.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the GSOD.

*Project* - a Residential Development Project undertaken within the GSOD in accordance with the requirements of this Bylaw.

*Residential Project* - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.1.

*Townhouse Units* – Zero lot line attached single family dwelling units that are located on separate lots with common wall construction.

*Zoning Bylaw* - the Zoning Bylaw of the Town of Georgetown, as amended.

### **3. OVERLAY DISTRICT**

**3.1 Establishment.** The GSOD is an overlay district having a land area of approximately eight (8) acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “Georgetown Square Overlay District”, prepared by the Georgetown Planning Office. (attached as Exhibit 1). This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

The GSOD contains four (4) sub-districts as follows:

- 1 – Mixed-Use/ Multi-Family Residential [MU/MFR]
- 2 – Multi-family Residential [MFR]
- 3 – Substantially Developed Area [SDA]
- 4 – Future Open Space [FOS]

### **4. APPLICABILITY OF GSOD**

**4.1 Applicability of GSOD.** An Applicant may seek development of a Project located within the GSOD in accordance with the provisions of the Enabling Laws and this Bylaw, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations. Nor shall approval be withheld for project showing the use of adjoining land to the district for purposes of secondary access, parking, yards or utility improvements.

**4.2 Underlying Zoning.** The GSOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Bylaw. Within the boundaries of the GSOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

**4.3 Administration, Enforcement, and Appeals.** The provisions of this Bylaw shall be administered by the Building Inspector, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 8 through 12 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Bylaw shall be governed by the applicable provisions of G. L. Chapter 40A.

## 5. PERMITTED USES

In compliance with the dimensional and density regulations listed under Section 7.1, the following uses are permitted “as-of-right” and by “waiver” for all Projects within the GSOD.

### **5.1 “As-of Right” Density Projects:**

**5.1.1.** A Development Project within the Mixed-Use / Multi-Family Residential [MU/ MF] Sub-District(s) may include:

- a) Mixed-Use / Multi-family Residential Use, provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply to the residential portion of any Mixed-Use Development Project. All residential uses shall be located above the ground or street-level floor of the building(s). All ground or street level floor uses shall be commercial non-residential uses;
- b) Any of the following commercial non-residential uses:
  - Artisan Business
  - General Retail Sales and Services
  - Restaurants
  - Professional/ Business Offices
  - Artist Live/Work Space
- c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
- d) Accessory uses customarily incidental to any of the above permitted uses.

**5.1.2** A Project within the Multi-Family Residential Sub-District [MFR] may include:

- a) Multi-family Residential Use [with no more than ten (10) units per building]. The minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply. Mixed-Use/ Multi-Family Residential Uses, as listed in 5.1.1, are also permitted;
- b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages);
- c) Any of the following commercial non-residential uses:
  - Artisan Business
  - General Retail Sales and Services
  - Restaurants
  - Professional/ Business Offices
  - Artist Live/Work Space
- d) Accessory uses customarily incidental to any of the above permitted uses.

**5.1.3.** A Development Project within the Future Open Space [FOS] Sub-District may include:

- a) Any of the following commercial or non-residential uses:
  - Public Park or Conservation areas
- b) Accessory uses customarily incidental to any of the above permitted uses.

### **5.2 “Waiver” Density Projects:**

**5.2.1.** A Development Project within the Substantially Developed Area [SDA] Sub-District(s) may, at the discretion of the PPA (for all Projects in a SDA), include:

- a) Mixed-Use / Multi-family Residential Use provided the PAA has determined that any residential density is consistent with the purpose and intent of a SGOD. Mixed-Uses within this Sub-District shall require all residential uses to be located above the

ground or street-level floor of the building(s). All ground or street level floor uses shall be commercial non-residential uses;

- b) Any of the following commercial non-residential uses:
  - Artisan Business
  - General Retail Sales and Services
  - Restaurants
  - Professional Business Offices
  - Artist Live/Work Space
- c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
- d) Accessory uses customarily incidental to any of the above permitted uses.

## **6. HOUSING AND HOUSING AFFORDABILITY**

**6.1 Number of Affordable Housing Units.** Inclusive of all Affordable Housing units required under Section 165-71 - Housing Balance Bylaw, all Projects within the GSOD as a whole, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing Units (AHU). For purposes of calculating the number of units of AHU required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit. In order to prevent segmentation of these requirements, any proposed residential Project with one (1) or more residential housing unit approved under the GSOD shall provide the required Affordable Housing Units or a Housing Contribution Payment in accordance with the procedures listed under section 6.10.

**6.2 Administering Agency.** The Administering Agency shall be the Georgetown Affordable Housing Trust or other agency designated by the Board of Selectmen. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the GSOD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing Units are properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

**6.3 Submission Requirements.** As part of any application for Plan Approval for a Project within the GSOD submitted under Sections 8.0 through 12.0, the Applicant must submit the following documents to the PAA and the Administering Agency:

1. A narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly;
2. Evidence that the Project complies with the cost and eligibility requirements of Section 6.5;
3. Project plans that demonstrate compliance with the requirements of this Section 6.4 and Section 6.6; and
4. A form of Affordable Housing Restriction that satisfies the requirements of Section 6.7.

These documents in combination, to be submitted with an application for Plan Approval shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

**6.4 Cost and Eligibility Requirements.** Affordable Housing Units shall comply with the following requirements:

1. Affordable Housing Units are required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households;
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply; and
3. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Georgetown.

**6.5 Design and Construction.** Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

**6.6 Affordable Housing Restriction.** Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be the longest period allowed by law but shall be no less than thirty years;
2. The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

**6.7 Costs of Housing Marketing and Selection Plan.** The housing marketing and selection plan shall make provisions for payment by the Project applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

**6.8 Age Restrictions.** Nothing in this Bylaw shall permit the imposition of restrictions on age upon all Projects throughout the entire GSOD. However, the Administering Agency may, in its review of a submission under Section 6.4, require a specific Project within the GSOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall also comply with applicable federal, state and local fair housing laws and regulations.

**6.9 Phasing.** For any Project that is approved and developed in phases in accordance with Section 8.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

#### **6.10 Housing Contribution Payments**

All projects consisting of less than five (5) housing units shall be required to use the following calculations to determine the amount of a contribution payment for whole or fractional units that will be accepted by the PAA in-lieu of providing on-site units.

- (1) Housing Contribution Payments: To make a Housing Contribution Payment (HCP) in-lieu of providing an Affordable Housing Unit the developer shall enter into a binding, written agreement with the Town of Georgetown (with appropriate payment security arrangements) to provide such payment to the Fund established for this purpose.

- (2) Amount of Housing Contribution Payments:

*For ownership developments of one (1) to four (4) units, the amount of the Housing Contribution Payment (HCP) shall be equal to:*

$$\text{HCP} = \text{AMSP} \times (\# \text{ of new units}) \times 8\%$$

where:

*AMSP* = the Average Market Sales Price for the market-rate units in the subject development. For smaller projects, the Board may also use the Assessor's Property Records to determine the AMSP. *For rental units*, the per-unit contribution payment shall be equal to the difference between the average market rental price for the market-rate units in the subject development and the rent affordable to a family of four at or below 80% of the median income, calculated for a term of 10 years without adjustments for interest or inflation.

**6.11 No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in Section 6 shall not be waived.

## 7. DIMENSIONAL AND DENSITY REQUIREMENTS

**7.1. Table of Dimensional Requirements.** Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the GSOD are as follows:

**Table of Dimensional Regulations:**

Sub-District (1-6)	Min. Lot Size	Minimum Lot Frontage (feet)	Maximum Front Yard Setback (feet)	Min. Side (feet)	Min. Rear (feet)	Maximum Height (feet)	Maximum Height (# stories)	Maximum Building Area (% of lot)	Minimum Open Space (% of lot)
MU/MFR - 1	10,000	100	5	5	10	40	3.5	90	10
MU/MFR - 2	10,000	50	5	5	25	40	3.5	90	10
MU/MFR - 3	10,000	100	5	5	10	35	3	90	10
MFR - 1	20,000	150	5	5	20	35	3	80	20
SDA - 1	10,000	100	5	5	10	35	2.5	90	10
SDA - 2	10,000	80	5	5	50	35	2.5	70	30
4- FOS	4,000	NA	NA	NA	NA	NA	NA	NA	NA

\* see waivers listed in Section 7.3

**7.2 Density Requirements.** Notwithstanding anything to the contrary in this Zoning Bylaw, the density requirements applicable in the GSOD are as follows:

- (a) Single-family residential uses shall be permitted at a density of at least eight (8) units per acre of Developable Land;
- (b) Two or Three Family residential uses shall be permitted at a density of at least twelve (12) units per acre of Developable Land;
- (c) Mixed-Use/ Multi-Family Residential and Multi-Family Residential Uses shall be permitted at a density of at least twenty (20) units per acre of Developable Land in all Sub-Districts; and
- (d) In accordance with Section 5.2, all residential uses within Substantially Developed Area(s) may, at the discretion of the PPA, be permitted at a density of consistent with the land use densities listed above in (a-c).

**7.3 Waivers.** Projects may be granted waivers to the dimensional requirements listed in Section 7.1, or the parking, roadway design or design standards if the PAA determines that the proposed density and design is consistent with the requirements of Sections 6 through 12.

## 8.0. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

**8.1 Plan Approval.** An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 8.0 through 12.0. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Projects shall be subject to the Plan Approval process:



- a) Any Residential or Mixed-Use Project;
- b) Any Project seeking a waiver.

- 8.2 Plan Approval Authority (PAA).** The Georgetown Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the GSOD.
- 8.3 PAA Regulations.** The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development
- 8.4 Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 6.10.
- 8.5 Design Standards.** To ensure that new development shall be of high quality, and shall meet the standards listed in Section 12. The PAA shall follow the Design Standards governing Projects for Plan Approval within the GSOD.

## **9. PLAN APPROVAL PROCEDURES**

- 9.1 Pre-application.** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:
- 1. Overall building envelope areas;
  - 2. Open space and natural resource areas; and
  - 3. General site improvements, groupings of buildings, and proposed land uses.
- The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards.
- 9.2 Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, [along with application fee(s)] which shall be as set forth in the PAA Regulations]. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3.
- 9.3 Filing.** An applicant for Plan Approval shall file twelve (12) copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.
- 9.4 Circulation to Other Boards.** Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Conservation Commission, Water Department, Georgetown Light Department, Fire Department, Police Department, Building Inspector, Highway Surveyor, the Administering Agency (for any Project subject to the Affordability requirements of Section 6.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
- 9.5 Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk.

Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

- 9.6 Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town of Georgetown in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued shall be returned to the applicant forthwith.
- 9.7 Infrastructure Improvements.** At the Applicant's expense, the Project shall be required to file a septic plan with the Board of Health. At the Applicant's expense, all other off-site infrastructure improvements (including but not limited to roads, pedestrian walkways, drainage, flood control, water, gas, and electric) shall be addressed as conditions of approval.
- 9.8 Performance Bond:** The Board shall require a performance bond or surety to assure that the proposed improvements including, but not limited to, utilities, public amenities, landscaping and the site plan are constructed as approved.
- 9.9 Inspections during Construction:** The Board may require the inspection of improvements as per approved site plan and shall require the Applicant to re-imburse the Board for the services of the consultant.

## **10. DESIGN AND DEVELOPMENT STANDARDS FOR THE GSOD**

- 10.1 Adoption of Design and Development Standards.** Any Project undergoing the Plan Approval process shall be subject to the Design Standards for the GSOD as set forth below in this Section.
- 10.2 Purpose.** The Design and Development Standards shall ensure that the physical character of Projects within the GSOD will meet the following goals:
- The project will be consistent with the Master Plan and any area specific plan(s), or any other plan document(s) adopted by the Town of Georgetown;
  - The project will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in Georgetown Square; and,
  - The project will be developed in a manner that is consistent with the environmental setting and protective of the historic and natural resources within and around the project.
- 10.3 Materials for Review.** All applications for Plan Approval shall be prepared by a Registered Architect, Landscape Architect, or professional Civil Engineer who shall sign and date a designer's certificate as required by the Town's Subdivision Regulations and place their seal upon all pertinent documents unless this requirement is waived by the PAA because of unusually simple circumstances. All original plans shall be prepared on standard 24" x 36" mylar sheets at a minimum scale of 1"=40'. Elevations drawings, where required, shall be drawn at a minimum scale of 1"=8'.

The PAA may waive any information requirements it judges to be unnecessary to the review of small scale developments. Said waiver(s) shall be made to the applicant in writing with stated reasons for granting the waiver. The following information shall be included on the Plan:

- Parcel Information.** The location and boundaries of the lot, adjacent streets or ways, applicable information from Section 7 - Dimensional and Density Requirements, the location and owners names of all adjacent properties;
- Topography.** Existing and proposed topography including contours (two foot intervals), the location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, drainage swales,

- areas subject to flooding, and unique natural land features, including all slopes over 15%, all trees over eight (8) inches in caliper, and the general location of the tree line;
- c. Buildings. Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor elevations and building height(s);
  - d. Parking & Driveways. The location of parking and loading areas, driveways, access and egress points;
  - e. Utilities. The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10 and 100 year storm events), utilities, and refuse and other waste disposal methods;
  - f. Landscaping. Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and plantings. A planting plan shall be prepared by a registered landscape architect, unless a licensed plant nursery person is deemed appropriate by the PAA;
  - g. Lighting. Existing and proposed lighting including the location, lighting source, and fixture types. The PAA may require photometric analysis of proposed lighting;
  - h. Signs. The location, dimensions, height, and characteristics of proposed signs;
  - i. Open Space. The location and description of all proposed open space or recreation areas; and,
  - j. Traffic Generation. The plan shall describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.

**10.4 Additional Materials for Review**. In circumstances related to significant environmental or public safety issues or where the proposed intensity of use requires more detailed review, the PAA may also require the following:

- a. Surface and water pollution - a report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water and water tables;
- b. Soils - a report on the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required;
- c. General environmental impact - a report on the relationship of the proposed development to the major botanical, zoological, geological, and hydrological resources on the site, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. At the discretion of the PAA, an EIS required through the MEPA process which addresses the PAA's concerns may be substituted in lieu of this report;
- d. Traffic impacts - a report on existing traffic volume, composition, peak hour levels, and existing street capabilities, analysis of existing and resulting level of services (LOS) for:
  - 1. The nearest and/or most impacted public roadway intersection;
  - 2. Estimated average daily traffic generation composition, peak hour levels;
  - 3. Directional flows resulting from the proposed development;
  - 4. Proposed methods to mitigate the estimated traffic impact; and,
  - 5. The methodology and sources used to derive existing data and estimations.

Further, in an instance where the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0; then the applicant shall provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better. The PAA may engage a traffic consultant to review said report and make its recommendations to the PAA before final action is required;

- e. Architectural Plans - Elevations, roof plans and other drawings and documentation, architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way. The elevations shall be prepared by a registered architect who shall sign the plan and place his/her seal upon it. The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:
  - 1. Exterior material and colors;

2. Type and pitch of roofs;
  3. Size and spacing of windows, doors and other openings;
  4. Size, location, colors, and copy of signs affixed to or hanging from the building;
  5. The relationship in bulk and height of other existing structure in the vicinity;
  6. Renderings (or model may be provided at the option of the applicant);
  7. Cross-sections of the site and buildings; and,
  8. Product literature on proposed light fixtures.
- f. Deeds, easements, agreements and other legal documents - Drafts of deeds, easements, agreements and other legal documents, including the following where applicable:
1. Deeds of land to be conveyed to the Town for streets or other public purposes;
  2. Deeds of easement and right-of-way;
  3. Covenants and any other agreements affecting the use of the site;
  4. Articles of incorporation of a landowner's association and the by-laws of the association; and,
  5. Agreements between the applicant and the Town regarding public improvements or other matters.

**10.5 Development and Performance Standards.** In order to receive plan approval, all projects or uses must demonstrate compliance with the development and performance standards of the following criteria:

- a. Access and Traffic Impacts. Applicants must demonstrate that the project will minimize traffic and safety impacts on Town roads and the following:
1. Curb-cuts and Driveways. Curb cuts shall be limited to the minimum width for safe entering and exiting, and the street width shall not exceed 24 feet. All driveways shall be designed to afford motorists exiting to highways with safe sight distance. The proposed development shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic.
  2. Traffic Impact Statement. In each case where more than 15 residential units are being proposed or a new commercial building(s) of more than 5,000 square feet total floor area is proposed, or where any proposed enlargement of a building would result in a building have more than 5,000 square feet total floor area, a Traffic Impact Statement shall be prepared containing the following information:
    - a. A detailed assessment of the traffic impacts of the proposed project or use on the carrying capacity of any adjacent highway or road(s) and associated intersection; and
    - b. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, promoting use of public transportation, or other appropriate means.
  3. Pedestrian and Bicycle Circulation. Each Project shall be designed to encourage pedestrian and bicycle travel by providing short routes to connect residential uses with nearby commercial services, schools, parks and other neighborhood facilities. Adequate pedestrian and bicycle access shall be provided as follows:
    - a. Sidewalks shall be provided to allow access to adjacent properties and between individual businesses within a development; and
    - b. Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways shall be linked together areas designated as open space within the site and whenever possible to adjoining public areas.
  4. Public Streets & Sidewalks. All public streets and sidewalks shall:
    - a. Provide for deed public access and all roadways, driveways, trails and sidewalks within the project shall be constructed in conformance with the design and construction standards of the Georgetown Subdivision Rules and Regulations.
    - b. All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers, and other public improvements shall be constructed in

accordance with the standards of the Georgetown Subdivision Rules and Regulations; and,

- c. All off-site construction on state roadways shall comply with the Department of Massachusetts Highway standards, specifications, or special conditions as applicable.

- b. **Parking.** Applicants must demonstrate that the project will minimize traffic and safety impacts on Town roads and the following:

1. **Number of Spaces.** Unless otherwise approved by the PAA, the following minimum and maximum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures that are located within or directly abutting the district:

Uses	Minimum Spaces	Maximum Spaces
Residential Uses	1.5 spaces per unit	2 spaces per unit

The PAA may allow for additional visitor parking spaces beyond the maximum spaces per unit if deemed appropriate given the design, layout, and density of the proposed development. The PAA may waive the parking requirement to 1 space per unit for studio or one-bedroom units. Any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

2. **Shared Parking.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
3. **Reduction in Parking Requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
  - a. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station.
  - b. The availability of public or commercial parking facilities in the vicinity of the use being served.
  - c. Shared use of off street parking spaces serving other uses having peak user demands at different times.
  - d. Age or other occupancy restrictions that are likely to result in a lower level of auto usage
  - e. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways.
  - f. The proposed parking shall not cause excessive congestion within Georgetown Square.
  - g. Such other factors as may be considered by the PAA.
4. **Location of Parking.** To the maximum extent feasible, any surface parking lot shall:
  - a. Be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

- b. Arrange all parking and loading spaces to prevent the backing of automobiles onto any street.
  - c. Design all off-street parking spaces must be at least nine (9) feet in width, eighteen (18) feet in length with an aisle twenty-four (24) feet in width for a two-way double loaded bay and eighteen (18) feet in width for a one-way single loaded bay. In particular circumstances, the alternative parking lot configurations may be allowed at the discretion of the PAA.
  - d. Design all off-street parking and loading spaces, access ways, and maneuvering area so as to provide for adequate drainage, snow removal, maneuverability and curb cuts.
- c. **Landscaping.** All Plans shall comply with the following requirements:
- 1. **Landscape Buffers.** A landscaped buffer strip at least five (5) feet wide, continuous except for approved driveways, shall be established adjacent to any residential lot line to visually separate parking and other residential uses outside the overlay district. Where applicable, the buffer strip shall be planted with grass, medium height shrubs, and shade trees having a minimum 2 ½" caliper, planted at least every 25 feet along the property line. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.
  - 2. **Retaining Walls.** Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be a natural stone finish and vertical cast in place concrete shall not be permitted.
  - 3. **Fences, Decorative Walls and Hedges.** Fences, low decorative walls and hedges define walkways, give pedestrian scale to the street and maintain the historic character of the town. The materials and design shall reflect the period and the ornateness of the building they delineate. The use of low decorative fences to delineate spaces is strongly encouraged and the use of any type of chain link or stockade fence is prohibited.
  - 4. **Pedestrian Amenities.** Pedestrian/oriented features such as covered walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas and recreational facilities shall be included within the landscape plan.
  - 5. **Parking Areas.** Parking areas containing over 20 parking spaces shall have at least one shade tree per eight (8) parking spaces, such trees to be a minimum of 2 ½ inches in diameter and located either in the parking area or within ten (10) feet of it. At least five (5) percent of the interior of any parking area over 20 spaces shall be maintained with landscaping, including trees, in plots of at least nine (9) feet in width when located within a parking bay. Trees shall be so located to provide visual relief from sun and wind interruption within the parking area, and to assure safe patterns of internal circulation. Smaller parking lots shall use landscaping and terracing to break up large areas of pavement and to enhance a residential flavor and appearance; trees and shrubs shall be used to the maximum extent feasible.
  - 6. **Storage Areas.** Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.
  - 7. **Planting Materials.** High-quality, drought-resistant, native landscaping shall be provided within the project.

8. **Maintenance.** All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.
- d. **Open Space.** All Plans shall comply with the following requirements:
1. **Use.** To the greatest extent possible, such open space shall be left in its undisturbed natural condition or, at the discretion of the PAA, it shall be developed so as to be appropriate, in size, shape, dimension, location, and character to assure access to and its use as a park, recreational area, and visual amenity for the development and its residents.
  2. **Homeowner's Association.** Where applicable, in order to ensure that any proposed common open space, utilities or other common facilities within the development will be properly maintained, each project development shall have a Homeowner's Association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Essex Registry of Deeds or Registry District of the Land Court. As part of the Plan Approval, the applicant shall supply to the PAA copies of such proposed instrument.
- e. **Building Design.** Building design shall be reviewed by PAA with input from Town officials listed under Section 9.4 and any review consultant(s) employed by the PAA, and others as appropriate. The following design elements listed in this subsection are to be interpreted as building design standards to be applied by the PAA as appropriate to the situation under review, including factors such as foundation and soil characteristics, scenic views, and other extraordinary site constraints.
1. **General Site Design:**
    - a. The location of buildings, parking areas, walkways, outdoor gathering places, landscaping, utilities, loading areas, dumpsters, automobile access, travel lanes, and signs should reflect a thoughtful approach that focuses primarily on providing optimal access and mobility for pedestrians on and between sites.
    - b. Parking areas behind buildings should allow for easy access between lots for automobiles and pedestrians.
    - c. Clear pedestrian pathways should be provided within the site between buildings and across automobile travel lanes in the form of raised or distinct surfaces such as stamped concrete or grid pavers, arcades, colonnades, or other similar features.
    - d. In complexes with multiple principal buildings landscaped areas with walkways, courtyards or arcades should be used in conjunction with compact site design to bring buildings closer together and enhance connectivity between them for residents and customers.
    - e. Balconies shall not be permitted along any building walls that are located directly along a public street or way.
  2. **Building Size, Height & Scale:**
    - a. New buildings shall be constructed to a size, scale, height and proportion to the average size, scale and height of existing buildings (of a similar use) within the Georgetown Square neighborhood.
    - b. In order to modulate their scale, multi-story commercial or mixed-use buildings should clearly articulate the base, middle and top of the building through the use of cornices, stepbacks, borders of distinct material or other articulating features.
    - c. Larger buildings with long façades should articulate the façade with varied rooflines, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer façades. Unbroken façades in excess of fifty (50) feet should be avoided.
    - d. Large, flat, unadorned, blank walls should be avoided for any side or rear walls of

buildings. Where windows are not feasible, raised or recessed vertical surfaces may be used in conjunction with windows, window shaped depressions and decorative lighting to make these surfaces more attractive.

3. Building Placement:

- a. Building placement shall preserve terminal vistas and views within the Georgetown Square neighborhood from major vantage points within and along the overlay district, especially to and from the Square and abutting residential neighborhoods.
- b. New buildings shall conform to the frontyard setback of the existing commercial or mixed-use structures within the Georgetown Square neighborhood.
- e. To the maximum extent feasible, variations in lot shape and size shall be included to preserve the walkability and spatial character of the Georgetown Square neighborhood.

4. Sign Placement:

- a. Site design should be as compact as possible on sites with multiple principal buildings. To the greatest extent practicable, pedestrians should not need to cross parking areas to move from one building to another.
- b. Signs should not cover or obscure architectural elements.
- c. All wall signs shall be less than 10% of the wall area and projecting signs shall be no greater than 40 square feet in surface area. Free standing pole signs are not permitted under the GSOD.

5. Sense of Entry:

- a. All commercial buildings should have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry.
- b. Especially where buildings are set back from the property line, main entrances should incorporate architectural features that draw attention to the entrance. These features may include covered porches, porticos, recessed doorways and awnings.
- c. Street level frontage should be primarily devoted to entrances, shop windows or other displays.

6. Fenestration:

- a. Above the ground-floor, window openings shall be as close as possible to a width to height ratio of 1:2.
- b. Muntin pattern and thickness shall be consistent with traditional New England architectural styles within the surrounding neighborhood.
- c. The recurrent alternation of wall areas with door and window elements in the façade shall be respected.
- d. The width-to-height ratio of bays in the façade shall be consistent with traditional New England building patterns.
- e. The use of windows with “true divided lites” or similar is highly encouraged.
- f. Muntin pattern and thickness shall match historic patterns in the neighborhood and shall include only windows with muntins at least on the exterior of the glass.
- g. In order to make the windows stand out, some simple trim around the casing shall be used.

7. Dormers:

- a. Dormer styles may include doghouse, eyebrow, or shed dormers. As a general rule, full shed dormers should be placed on the rear or less public side of a building with a side-gable roof.
- b. Dormers shall not be so big that they distract from the gable end roofline.



- c. Windows shall almost fill the face wall of the dormer and match the windows in the rest of the building.

8. Building Lighting:

- a. Broad area lighting will be highly discouraged while soft lighting with full cutoff luminaries aimed down is encouraged.
- b. Entry lights should be mounted within the siding not on the door trim.
- c. Energy-efficient fixtures should be used.

9. Parking, Loading, Garages and Driveways:

- a. Loading docks, service areas and trash disposal facilities should not face public gathering space or a public street.
- b. Drive-through service windows should only be located on the side or in the rear of properties that are internal to the block or accessible from an alley.
- c. Garages should be subservient in size, height and location to the overall building and should be located so that cars parked outside the structure will not project beyond the front building wall. The use of detached garages to the rear of the lot is highly encouraged.
- d. Attached garages that are not setback from the front main building façade should be designed to have access from the side or from the rear of the building and should not be visible from the public way.
- e. Common or shared driveways and parking lots are encouraged to reduce curb cuts, reduce impervious area, and enhance pedestrian circulation.

11. Roofline Articulation:

- a. The roof design should provide a variety of building heights and varied roofline articulation. Local models reflecting traditional New England architectural styles should be considered in the selection of roof forms. Introducing roof shapes, pitches, or materials not traditionally used in the area should be avoided.
- b. Flat roofs should not be used for single story buildings. Where proposed, flat roofs should have decorative cornices or parapets that shield views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.
- c. Downspouts should match gutters in material and finish.
- d. Utilities and protrusions through or on the front of roofs are highly discouraged.
- e. The pitch and vertical height of roofs should not rival or exceed walls in their visible proportions from street views.

12. Building Materials:

- a. Materials and building treatments that reduce the visibility of buildings from distant vantage points should be used and be consistent and compatible with traditional New England architectural and site design.
- b. Where more than one material is used, traditionally heavier materials (stone, brick, concrete with stucco, etc.) should be located below lighter materials (wood, fiber cement board, siding, etc). The change in material should occur along a horizontal line, preferably at the floor level.
- c. Natural materials, such as brick, stone, wood clapboards and shingles, and slate are preferred over industrial materials such as concrete, sheet metal, asphalt shingles, vinyl and plastic synthetic siding and windows, and insulated steel doors (especially those that can be seen at the pedestrian level).

13. Energy Efficiency:

- a. All buildings shall reflect environmentally responsible design and construction practices as governed by the Energy Star Program.

- b. Buildings are also strongly encouraged to be certifiable by the U.S. Green Building Council LEED Rating System.
- f. **Stormwater Management, Wetlands and Riverfront Areas.** In establishing compliance with the local Georgetown Wetland Bylaw, within the GSOD these standards are as follows:
  - 1. All projects must meet the MA DEP/CZM standards as described in the Massachusetts Stormwater Policy (Volumes 1 and 2) (MA DEP/CZM, 1996, as updated), regardless of whether the project discharges directly to a wetland resource or falls under the jurisdiction of the MA Wetland Protection Act.
  - 2. All projects must comply with all federal, state and local wetland regulations.
- g. **Erosion Control.** Erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:
  - 1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.
  - 2. During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps.
  - 3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/ sedimentation/vegetative practices recommended by the Soil Conservation Service.
- h. **Water Quality.** Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drain pipes, reduction of paved areas, and reduction of building coverage. To improve water quality techniques such as installing low impact development drainage systems such as rain gardens, bio-retention areas and water quality swales. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.
- i. **Hazardous Material and Explosive Materials.** The storage, use, transportation, and removal of all hazardous materials and explosive materials shall be consistent with the requirements specified by the Georgetown Fire Department plus all relevant state and federal regulations.
- j. **Lighting.** All Plans shall comply with the following requirements:
  - 1. Parking lot pole lighting shall not exceed a height of 18 feet and shall not create spillover lighting onto adjacent properties or into the night sky.
  - 2. Lighting along the driveways, pedestrian walkways and sidewalks shall not exceed 10 feet in height and match existing fixtures within the Georgetown Center.
  - 3. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.
- k. **Environmental Performance Standards.** All Plans shall comply with the following requirements:
  - 1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
  - 2. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire fighting and fire suppression devices and equipment.
  - 3. No activities that emit dangerous radioactivity at any point; no electrical disturbance adversely affecting the operation of any point, or any equipment other than that operation at any point, or any equipment other than that of the creator of such disturbance shall be permitted.

4. No emission of visible smoke of a shade darker than No 1 on the Ringelmann Smoke Chart as published by the U. S. Bureau of Mines shall be permitted.
  5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling at any point, or in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted.
  6. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply, or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
  7. No vibration which is discernible to the human sense of feeling for three (3) minutes or more in any hour between 7:00 A.M. and 7:00 P.M. or for thirty (30) seconds or more in any hour between 7:00 P.M. to 7:00 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U. S. Bureau of Mines Bulletin N.442.
  8. No emission or odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C. shall be permitted.
  9. No direct or sky-reflected glare, whether from floodlights, or from high temperature processes such as welding shall be permitted.
1. **Noise.** All Plans shall comply with the following requirements:
1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness, or intermittence.
  2. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line or district line, whichever is more restrictive of the source:

Frequency Band (Cycles Per Second)	Sound Pressure Level (Decibel re.0.002 dyne/CM)
20-75	65
75-100	54
150-300	47
300-600	41
600-1200	37
1200-2400	34
2400-4800	31
4800-10,000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

- |    |  |    |
|----|--|----|
| a. | Daytime Operation Only                                   | +5 |
| b. | Noise source operations less than 20% of any hour period | +5 |

Note: Only one (1) of above corrections may be applied.

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noises shall be measured with a sound level

meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters." The interment shall be set to the A-weight response scale. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound."

3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning device, parades, or other similar special circumstances.
4. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.

m. **Utilities.** All Plans shall comply with the following requirements:

1. Electric, telephone, cable TV and other such utilities shall be underground from existing roadway utilities.
2. The applicant must demonstrate that the proposed development is consistent with the Town's Planned Infrastructure Report and Capital Improvement Plan and that it will not overburden public sewer, water, and other service systems. If sewerage is to be treated on site, the applicant shall submit plans and specifications for said treatment system and shall demonstrate that the system will not negatively impact adjacent properties or aquifer recharge areas.

n. **Universal Access.** All buildings shall conform to the universal access requirements of 521 CMR (The Rules and Regulations of the Massachusetts Architectural Access Board), the Uniform Federal Accessibility Standards (UFAS), as referenced by Section 504 of the Rehabilitation Act, the 24 CFR 100.205 - Federal Fair Housing Act (FHA) requirements for Accessible Design and Construction, and Appendix A to 26 CFR Part 36 - ADA Standards for Accessible Design (ADAAG), as referenced in the Americans with Disabilities Act.

## **11. PLAN APPROVAL DECISIONS**

**11.1 Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. The Applicant has submitted the required fees and information as set forth in the PAA Regulations.
2. The Project as described in the application meets all of the requirements, criteria and standards set forth in Section 10: Design Standards for the GSOD, and the PAA Regulations, or a waiver has been granted there from.
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 6.0, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Bylaw or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

**11.2 Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth in the PAA Regulations; or
2. The Project as described in the application does not meet all of the requirements, criteria and standards set forth in Section 10, Design Standards for the GSOD, and the PAA Regulations, or that a requested waiver there from has not been granted; or
3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties

by means of suitable conditions.

**11.3 Waivers.** Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of this Bylaw in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the GSOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Bylaw.

**11.4 Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

**11.5 Form of Decision.** The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

**11.6 Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

## **12. CHANGE IN PLANS AFTER APPROVAL BY PAA**

**12.1 Minor Change.** After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

**12.2 Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 8.0 - through 10.0.

## **13. SEVERABILITY**

If any provision of this Bylaw is found to be invalid by a court of competent jurisdiction, the remainder of Bylaw shall not be affected but shall remain in full force. The invalidity of any provision of this Bylaw shall not affect the validity of the remaining Bylaw.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

## **MOTION**

Hugh Carter moved and it was seconded by Chris Rich to amend the Zoning Bylaw by: inserting a new section, Section §165-135 – Georgetown Square Overlay District (GSOD) as amended and approved by DHCD; making an amendment to the definition of Overlay Districts in Section 165-7; adding an exemption for 40R developments under the Rate of Development Bylaw in Section 165-17; and by adopting an amendment to the Zoning Map for such purposes; all as set forth in a handout entitled “Approved Planning Board Bylaw Amendments” – “Georgetown Square 40R Overlay District – Final DHCD Review April 29, 2009”

### **1. PURPOSE**

**The purpose of this Bylaw is to establish the Georgetown Square Overlay District (GSOD) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R and to foster a range of housing opportunities within mixed use buildings to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:**

- 1. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities within Georgetown Square;**
- 2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving Georgetown’s unique community character;**
- 3. Increase the production of a range of housing units to meet existing and anticipated housing needs;**
- 4. Provide a mechanism by which mixed-use and residential development can contribute directly to increasing the supply and diversity of housing and promote economic development within Georgetown Square;**
- 5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;**
- 6. Establish development standards to allow context-sensitive design and creative site planning that is compatible with the surrounding neighborhood, protects neighborhood property values and enhances its unique natural, cultural and historic resources;**
- 7. To encourage the permanent preservation of contiguous open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, waterbodies, areas of critical environmental concern, and wetlands, and historical and archeological resources, in a manner that is consistent with the Master Plan and Open Space Plan;**
- 8. To encourage a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional commercial or housing development; and**
- 9. Enable the Town to receive Zoning Incentive Payments and Density Bonus Payments in accordance with G. L. Chapter 40R and 760 CMR 59.06.**

### **2. DEFINITIONS**

**For purposes of this Overlay District the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section**

**2.0, or as set forth in the Planned Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.**

**Monitoring Agent – the Georgetown Affordable Housing Trust or other qualified housing entity designated by the Board of Selectmen, pursuant to Section 6, to review and implement the Affordability requirements affecting Projects under Section 6.**

***Affordable Homeownership Unit* - an Affordable Housing unit required to be sold to an Eligible Household.**

***Affordable Housing Unit* - housing that is affordable to and occupied by Eligible Households.**

***Affordable Housing Restriction* - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6 of this Bylaw.**

***Affordable Rental Unit* - an Affordable Housing unit required to be rented to an Eligible Household.**

***Applicant* – the individual or entity that submits a Project for Plan Approval.**

***As-of-right* - a use allowed under Section 5 without recourse to a special permit, variance, zoning amendment, waiver or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 7 through 12 shall be considered an as-of-right Project.**

***Department or DHCD* - the Massachusetts Department of Housing and Community Development and any successor agency.**

***Design Standards* –The Design Standards listed in Section 12 are applicable to all Projects within the GSOD that are subject to Plan Approval by the PAA.**

***Eligible Household* - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.**

***Enabling Laws* – G.L. Chapter 40R and 760 CMR 59.00.**

***Future Open Space* – To the extent feasible under the GSOD, the area, identified on the Sub-District Plan as Future Open Space, as shown in Exhibit 1, shall be set aside a dedicated as permanent open space areas through the use of a conservation restriction as defined in G.L. c. 184 or other effective means.**

***GSOD* – the Georgetown Square Overlay District (GSOD) established in accordance with this Section.**

***Maximum Building Area* - Maximum Building Area includes the total area used for all buildings, primary access, driveways, parking, loading areas and stormwater management areas.**

***Multi-Family Residential Use* – A building that contains three or more apartments or condominium units.**

***Minimum Open Space* –The minimum open space area required under Section 7.1 shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes. The open space shall be suitable for and protected and maintained for wildlife habitat, conservation, wetland and habitat areas, historic preservation (landscapes and/or accessory structures), outdoor education, passive and active outdoor recreation, park purposes, agriculture, horticulture, forestry, and/or a combination of these uses. At the discretion of the PAA, utility easements and wastewater or**

stormwater management systems serving the Project may be located within the minimum open space areas.

**Mixed-Use**– A building that contains non residential use(s) with one or more apartments or condominiums located above the ground floor.

**PAA Regulations** – the rules and regulations of the PAA adopted pursuant to Section 8.3.

**Plan Approval** - standards and procedures which Projects in the GSOD must meet pursuant to Sections 8.0 through 12.0 and the Enabling Laws.

**Plan Approval Authority (PAA)** - the local approval authority authorized under Section 8.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the GSOD.

**Project** - a Multi-Family Residential Use or Mixed Use development undertaken within the GSOD in accordance with the requirements of this Bylaw.

**Zoning Bylaw** - the Zoning Bylaw of the Town of Georgetown, as amended.

### **3. OVERLAY DISTRICT**

**3.1 Establishment.** The GSOD is an overlay district having a land area of approximately eight (8) acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “Georgetown Square Overlay District”, prepared by the Georgetown Planning Office. (attached as Exhibit 1). This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

The GSOD contains seven (7) sub-districts as follows:

- 1 – Mixed-Use - 1 [MU -1]
- 2 – Mixed-Use - 2 [MU -2]
- 3 – Mixed-Use - 3 [MU -3]
- 4 – Multi-Family Residential [MFR]
- 5 – Substantially Developed Area - 1 [SDA -1]
- 6 – Substantially Developed Area - 2 [SDA -2]
- 7 – Future Open Space [FOS]

### **4. APPLICABILITY OF GSOD**

**4.1 Applicability of GSOD.** An Applicant may seek development of a Project located within the GSOD in accordance with the provisions of the Enabling Laws and this Bylaw. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations. Nor shall approval be withheld for a Project showing the use of adjoining land to the district for purposes of secondary access or utility improvements.

**4.2 Underlying Zoning.** The GSOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Bylaw. Within the boundaries of the GSOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).



**4.3 Administration, Enforcement, and Appeals.** The provisions of this Bylaw shall be administered by the Building Inspector, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 8 through 12 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Bylaw shall be governed by the applicable provisions of G. L. Chapter 40A.

## **5. PERMITTED USES**

In compliance with the dimensional and density regulations listed under Section 7.1, the following uses are permitted “as-of-right” and by “waiver” for all Projects within the GSOD.

### **5.1 “As-of Right” Density Projects:**

**5.1.1. A Project within a Mixed-Use [MU] Sub-District(s) may include:**

- a) Mixed-Use provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply to the residential portion of any Mixed-Use Project. All residential uses shall be located above the ground or street-level floor of the building(s). All ground or street level floor uses shall be non-residential uses;
- b) Any of the following non residential uses are permitted in a Mixed Use Project:
  - General Retail Sales and Services
  - Restaurants
  - Professional/ Business Offices
  - Artist Live/Work Space
- c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
- d) Accessory uses customarily incidental to any of the above permitted uses.

**5.1.3 A Project within the Multi-Family Residential Sub-District [MFR] may include:**

- a) Multi-Family Residential Use;
- b) Mixed-Use as authorized in Section 5.1.1;
- c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
- d) Accessory uses customarily incidental to any of the above permitted uses.

**5.1.3. A development project within the Future Open Space [FOS] Sub-District may include:**

- a) Any of the following commercial or non-residential uses:
  - Public Park or Conservation areas
- b) Accessory uses customarily incidental to any of the above permitted uses.

### **5.2 “Waiver” Density Projects:**

**5.2.1. A Project within the Substantially Developed Area [SDA] Sub-District(s) may, at the discretion of the PPA, include:**

- a) Multi-Family Residential Use
- b) Mixed-Use provided the PAA has determined that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply to the residential portion of any Mixed-Use Project. A Mixed-Use Project within this Sub-District shall require all residential uses to be located above the ground

or street-level floor of the building(s). All ground or street level floor uses shall be non-residential uses;

- c) Any of the following non-residential uses are permitted:
  - General Retail Sales and Services
  - Restaurants
  - Professional Business Offices
  - Artist Live/Work Space
- d) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
- e) Accessory uses customarily incidental to any of the above permitted uses.

## **6. HOUSING AND HOUSING AFFORDABILITY**

**6.1 Number of Affordable Housing Units.** For all Projects within the GSOD, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing Units (AHU). For purposes of calculating the number of units of AHU required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

**6.2 Monitoring Agent.** The Monitoring Agent shall be the Georgetown Affordable Housing Trust or other agency designated by the Board of Selectmen. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. The Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the GSOD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing Units are properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

**6.3 Submission Requirements.** As part of any application for Plan Approval for a Project within the GSOD submitted under Sections 8.0 through 12.0, the Applicant must submit the following documents to the PAA and the Monitoring Agent:

1. Evidence that the Project complies with the cost and eligibility requirements of Section 6.4;
  2. Project plans that demonstrate compliance with the requirements of Section 6.5; and
  3. A form of Affordable Housing Restriction that satisfies the requirements of Section 6.6.
- These documents in combination, to be submitted with an application for Plan Approval shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

**6.4 Cost and Eligibility Requirements.** Affordable Housing Units shall comply with the following requirements:

1. Affordable Housing Units are required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households;
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible

Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply; and

3. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Georgetown.

- 6.5 Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

- 6.6 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be the longest period allowed by law but shall be no less than thirty years;
2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for preferences in resident selection; the plan shall designate the household size appropriate for an Affordable Housing Unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
8. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Monitoring Agent;
9. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
10. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall

run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

11. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and

12. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

**6.7 Costs of Housing Marketing and Selection Plan.** The housing marketing and selection plan shall make provisions for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

**6.8 Age Restrictions.** Nothing in this Bylaw shall permit the imposition of restrictions on age upon all Projects throughout the entire GSOD. However, the PAA may, in its review of an application for Plan Approval under Sections 8 through 12, allow a specific Project within the GSOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall also comply with applicable federal, state and local fair housing laws and regulations.

**6.9 Phasing.** For any Project that is approved and developed in phases in accordance with Section 8.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

**6.10 No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in Section 6 shall not be waived.

## 7. DIMENSIONAL AND DENSITY REQUIREMENTS

**7.1. Table of Dimensional Requirements.** Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the GSOD are as follows:

**Table of Dimensional Regulations:**

Sub-District	Min. Lot Size	Minimum Lot Frontage (feet)	Maximum Front Yard Setback (feet)	Min. Side (feet)	Min. Rear (feet)	Maximum Height (feet)	Maximum Height (# stories)	Maximum Building Area (% of lot)	Minimum Open Space (% of lot)
MU - 1	-	100	5	5	10	40	3.5	90	10
MU - 2	-	50	5	5	25	40	3.5	90	10
MU - 3	-	100	5	5	10	35	3	90	10
MFR	-	150	5	5	20	35	3	80	20
SDA - 1	10,000	100	5	5	10	35	2.5	90	10
SDA - 2	10,000	80	5	5	50	35	2.5	70	30
FOS	4,000	NA	NA	NA	NA	NA	NA	NA	NA

**7.2 Density Requirements.** Notwithstanding anything to the contrary in this Zoning Bylaw, the density requirements applicable in the GSOD are as follows:

- (a) Single-family residential use shall be permitted at a density of at least eight (8) units per acre;
- (b) Two or Three Family residential use shall be permitted at a density of at least twelve (12) units per acre;

- (c) Mixed-Use and Multi-Family Residential Use shall be permitted at a density of at least twenty (20) units per acre; and
- (d) In accordance with Section 5.2, a Mixed Use Project within a Substantially Developed Sub-District may, at the discretion of the PPA, be permitted at a density consistent with the land use densities listed above in (a-c).

**7.3 Waivers.** Projects may be granted waivers to the dimensional requirements listed in Section 7.1, or the parking, roadway design or design standards if the PAA determines that the proposed density and design is consistent with the requirements of Sections 6 through 12.

## **8. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS**

- 8.1 Plan Approval.** An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 8.0 through 12.0. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Projects shall be subject to the Plan Approval process:
  - a) Any Multi-Family Residential Use or Mixed-Use Project;
  - b) Any Project seeking a waiver.
- 8.2 Plan Approval Authority (PAA).** The Georgetown Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the GSOD.
- 8.3 PAA Regulations.** The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development
- 8.4 Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 6.9.
- 8.5 Design Standards.** To ensure that new development shall be of high quality, and shall meet the standards listed in Section 10. The PAA shall follow the Design Standards governing Projects for Plan Approval within the GSOD.

## **9. PLAN APPROVAL PROCEDURES**

- 9.1 Pre-application.** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:
  - 1. Overall building envelope areas;
  - 2. Open space and natural resource areas; and
  - 3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards.

- 9.2 Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, [along with application fee(s)] which shall be as set forth in the PAA Regulations]. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3.

- 9.3 **Filing.** An applicant for Plan Approval shall file twelve (12) copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.
- 9.4 **Circulation to Other Boards.** Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Conservation Commission, Water Department, Georgetown Light Department, Fire Department, Police Department, Building Inspector, Highway Surveyor and the Monitoring Agent (for any Project subject to the Affordability requirements of Section 6.0), for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
- 9.5 **Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- 9.6 **Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town of Georgetown in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued shall be returned to the applicant forthwith.
- 9.7 **Infrastructure Improvements.** At the Applicant's expense, the Project shall be required to file a septic plan with the Board of Health. At the Applicant's expense, all other off-site infrastructure improvements (including but not limited to roads, pedestrian walkways, drainage, flood control, water, gas, and electric) shall be addressed as conditions of approval.
- 9.8 **Performance Bond:** The Board shall require a performance bond or surety to assure that the proposed improvements including, but not limited to, utilities, public amenities, landscaping and the site plan are constructed as approved.
- 9.9 **Inspections during Construction:** The Board may require the inspection of improvements as per approved site plan and shall require the Applicant to re-imburse the Board for the services of the consultant.

## **10. DESIGN AND DEVELOPMENT STANDARDS FOR THE GSOD**

- 10.1 **Adoption of Design and Development Standards.** Any Project undergoing the Plan Approval process shall be subject to the Design Standards for the GSOD as set forth below in this Section.
- 10.2 **Purpose.** The Design and Development Standards shall ensure that the physical character of Projects within the GSOD will meet the following goals:
- a. The project will be consistent with the Master Plan and any area specific plan(s), or any other plan document(s) adopted by the Town of Georgetown;
  - b. The project will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in Georgetown Square; and,

- c. The project will be developed in a manner that is consistent with the environmental setting and protective of the historic and natural resources within and around the project.

**10.3 Materials for Review.** All applications for Plan Approval shall be prepared by a Registered Architect, Landscape Architect, or professional Civil Engineer who shall sign and date a designer's certificate as required by the Town's Subdivision Regulations and place their seal upon all pertinent documents unless this requirement is waived by the PAA because of unusually simple circumstances. All original plans shall be prepared on standard 24" x 36" mylar sheets at a minimum scale of 1"=40'. Elevations drawings, where required, shall be drawn at a minimum scale of 1"=8'.

The PAA may waive any information requirements it judges to be unnecessary to the review of small scale developments. Said waiver(s) shall be made to the applicant in writing with stated reasons for granting the waiver. The following information shall be included on the Plan:

- a. **Parcel Information.** The location and boundaries of the lot, adjacent streets or ways, applicable information from Section 7 - Dimensional and Density Requirements, the location and owners names of all adjacent properties;
- b. **Topography.** Existing and proposed topography including contours (two foot intervals), the location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, and unique natural land features, including all slopes over 15%, all trees over eight (8) inches in caliper, and the general location of the tree line;
- c. **Buildings.** Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor elevations and building height(s);
- d. **Parking & Driveways.** The location of parking and loading areas, driveways, access and egress points;
- e. **Utilities.** The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10 and 100 year storm events), utilities, and refuse and other waste disposal methods;
- f. **Landscaping.** Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and plantings. A planting plan shall be prepared by a registered landscape architect, unless a licensed plant nursery person is deemed appropriate by the PAA;
- g. **Lighting.** Existing and proposed lighting including the location, lighting source, and fixture types. The PAA may require photometric analysis of proposed lighting;
- h. **Signs.** The location, dimensions, and height of proposed signs;
- i. **Open Space.** The location and description of all proposed open space or recreation areas; and,
- j. **Traffic Generation.** The plan shall describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.

**10.4 Additional Materials for Review.** In circumstances related to significant environmental or public safety issues or where the proposed intensity of use requires more detailed review, the PAA may also require the following:

- a. **Surface and water pollution** - a report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water and water tables;
- b. **Soils** - a report on the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required;

- c. **Traffic impacts** - a report on existing traffic volume, composition, peak hour levels, and existing street capabilities, analysis of existing and resulting level of services (LOS) for:
  1. The nearest and/or most impacted public roadway intersection;
  2. Estimated average daily traffic generation composition, peak hour levels;
  3. Directional flows resulting from the proposed development;
  4. Proposed methods to mitigate the estimated traffic impact; and,
  5. The methodology and sources used to derive existing data and estimations.

Further, in an instance where the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0; then the applicant shall provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better. The PAA may engage a traffic consultant to review said report and make its recommendations to the PAA before final action is required;
- d. **Architectural Plans** - Elevations, roof plans and other drawings and documentation, architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way. The elevations shall be prepared by a registered architect who shall sign the plan and place his/her seal upon it. The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:
  1. Exterior material and colors;
  2. Type and pitch of roofs;
  3. Size and spacing of windows, doors and other openings;
  4. Size, location, colors, and copy of signs affixed to or hanging from the building;
  5. The relationship in bulk and height of other existing structure in the vicinity;
  6. Renderings (or model may be provided at the option of the applicant);
  7. Cross-sections of the site and buildings; and,
  8. Product literature on proposed light fixtures.
- e. **Deeds, easements, agreements and other legal documents** - Drafts of deeds, easements, agreements and other legal documents, including the following where applicable:
  1. Deeds of land to be conveyed to the Town for streets or other public purposes;
  2. Deeds of easement and right-of-way;
  3. Covenants and any other agreements affecting the use of the site;
  4. Articles of incorporation of a landowner's association and the by-laws of the association; and,
  5. Agreements between the applicant and the Town regarding public improvements or other matters.

**10.5 Development and Performance Standards.** In order to receive plan approval, all projects or uses must demonstrate compliance with the development and performance standards of the following criteria:

- a. **Access and Traffic Impacts.** Applicants must demonstrate that the project will minimize traffic and safety impacts on Town roads and the following:
  1. **Curb-cuts and Driveways.** Curb cuts shall be limited to the minimum width for safe entering and exiting, and the street width shall in not exceed 24 feet. All driveways shall be designed to afford motorists exiting to highways with safe sight distance. The proposed development shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic.
  2. **Traffic Impact Statement.** In each case where more than 15 residential units are being proposed or a new commercial building(s) of more than 5,000 square feet total floor area is proposed, or where any proposed enlargement of a building would result in a building have more than 5,000 square feet total floor area, a Traffic Impact Statement shall be prepared containing the following information:



- a. A detailed assessment of the traffic impacts of the proposed project or use on the carrying capacity of any adjacent highway or road(s) and associated intersection; and
  - b. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, promoting use of public transportation, or other appropriate means.
3. **Pedestrian and Bicycle Circulation.** Each Project shall be designed to encourage pedestrian and bicycle travel by providing short routes to connect residential uses with nearby commercial services, schools, parks and other neighborhood facilities. Adequate pedestrian and bicycle access shall be provided as follows:
- a. Sidewalks shall be provided to allow access to adjacent properties and between individual businesses within a development; and
  - b. Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways shall be linked together areas designated as open space within the site and whenever possible to adjoining public areas.
4. **Public Streets & Sidewalks.** All public streets and sidewalks shall:
- a. Provide for deed public access and all roadways, driveways, trails and sidewalks within the project shall be constructed in conformance with the design and construction standards of the Georgetown Subdivision Rules and Regulations.
  - b. All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers, and other public improvements shall be constructed in accordance with the standards of the Georgetown Subdivision Rules and Regulations; and,
  - c. All off-site construction on state roadways shall comply with the Department of Massachusetts Highway standards, specifications, or special conditions as applicable.

**b. Parking.**

1. **Number of Spaces.** Unless otherwise approved by the PAA, the following minimum and maximum numbers of off-street parking spaces shall be provided either in surface parking, within garages or other structures that are located within the district:

Uses	Minimum Spaces	Maximum Spaces
Residential Uses	1.5 spaces per unit	2 spaces per unit

Parking requirements for non-residential uses that are required in Under Article IX, Parking and Loading (as of May 4, 2009) are satisfied using the municipal parking lot located in SDA-2.

The PAA may allow for additional visitor parking spaces beyond the maximum spaces per unit if deemed appropriate given the design, layout, and density of the proposed development. The PAA may waive the parking requirement to 1 space per unit for studio or one-bedroom units. Any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

2. **Shared Parking.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

3. **Reduction in Parking Requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
  - a. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station.
  - b. The availability of public or commercial parking facilities in the vicinity of the use being served.
  - c. Shared use of off street parking spaces serving other uses having peak user demands at different times.
  - d. Age or other occupancy restrictions that are likely to result in a lower level of auto usage
  - e. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways.
  - f. The proposed parking shall not cause excessive congestion within Georgetown Square.
  - g. Such other factors as may be considered by the PAA.
4. **Location of Parking.** To the maximum extent feasible, any surface parking lot shall:
  - a. Be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.
  - b. Arrange all parking and loading spaces to prevent the backing of automobiles onto any street.
  - c. Design all off-street parking spaces must be at least nine (9) feet in width, eighteen (18) feet in length with an aisle twenty-four (24) feet in width for a two-way double loaded bay and eighteen (18) feet in width for a one-way single loaded bay. In particular circumstances, the alternative parking lot configurations may be allowed at the discretion of the PAA.
  - d. Design all off-street parking and loading spaces, access ways, and maneuvering area so as to provide for adequate drainage, snow removal, maneuverability and curb cuts.

**c. Landscaping.** All Plans shall comply with the following requirements:

1. **Landscape Buffers.** A landscaped buffer strip at least five (5) feet wide, continuous except for approved driveways, shall be established adjacent to any residential lot line to visually separate parking and other residential uses outside the overlay district. Where applicable, the buffer strip shall be planted with grass, medium height shrubs, and shade trees having a minimum 2 ½" caliper, planted at least every 25 feet along the property line. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.
2. **Retaining Walls.** Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be a natural stone finish and vertical cast in place concrete shall not be permitted.

4. **Fences, Decorative Walls and Hedges.** The use of low decorative fences to delineate spaces is strongly encouraged and the use of any type of chain link or stockade fence is prohibited.
4. **Pedestrian Amenities.** Pedestrian/oriented features such as covered walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas and recreational facilities, where applicable, shall be considered within the landscape plan.
5. **Parking Areas.** Parking areas containing over 20 parking spaces shall have at least one shade tree per eight (8) parking spaces, such trees to be a minimum of 2 ½ inches in diameter and located either in the parking area or within ten (10) feet of it. At least five (5) percent of the interior of any parking area over 20 spaces shall be maintained with landscaping, including trees, in plots of at least nine (9) feet in width when located within a parking bay. Trees shall be so located to provide visual relief from sun and wind interruption within the parking area, and to assure safe patterns of internal circulation. Smaller parking lots shall use landscaping and terracing to break up large areas of pavement. Trees and shrubs should be used to the maximum extent feasible.
6. **Storage Areas.** Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.
7. **Planting Materials.** Drought-resistant, native landscaping shall be provided within the project.
8. **Maintenance.** All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

**d. Open Space.** All Plans shall comply with the following requirements:

1. **Use.** To the greatest extent possible open space shall be left in its undisturbed natural condition or used as a park or recreational area as determined by the PAA.
2. **Homeowner's Association.** Where applicable, in order to ensure that any proposed common open space, utilities or other common facilities within the development will be properly maintained, the project development shall have a Homeowner's Association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Essex Registry of Deeds or Registry District of the Land Court. As part of the Plan Approval, the applicant shall supply to the PAA copies of such proposed instrument.

**e. Building Design.** Building design shall be reviewed by PAA with input from Town officials listed under Section 9.4 and any review consultant(s) employed by the PAA, and others as appropriate. Such input is limited to reviewing Plans for consistency with the Development and Performance Standards. The following design elements listed in this subsection are to be interpreted as building design standards to be applied by the PAA as appropriate to the situation under review.

**1. General Site Design:**

- a. Parking areas behind buildings should allow for access between lots for automobiles and pedestrians.
- b. Pedestrian pathways should be provided within the site between buildings and across automobile travel lanes in the form of raised or distinct surfaces such

as stamped concrete or grid pavers, arcades, colonnades, or other similar features.

- c. Balconies shall not be permitted along any building walls that are located directly along a public street or way.

## **2. Building Size, Height & Scale:**

- a. In order to modulate their scale, multi-story commercial or mixed-use buildings should clearly articulate the base, middle and top of the building through the use of cornices, stepbacks, and borders of distinct material or other articulating features.
- b. Larger buildings with long façades should articulate the façade with varied rooflines, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer façades. Unbroken façades in excess of fifty (50) feet should be avoided.
- c. Large, flat, unadorned, blank walls should be avoided for any side or rear walls of buildings. Where windows are not feasible, raised or recessed vertical surfaces may be used in conjunction with windows, window shaped depressions and decorative lighting.

## **3. Sign Placement:**

- a. Signs should not cover or obscure architectural elements.
- b. All wall signs shall be less than 10% of the wall area and projecting signs shall be no greater than 40 square feet in surface area. Free standing pole signs are no permitted under the GSOD.

## **4. Sense of Entry:**

- a. All commercial buildings should have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry.
- b. Especially where buildings are set back from the property line, main entrances should incorporate architectural features that draw attention to the entrance. These features may include covered porches, porticos, recessed doorways and awnings.
- c. Street level frontage should be primarily devoted to entrances, shop windows or other displays.

## **5. Fenestration:**

- a. Above the ground-floor, window openings shall be as close as possible to a width to height ratio of 1:2.
- b. The use of windows with “true divided lites” or similar treatment is highly encouraged.
- c. In order to make the windows stand out, some simple trim around the casing shall be used.

## **6. Dormers:**

- a. Dormer styles may include doghouse, eyebrow, or shed dormers. As a general rule, full shed dormers should be placed on the rear or less public side of a building with a side-gable roof.
- b. Windows shall almost fill the face wall of the dormer and match the windows in the rest of the building.

## **7. Building Lighting:**

- a. Broad area lighting will be highly discouraged while soft lighting with full cutoff luminaires aimed down is encouraged.
- b. Entry lights should be mounted within the siding not on the door trim.
- c. Energy-efficient fixtures should be used.

**8. Parking, Loading, Garages and Driveways:**

- a. Loading docks, service areas and trash disposal facilities should not face public gathering space or a public street.
- b. Drive-through service windows should only be located on the side or in the rear of properties that are internal to the block or accessible from an alley.
- c. Garages should be subservient in size, height and location to the overall building and should be located so that cars parked outside the structure will not project beyond the front building wall. The use of detached garages to the rear of the lot is highly encouraged.
- d. Attached garages that are not setback from the front main building façade should be designed to have access from the side or from the rear of the building and should not be visible from the public way.
- e. Common or shared driveways and parking lots are encouraged to reduce curb cuts, reduce impervious area, and enhance pedestrian circulation.

**9. Roofline Articulation:**

- a. The roof design should provide a variety of building heights and varied roofline articulation..
- b. Flat roofs should not be used for single story buildings. Where proposed, flat roofs should have decorative cornices or parapets that shield views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.
- c. Downspouts should match gutters in material and finish.
- d. Utilities and protrusions through or on the front of roofs are highly discouraged.

**10. Building Materials:**

- a. Where more than one material is used, heavier materials (stone, brick, concrete with stucco, etc.) should be located below lighter materials (wood, fiber cement board, siding, etc). The change in material should occur along a horizontal line, preferably at the floor level.
- b. Natural materials, such as brick, stone, wood clapboards and shingles, and slate are preferred over industrial materials such as concrete, sheet metal, asphalt shingles, vinyl and plastic synthetic siding and windows, and insulated steel doors (especially those that can be seen at the pedestrian level).

**11. Energy Efficiency:**

- a. All buildings shall reflect environmentally responsible design and construction practices as governed by the Energy Star Program.
- b. Buildings are also strongly encouraged to be certifiable by the U.S. Green Building Council LEED Rating System.

**f. Stormwater Management, Wetlands and Riverfront Areas.** In establishing compliance with the local Georgetown Wetland Bylaw, within the GSOD these standards are as follows:

1. All projects must meet the MA DEP/CZM standards as described in the Massachusetts Stormwater Policy (Volumes 1 and 2) (MA DEP/CZM, 1996, as updated), regardless of whether the project discharges directly to a wetland resource or falls under the jurisdiction of the MA Wetland Protection Act.
2. All projects must comply with all federal, state and local wetland regulations.

**g. Erosion Control.** Erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:

1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.

2. During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps.
3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/ sedimentation/vegetative practices recommended by the Soil Conservation Service.

**h. Water Quality.** Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drain pipes, and reduction of paved areas. To improve water quality techniques such as installing low impact development drainage systems such as rain gardens, bio-retention areas and water quality swales. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.

**i. Hazardous Material and Explosive Materials.** The storage, use, transportation, and removal of all hazardous materials and explosive materials shall be consistent with the requirements specified by the Georgetown Fire Department plus all relevant state and federal regulations.

**j. Lighting.** All Plans shall comply with the following requirements:

1. Parking lot pole lighting shall not exceed a height of 18 feet and shall not create spillover lighting onto adjacent properties or into the night sky.
2. Lighting along the driveways, pedestrian walkways and sidewalks shall not exceed 10 feet in height and match existing fixtures within the Georgetown Center.
3. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.

**k. Environmental Performance Standards.** All Plans shall comply with the following requirements:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire fighting and fire suppression devices and equipment.
3. No activities that emit dangerous radioactivity at any point; no electrical disturbance adversely affecting the operation of any point, or any equipment other than that operation at any point, or any equipment other than that of the creator of such disturbance shall be permitted.
4. No emission of visible smoke of a shade darker than No 1 on the Ringlemann Smoke Chart as published by the U. S. Bureau of Mines shall be permitted.
5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling at any point, or in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted.
6. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply, or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
7. No vibration which is discernible to the human sense of feeling for three (3) minutes or more in any hour between 7:00 A.M. and 7:00 P.M. or for thirty (30)

seconds or more in any hour between 7:00 P.M. to 7:00 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U. S. Bureau of Mines Bulletin N.442.

8. No emission or odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C. shall be permitted.
9. No direct or sky-reflected glare, whether from floodlights, or from high temperature processes such as welding shall be permitted.

**1. Noise.** All Plans shall comply with the following requirements:

1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness, or intermittence.
2. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line or district line, whichever is more restrictive of the source:

Frequency Band (Cycles Per Second)	Sound Pressure Level (Decibel re.0.002 dyne/CM)
20-75	65
75-100	54
150-300	47
300-600	41
600-1200	37
1200-2400	34
2400-4800	31
4800-10,000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

- a. Daytime Operation Only +5
- b. Noise source operations less than 20% of any hour period +5

Note: Only one (1) of above corrections may be applied.

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noises shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters." The interment shall be set to the A-weight response scale. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound."

3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning device, parades, or other similar special circumstances.

4. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.

**m. Utilities.** All Plans shall comply with the following requirements:

1. Electric, telephone, cable TV and other such utilities shall be underground from existing roadway utilities.

**n. Universal Access.** All buildings shall conform to the universal access requirements of 521 CMR (The Rules and Regulations of the Massachusetts Architectural Access Board), the Uniform Federal Accessibility Standards (UFAS), as referenced by Section 504 of the Rehabilitation Act, the 24 CFR 100.205 - Federal Fair Housing Act (FHA) requirements for Accessible Design and Construction, and Appendix A to 26 CFR Part 36 - ADA Standards for Accessible Design (ADAAG), as referenced in the Americans with Disabilities Act.

## **11. PLAN APPROVAL DECISIONS**

**11.1 Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. The Applicant has submitted the required fees and information as set forth in the PAA Regulations.
2. The Project as described in the application meets all of the requirements, criteria and standards set forth in Section 10: Design Standards for the GSOD, and the PAA Regulations, or a waiver has been granted there from.
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 6.0, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Bylaw or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

**11.2 Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth in the PAA Regulations; or
2. The Project as described in the application does not meet all of the requirements, criteria and standards set forth in Section 10, Design Standards for the GSOD, and the PAA Regulations, or that a requested waiver there from has not been granted; or
3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

**11.3 Waivers.** Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of this Bylaw in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the GSOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Bylaw.

**11.4 Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.



**11.5 Form of Decision.** The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

**11.6 Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

## **12. CHANGE IN PLANS AFTER APPROVAL BY PAA**

**12.1 Minor Change.** After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

**12.2 Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 8.0 - through 10.0.

## **13. SEVERABILITY**

If any provision of this Bylaw is found to be invalid by a court of competent jurisdiction, the remainder of Bylaw shall not be affected but shall remain in full force. The invalidity of any provision of this Bylaw shall not affect the validity of the remaining Bylaw.

Robin O'Malley stated that the Fin Com voted 7-0 on the original motion. What changes have been made from the original motion.

Hugh Carter- clerical changes. DHCD needed to review the article ss610 in lieu of payment option stricken.

George Comiskey thanked the Planning Board for changing our existing bylaws but what about parking downtown, we already have traffic problems and what about 40S funding. Larry Blume is not convinced that this good for Georetown.

Nick Cracknell, Planner says we can not get 40s funding until there are school age children living there.

Terry Hart would love to see it but did they check with the Historical Commission, the Affordable Housing Task Force & the Traffic Safety Committee? Some boards were never approached and they need to go back for more input. Virginia Adams is the vice chair of the AHTF and she says she was never notified. This should be postponed until fall.

Harry LaCortiglia stated no one showed up for their hearings. Notices were in the newspaper.

**MOTION TO POSTPONE:** Steve Epstein made a motion to postpone this article until fall and it was seconded by Terry Hart.

**DISCUSSION:** Tillie Evangelista said there is a lack of quorum on the AHTF. It was posted in town hall and a legal ad was placed in the newspaper.

**ACTION ON POSTPONEMENT:** Did not carry

Steve Epstein: Move the question, seconded by Deb Jackson

**ACTION:** P assed by 2/3 to move the question.

Back to main motion.

**ACTION:** The tellers were called in for a hand count.

This requires a 2/3 vote which would be 93 votes.

91 for; 48 against.

**This did not pass.**

### **Article 23: Accessory Buildings (ATM09-24)**

To see if the Town will vote to amend the Zoning Bylaw by adding text to §165-10.1 - Accessory Buildings and Pools to allow by special permit up to a 50% reduction in the side and rear yard setback for one (1) accessory building or pool that is less than 576 SF, a height of 15 feet and occupies less than 25% of the rear yard area; or take any other action thereon.

#### **§165-10.1. Accessory Buildings and Pools**

Accessory Buildings and Pools: Except under the following conditions, a detached accessory building or pool shall conform to the dimensional setback regulations listed in §165-11. In the RA, RB and RC Zoning Districts, the Zoning Board of Appeals may allow by special permit a detached accessory building or pool to be located within the side or rear yard setbacks if it meets the following conditions:

- a. It does not occupy more than twenty five (25) percent of the required rear yard;
- b. It is set back from the street line no less than eight (8) feet behind the front plane of the principal building or the required front yard setback, whichever is greater;
- c. It shall not be located closer to the lot line than fifty percent (50%) of the required side or rear yard setback listed in §165-11;
- d. It shall not exceed five hundred and seven six (576) square feet in area with no walls longer than twenty four (24) feet in length, said accessory building shall not exceed fifteen (15) feet in height. Roof dormers shall only be located toward the public way or the principle building on the lot;
- e. For garages, each bay shall have a separate garage door.
- f. Windows, roof and siding materials shall match the principle building on the lot.

- g. No more than one detached accessory building or pool with reduced setback is permitted on each lot.
- h. All uses for residential habitation are prohibited within the accessory building.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

### **Motion**

**Hugh Carter moved and it was seconded by Chris Rich to amend the Zoning Bylaw by inserting a new §165-10.1 - Accessory Buildings and Pools.**

#### **§165-10.1. Accessory Buildings and Pools**

**Accessory Buildings and Pools: Except under the following conditions, a detached accessory building or pool shall conform to the dimensional setback regulations listed in §165-11. In the RA, RB and RC Zoning Districts, the Zoning Board of Appeals may allow by special permit a detached accessory building or pool to be located within the side or rear yard setbacks if it meets the following conditions:**

- a. It does not occupy more than twenty five (25) percent of the required rear yard;
- b. It is set back from the street line no less than eight (8) feet behind the front plane of the principal building or the required front yard setback, whichever is greater;
- c. It shall not be located closer to the lot line than fifty percent (50%) of the required side or rear yard setback listed in §165-11;
- d. It shall not exceed five hundred and seven six (576) square feet in area with no walls longer than twenty four (24) feet in length, said accessory building shall not exceed fifteen (15) feet in height. Roof dormers shall only be located toward the public way or the principle building on the lot;
- e. For garages, each bay shall have a separate garage door.
- f. Windows, roof and siding materials shall match the principle building on the lot.
- g. No more than one detached accessory building or pool with reduced setback is permitted on each lot.
- h. All uses for residential habitation are prohibited within the accessory building.

DISCUSSION: Steve Epstein asked when the Planning Board public hearing was held and what their vote was

Hugh Carter stated 4/15 and the vote was 5-0

Paul Taraszuk from the ZBA stated they approved this article also.

**MOTION TO AMEND:** John Bonazoli moved and it was seconded by Harry LaCortiglia to amend the motion by replacing the wording under section 165-10.1 paragraph d “Five hundred and seven six square feet” with “five hundred seventy six square feet”

**ACTION:** Passed by a majority.

Steve Epstein asked on “e” why can’t you have one large garage door?

**MOTION TO AMEND:** Steve Epstein moved to strike “e” and it was seconded by John Adams.

**ACTION:** The amendment passed by a majority.

Back to the main motion abcd fgh

**MOTION TO AMEND:** Steve Epstein moved to reletter: “f” now becomes “e”, “g” now becomes “f” & “h” now becomes “g” and it was seconded by Harry LaCortiglia.

**ACTION:** Passed unanimously.

**MOTION TO AMEND:** John Adams moved to strike paragraph “e” and reletter “f & g” to “e & f” and it was seconded by Steve Epstein.

**ACTION:** Passed unanimously

**MOTION TO MOVE THE QUESTION:** Harry LaCortiglia, seconded by Hugh Carter.

**ACTION :** Passed by 2/3 vote.

This is a zoning article and a 2/3 is required.

**ACTION:** By a show of hands, the Moderator declared the motion carried by 2/3rds.

**Article 24: Bed and Breakfast Uses (ATM09-25)**

To see if the Town will vote to amend the Zoning Bylaw by adding text to §165-11 – Bed and Breakfast (BB) uses to allow a BB use by special permit in the RA zoning district and replace the existing definition of BB in §165-7 Definition and word usage with text that specifies the number of rooms permitted, the parking and circulation patterns, the tenancy of the visitors and the size of the use; or take any other action thereon.

**§165-11. Use Regulations and intensity of Use Schedules**

Amended the Use Regulations to permit “Bed and Breakfast” uses within the RA, Zoning District by Special Permit granted by the Zoning Board of Appeals (“A”).

**§165-7. Definitions and word usage**

Replace the existing definition for “BED AND BREAKFAST” with the following:

BED AND BREAKFAST -- A single family residence with one or more rooms for the use of one or more individuals not living as a single household unit and not having individual cooking facilities. A bed and breakfast use may offer meals to its overnight guests. The bed and breakfast facility shall be accessory to the principle use as a permanent owner-occupied residence. The maximum duration of any tenant shall not exceed 15 consecutive days. The number of rooms for rent shall be determined by the Zoning Board of Appeals based on off-street parking availability, vehicular access and egress, and shall not exceed 35% of the gross living space in the principle structure.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**Motion**

Hugh Carter moved and it was seconded by Harry LaCortiglia to amend the Zoning Bylaw §165-11 – Use Regulations to permit “Bed and Breakfast” uses within the RA, Zoning District by Special Permit granted by the Zoning Board of Appeals (“A”).

**and further, to amend §165-7, Definitions and word usage by**

replacing the existing definition for “BED AND BREAKFAST” with the following:

**BED AND BREAKFAST -- A single family residence with one or more rooms for the use of one or more individuals not living as a single household unit and not having individual cooking facilities. A bed and breakfast use may offer meals to its overnight guests. The bed and breakfast facility shall be accessory to the principle use as a permanent owner-occupied residence. The maximum duration of any tenant shall not exceed 15 consecutive days. The number of rooms for rent shall be determined by the Zoning Board of Appeals based on off-street parking availability, vehicular access and egress, and shall not exceed 35% of the gross living space in the principle structure.**

**Planning Board voted 5-0 on 4/15/09**

**EXPLANATION: Hugh Carter states the reason for this article would be to promote business in town.**

Steve Epstein questioned the 35% & what are the current rules.

Nick Cracknell, Town Planner stated it is 35% of room, not living space. The existing bylaw does not allow B & B in the RA district now, downtown only.

John Flaherty asked if there was a limit of guests per bedroom because you wouldn't want 87 guests in one room

Nick responded that the building code wouldn't allow that.

Paul Taraszuk stated ZBA recommends approval of this article

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

We have a motion on the floor to reconsider A22 by Jeff Moore and seconded by Paul Taraszuk.

**ACTION:** By a show of hands, the Moderator declared this motion did not carry.

#### **Article 25: Open Space Residential Design (ATM09-26)**

To see if the Town will vote to amend the Zoning Bylaw by amending the text to §165-47-59 – Open Space Residential Design (OSRD) to modify the applicability requirements to prevent segmentation, increase the minimum open space to 60% of the tract, permit permanent protection with a conservation restriction, increase the permissible density bonus units for additional open space and historic preservation; or take any other action thereon.

**(Changes shown as underlined text)**

#### **§165-48. Applicability**

Amend §165-48, as follows:

- A. Any proposed development in the Town of Georgetown, which would create more than 2 lots or residential dwelling units from a parcel of 10 acres or more shall be required to submit a special permit application to the Planning Board in accordance with the provisions of this bylaw. The

applicant may also submit a conventional subdivision plan at the same time in accordance with the Rules and Regulations Governing the Subdivisions of Land in the Town of Georgetown. The Planning Board shall, in compliance with Massachusetts General Laws Chapter 40A, Section 9, hold a public hearing on the proposed OSRD application and a concurrent public hearing on the proposed conventional subdivision, if applicable. In the event both an OSRD concept plan and a conventional subdivision plan are submitted, prior to the close of the hearing, the Planning Board shall recommend which plan it considers most beneficial to the Town, and the applicant shall, also prior to the close of the hearing, elect which plan he or she wishes to pursue, and shall inform the Planning Board of his or her choice in writing. For developments that would create more than two lots or residential dwelling units from a parcel less than 10 acres an applicant may submit a special permit application for an OSRD in preference to filing a conventional subdivision plan. Any special permit application submitted under the provisions of this subsection, which involves the subdivision of land, shall be subject to the approval of the Planning Board under the Rules and Regulations governing the Subdivision of Land in the Town of Georgetown. All multi-family developments shall be subject to the approval of the Planning Board under Site Plan Review.

B. Zoning classification: Only those tracts located in the RA, RB and RC Districts shall be eligible for consideration as an OSRD.

C. Contiguous parcels: To be eligible for consideration as an OSRD, the total tract shall consist of a parcel or set of contiguous parcels. Contiguous parcels in common ownership with a total of 10 acres or more shall be considered as one parcel for the purposes of applicability under §165-48 above.

D. Land division: To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P provided, however, that OSRD may also be permitted where intended as a condominium on land not so divided or subdivided. Condominiums are permitted only with a special permit from the Zoning Board of Appeals and Site Plan Review from the Planning Board and all roadways within shall remain private.

## **§ 165-52. Procedures.**

A. Application. An application for a special permit for an OSRD shall include an OSRD concept plan. The OSRD concept plan consists of the following information.

(1) Drawings shall be prepared by a certified landscape architect, or by a multi-disciplinary team of which one member must be a certified landscape architect, and shall address the general features of the land, give approximate configurations of the lots, open space, and roadways, and include the information listed in the Subdivision Rules and Regulations or Site Plan Review, whichever is applicable. This information shall incorporate the Four-Step Design Process, according to § 165-51 above, and the design standards according to § 165-56 of this bylaw, when determining a proposed design for the development.

## **§165-55. Open Space Requirements**

Amend the first sentence of §165-55, as follows:

Open space. A minimum of 60% of the tract shown on the development plan shall be open space.

Amend §165-55.E., as follows:

Ownership of the open space. The open space shall, with the Planning Board's approval, be conveyed by fee or easement to one or more of the following:

- (1) The Town or its Conservation Commission; and/or
- (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; and/or
- (3) A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such event, the Town shall first provide 14 days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

#### **§165-57. Decision of the Planning Board**

Amend §165-57.A (4), as follows:

- (1) Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional development plan;
- (3) Whether the OSRD promotes a less sprawling, less land consumptive and more efficient and compact form of development that consumes less open land and conforms to existing topography and natural features better than a conventional development plan;
- (4) Whether the OSRD reduces the total amount of disturbance on the site compared to a conventional development plan;

#### **§165-58. Increases in Permissible Density**

Amend §165-58.A, as follows:

A. After reviewing the design standards listed in §165-56 and the factors listed in subsection §165-57, the Planning Board may award a density bonus to increase the number of residential dwelling units beyond the basic maximum number. The density bonus for the OSRD shall not, in the aggregate, exceed 50% of the basic maximum number. Projects of five or less approved units (including the basic maximum number and all density bonus units) shall not be subject to the Town of Georgetown Inclusionary Housing Bylaw (§ 165-71) (6 units or more shall be subject to § 165-71). Computations shall be rounded to the nearest whole number. A density bonus may be awarded in the following circumstances:

(1) Open Space - For each additional 5% of the site (over and above the required 60% open space) set aside as open space, a bonus of 10% of the basic maximum number may be awarded; provided, however, that this density bonus shall not exceed 25% of the basic maximum number.

(2) Affordable Housing – Excluding all units established under the Inclusionary Housing Bylaw, for every one dwelling unit restricted to occupancy in perpetuity by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, two dwelling units may be added as a density bonus;

provided, however, that this density bonus shall not exceed 50% of the basic maximum number. This bonus is in addition to the existing affordability housing requirements in the Town of Georgetown. In lieu of constructing such affordable dwelling units, the applicant may be granted an increase in permissible density by paying a fee to the Town of Georgetown on a per dwelling unit basis. The applicant may make a cash payment to the Town with a value comparable to the difference between the value of the affordable units and the fair market value of such units free of the conditions set forth in Commonwealth of Massachusetts guidelines for affordable housing under M.G.L. Chapter 40B eligibility definition.

(3) Historic Preservation – For any project that contains a principle building or structure deemed historically significant by the Historic Commission that records a permanent preservation restriction under G.L. 184, one (1) residential dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the basic maximum number.

### **Motion**

Hugh Carter moved and it was seconded by Harry LaCortiglia to amend the Zoning Bylaw by amending the text to §165-47-59 – Open Space Residential Design (OSRD) to modify the applicability requirements to prevent segmentation, increase the minimum open space to 60% of the tract, permit permanent protection with a conservation restriction, increase the permissible density bonus units for additional open space and historic preservation.

### **§165-48. Applicability**

**Amend §165-48, as follows:**

**A. Any proposed development in the Town of Georgetown, which would create more than 2 lots or residential dwelling units from a parcel of 10 acres or more shall be required to submit a special permit application to the Planning Board in accordance with the provisions of this bylaw. The applicant may also submit a conventional subdivision plan at the same time in accordance with the Rules and Regulations Governing the Subdivisions of Land in the Town of Georgetown. The Planning Board shall, in compliance with Massachusetts General Laws Chapter 40A, Section 9, hold a public hearing on the proposed OSRD application and a concurrent public hearing on the proposed conventional subdivision, if applicable. In the event both an OSRD concept plan and a conventional subdivision plan are submitted, prior to the close of the hearing, the Planning Board shall recommend which plan it considers most beneficial to the Town, and the applicant shall, also prior to the close of the hearing, elect which plan he or she wishes to pursue, and shall inform the Planning Board of his or her choice in writing. For developments that would create more than two lots or residential dwelling units from a parcel less than 10 acres an applicant may submit a special permit application for an OSRD in preference to filing a conventional subdivision plan. Any special permit application submitted under the provisions of this subsection, which involves the subdivision of land, shall be subject to the approval of the Planning Board under the Rules and Regulations governing the Subdivision of Land in the Town of Georgetown. All multi-family developments shall be subject to the approval of the Planning Board under Site Plan Review.**

**B. Zoning classification: Only those tracts located in the RA, RB and RC Districts shall be eligible for consideration as an OSRD.**

**C. Contiguous parcels: To be eligible for consideration as an OSRD, the total tract shall consist of a parcel or set of contiguous parcels. Contiguous parcels in common ownership with a total of 10 acres or more shall be considered as one parcel for the purposes of applicability under §165-48 above.**



**D. Land division:** To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P provided, however, that OSRD may also be permitted where intended as a condominium on land not so divided or subdivided. Condominiums are permitted only with a special permit from the Zoning Board of Appeals and Site Plan Review from the Planning Board and all roadways within shall remain private.

#### **§ 165-52. Procedures.**

**A. Application.** An application for a special permit for an OSRD shall include an OSRD concept plan. The OSRD concept plan consists of the following information.

(1) Drawings shall be prepared by a certified landscape architect, or by a multi-disciplinary team of which one member must be a certified landscape architect, and shall address the general features of the land, give approximate configurations of the lots, open space, and roadways, and include the information listed in the Subdivision Rules and Regulations or Site Plan Review, whichever is applicable. This information shall incorporate the Four-Step Design Process, according to § 165-51 above, and the design standards according to § 165-56 of this bylaw, when determining a proposed design for the development.

#### **§165-55. Open Space Requirements**

Amend the first sentence of §165-55, as follows:

Open space. A minimum of 60% of the tract shown on the development plan shall be open space.

Amend §165-55.E., as follows:

Ownership of the open space. The open space shall, with the Planning Board's approval, be conveyed by fee or easement to one or more of the following:

- (1) The Town or its Conservation Commission; and/or
- (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; and/or
- (3) A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such event, the Town shall first provide 14 days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

#### **§165-57. Decision of the Planning Board**

Amend §165-57.A (4), as follows:

(1) Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional development plan;

(3) Whether the OSRD promotes a less sprawling, less land consumptive and more efficient and compact form of development that consumes less open land and conforms to existing topography and natural features better than a conventional development plan;

(4) Whether the OSRD reduces the total amount of disturbance on the site compared to a conventional development plan;

#### **§165-58. Increases in Permissible Density**

Amend §165-58.A, as follows:

A. After reviewing the design standards listed in §165-56 and the factors listed in subsection §165-57, the Planning Board may award a density bonus to increase the number of residential dwelling units beyond the basic maximum number. The density bonus for the OSRD shall not, in the aggregate, exceed 50% of the basic maximum number. Projects of five or less approved units (including the basic maximum number and all density bonus units) shall not be subject to the Town of Georgetown Inclusionary Housing Bylaw (§ 165-71) (6 units or more shall be subject to § 165-71). Computations shall be rounded to the nearest whole number. A density bonus may be awarded in the following circumstances:

(1) Open Space - For each additional 5% of the site (over and above the required 60% open space) set aside as open space, a bonus of 10% of the basic maximum number may be awarded; provided, however, that this density bonus shall not exceed 25% of the basic maximum number.

(2) Affordable Housing – Excluding all units established under the Inclusionary Housing Bylaw, for every one dwelling unit restricted to occupancy in perpetuity by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, two dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed 50% of the basic maximum number. This bonus is in addition to the existing affordability housing requirements in the Town of Georgetown. In lieu of constructing such affordable dwelling units, the applicant may be granted an increase in permissible density by paying a fee to the Town of Georgetown on a per dwelling unit basis. The applicant may make a cash payment to the Town with a value comparable to the difference between the value of the affordable units and the fair market value of such units free of the conditions set forth in Commonwealth of Massachusetts guidelines for affordable housing under M.G.L. Chapter 40B eligibility definition.

(3) Historic Preservation – For any project that contains a principle building or structure deemed historically significant by the Historic Commission that records a permanent preservation restriction under G.L. 184, one (1) residential dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the basic maximum number.

Fin Com voted 6-1-1

Planning Board voted 5-0 on 4/15/09

DISCUSSION: None

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

**Article 26: Big Box Retail (ATM09-27)**

To see if the Town will vote to amend the Zoning Bylaw by amending the text to §165-7 – Definition and word usage with text that defines a Big-Box retailers as a single retail establishment over 50,000 SF in floor area and permit such uses only in the CC zoning district by special permit; or take any other action thereon.

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

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

2. Amend §165-11 (Use and Intensity Schedules) by adding new use for “Big Box Retail Establishment” as follows:

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

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION**

Hugh Carter moved and it was seconded by Chris Rich to amend the Zoning Bylaw by amending the text to §165-7

Definition by adding new definition of “Big Box Retail Establishment” as follows:

*Big Box Retail Establishment: Except for grocery establishments up to 75,000 SF that devote at least 75% of sales floor area to the sale of food items, a big box retail establishment is a singular retail establishment that involves construction or use of a singular retail sales establishment that is greater than 50,000 gross square feet in floor area.*

**And further, by amending §165-11 (Use and Intensity Schedules) by adding new use for “Big Box Retail Establishment” as follows:**

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

DISCUSSION: John Adams asked how they arrived at the specs.

Nick Cracknell responded that this was a conservative number and a safe place to be.

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

**Article 27: Zoning Map Amendment (ATM09-28)**

To see if the Town will vote to amend the Zoning Bylaw and Map by amending the text to §165-2 – Designation of Districts by rezoning the rear portion of Map 14 Lot 7 to IB from RB; or take any other action thereon.

Amend §165-2 (Designation of Districts) and the Zoning Map by rezoning the rear portion of Map 14 Lot 7 to “IB” from the “RB” Zoning District.

*The Finance and Advisory Board recommends approval of this article. (Vote: 7-0)*

**MOTION**

Hugh Carter moved and it was seconded by Chris Rich to amend the Zoning Bylaw and Map by amending the text to §165-2 – Designation of Districts by rezoning the rear portion of Map 14 Lot 7 to “IB” from the “RB”.

Amend §165-2 (Designation of Districts) and the Zoning Map by rezoning the rear portion of Map 14 Lot 7 to “IB” from the “RB” Zoning District.

Planning Board voted 4-1 on 4/15/09

**MOTION TO AMEND:** Chris Rich moved and it was seconded by Hugh Carter to amend the motion to read: To zone the entire lot to IB.

**ACTION ON AMENDMENT:** This carried by a majority.

**DISCUSSION:** Carol Esposito stated that it seems we are rushing to get this passed tonight for a big box developer. Hasty decisions are not good. Last one on the Longview Apartments ended up with us having 400 extra kids in our schools. How does this benefit a developer?

Deb Jackson stated this is not a hasty decision, it has been discussed in meetings for months.

Chris Rich responded to Carol’s question by stating this reduces the buffer zone and it’s not economically feasible unless we do this change.

Gary Fowler stated the map is confusing and who owns these parcels.

Nick Cracknell stated the RB district is owned by 100’s of owners and the rear parcel has 1 owner.

Nancy Novack stated that this was brought up 2 years ago and the voters did not want a strip mall. Can a strip mall go in here?

Nick Cracknell- Yes

John Bonazoli motioned to move the question and it was seconded by Robin O’Malley.

By a show of hands this carried.

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

**MOTION TO ADJOURN:** Matt Vincent

2<sup>nd</sup>: Phil Trapani

**ACTION:** By a voice vote, the motion carried by a majority.

Time: 11:25 PM

A true copy attest:

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Janice McGrane, Town Clerk