

**TOWN OF GEORGETOWN
SPECIAL TOWN MEETING
November 17, 2008**

The Special Town Meeting was held at 7:00 P.M. on Monday, November 17, 2008 at the Georgetown Middle High School in the Auditorium.

The Moderator called the special town meeting to order at 7:05 PM. We have a quorum of 100.

Evan O'Reilly, our newest member of the Board of Selectmen led us in the Pledge of Allegiance.

Non voting members in the audience were recognized by the Moderator.

The Moderator called for a motion for the adoption of a 5 minute speech limit.

Chris Rich moved and it was seconded by Hugh Carter to adopt a 5 minute speech limit.

This motion passed by a 2/3 vote.

ARTICLE 1: Adjustments to the Fiscal Year 2009 operating budget

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.

<u>LINE ITEM</u>	<u>DEPARTMENTS</u>	<u>ORIGINAL APPROPRIATION</u>	<u>(+) INCREASE</u>	<u>(-) DECREASE</u>	<u>REVISED APPROPRIATIONS</u>
11222	Town Administrator Staff	33,277	669		33,946
11227	Town Administrator	90,286	1,815		92,101
11351	Town Accountant	61,828	1,243		63,071
11412	Assessors Asst. Salary	63,960		-16,576	47,384
11414	Assessors Expense	30,051	17,800		47,851
11414	FY2010 DOR Required Re-Certification	0	19,500		19,500
11454	Treasurer/Collector	61,828	1,243		63,071
11455	Assistant Collector	36,197	728		36,925
11456	Assistant Treasurer	42,085	846		42,931
11611	Town Clerk	32,807	659		33,466
11612	Town Clerk Staff	17,422	350		17,772
11621	Elections Expense	13,200	6,500		19,700
11712	Conservation Agent	36,794	740		37,534
11713	Conservation Staff	4,657	94		4,751
11751	Planning Board Expense	10,000		-2,000	8,000
11752	Planning Board	45,843	2,921		48,764
11761	ZBA Clerk	10,424	210		10,634
12111	Police Chief	101,300	2,036		103,336
12111	Police Secretary	37,004	744		37,748

12111	Police Salaries Non Union	63,600	1,278		64,878
12111	Police Salaries Union	784,250	23,726		807,976
12115	Police School Crossing	7,756	156		7,912
12116	Cruiser Replacement	27,617		-10,773	16,844
12118	Police Operating	79,200	11,400		90,600
12121	Non Union Dispatchers	44,500	894		45,394
12121	Comm Center Wages	153,009	5,994		159,003
12131	Public Safety Building	30,000	10,000		40,000
12444	Sealer/Wgts/Meas (Stipend)	3,848	77		3,925
12921	Animal Control	3,449	69		3,518
12922	Animal Control Alternate	385	8		393
12951	Inspection Department	117,087	2,353		119,440
14211	Highway Surveyor	75,620	1,520		77,140
14212	Highway Secretary	12,588	253		12,841
14291	Tree Warden (Stipend)	4,446	89		4,535
15111	BOH	69,732	1,402		71,134
15411	COA	62,957	1,265		64,222
15431	Veteran Service Expense	40,372	20,000		60,372
16111	Library	174,843	3,514		178,357
16311	Park & Rec	14,260	287		14,547
					0
					0
	Free Cash Impact			-113,034	
	TOTAL	2,498,482	142,383	-142,383	2,611,516

Departmental Adjustments:

1. Police: increase salary line (12111) \$23,726

To cover some portion of the potential for a deficit in this line

FinCom voted 7-0-1 to support this item.

2. Police: increase operating line (121118) \$11,400

For fuel/gasoline (\$9,000) and contractual clothing allowance (\$2,400)

FinCom voted 5-3 to support this item.

3. Public Safety Building: increase utility line (12131) \$10,000

To cover the potential for a deficit in this line

FinCom voted 7-1 to support this item.

4. Police: decrease cruiser replacement line (12116) \$10,000

This amount would be transferred to police salaries, line 12111

FinCom voted 8-0 to support this item.

5. Town Clerk: increase elections (11621) by \$6,500.00
FinCom voted 8-0 to support this item.
6. Veterans: increase (15431) by \$20,000
FinCom voted 8-0 to support this item.
7. Planning Board: \$2,000 transfer from expense line(11751) to salary line (11752)
FinCom voted 8-0 to support this item.
8. Non Union raises: The Selectmen have proposed a 1% wage increase (\$12,735.43), and a 1% one time payment (\$12,862.78)
FinCom voted 6-1-1 to support this item.
9. Board of Assessors: transfer from Salary (11412) to Expenses (11414): \$16,576
To contract for required Cyclical Program Inspections (no impact)
FinCom voted 8-0 to support this item.
10. Board of Assessors: Add to Line 11414: \$19,500
Funding for 50% of FY2010 DOR required RE-Certification
FinCom voted 8-0 to support this item.
11. Board of Assessors: Add to line 11414: \$1,224
Restoration of May '08 ATM Expense budget reduction
FinCom voted 0-8 to not support this item.

MOTION: David Surface moved and it was seconded by Matt Vincent to amend the vote taken under Article 3 of the 2008 Annual Town Meeting for the purpose of adjusting line items in the FY 09 budget as set forth in the chart contained in the warrant and further, to transfer from Free Cash the sum of \$113,034 for such purpose.

MOTION FOR SEPARATE CONSIDERATION: Chris Rich moved and it was seconded by Hugh Carter to amend the original motion so that the individual line items of the article receive separate consideration.

ACTION: By a show of hands, the amendment did not pass.

The Moderator stated that she was going to treat this article like the consent calendar. She would read the individual line items and you could hold a line item for discussion.

Chris Rich would like to hold line item #12111 which included Police Salaries Non Union, Police Salaries Union, #12115 Police School Crossing, #12118 Police Operating & #12131 Public Safety Building for discussion.

Chief Mulligan explained that an officer will get to keep his job with this transfer. There have also been some donated funds to keep school crossing guards. The Operating budget is the day to day expenses. With the decrease in fuel prices the officers would also go back to patrolling more of the town. Public Safety will pay for utilities for both police & fire.

Evan O'Reilly explained that we now have fire fighters and a Chief 8 hours per day in the station.

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

ARTICLE 2: Appropriation of Free Cash for the Snow and Ice deficit FY 2008

To see if the Town will vote to raise and appropriate, and or transfer and appropriate from available funds, including Free Cash, or any combination for the foregoing, the sum of \$118,000 to be applied to snow and ice deficit of a prior fiscal year (FY2008), or take any other action relative thereto.

MOTION: John Bonazoli moved and it was seconded by Robin O'Malley to transfer from Free Cash the sum of \$118,000 to be applied to the snow and ice deficit incurred in Fiscal Year 2008.

Fin Com voted 6-0 in favor

There was no discussion.

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

ARTICLE 3: Adjustment of Debt Service Figure FY 2009 Budget

To see if the Town will vote to amend the vote taken under Article 3 of the 2008 Annual Town Meeting warrant by reducing the amount to be raised and appropriated by rescinding the appropriations made for the following line items, which appropriations are no longer necessary due to savings realized when the Town refinanced the debt originally issued on May 1, 1998:

Line Item 17116 School Renov. Principal Series A, \$260,000, and

Line Item 17516 School Renov. Interest Series A, \$122,598,

or take any other action relative thereto.

MOTION: Reggie Tardif moved and it was seconded by Matt Vincent to amend the vote taken under Article 3 of the 2008 Annual Town Meeting warrant by reducing the amount to be raised and appropriated by rescinding the appropriations made for the following line items:

Line Item 17116 School Renov. Principal Series A, \$260,000, and

Line Item 17516 School Renov. Interest Series A, \$122,598

Fin Com voted 8-0 in favor

EXPLANATION: These bonds were refinanced so we needed to make an adjustment in the budget. We do not need these amounts to be carried.

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

ARTICLE 4: Unpaid Bills

To see if the Town will vote to raise and appropriate or transfer from available funds an amount to pay the following unpaid bills from the previous fiscal year:

Unpaid bills:

□ L.W. Bills \$11,840.20.

or take any other action in relation thereto.

MOTION: Robin O'Malley moved and it was seconded by Reggie Tardif to transfer from Free Cash the sum of \$11,840.20 for the payment of prior fiscal year bills from the company L.W. Bills.

FinCom voted 8-0 to support this article

EXPLANATION: Any bill that comes in after the close of the Fiscal Year must have town meeting vote to pay the invoice.

There was no discussion.

ACTION: By a show of hands the Moderator declared the motion carried by a 9/10's vote.

ARTICLE 5: Planning Board-Street Acceptance

To see if the Town will vote to accept as public ways the roadways known as "Pillsbury Lane," "Ilene Circle" and "Bernay Way," as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled "Street Acceptance Plan, Pillsbury Lane, Georgetown, Mass.," prepared by Hayes Engineering, Inc., dated April 20, 2006, revised through March 27, 2007, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said Pillsbury Lane, Ilene Circle and Bernay Way for all purposes for which public ways are used in the Town of Georgetown, including the drainage structures and appurtenances within those roads, but expressly excluding the drainage structures and appurtenances lying outside the rights-of-way of said roads, or to take any other action relative thereto.

MOTION: Hugh Carter moved and it was seconded by Chris Rich to accept as public ways the roadways known as "Pillsbury Lane (extension) – extended 1,855 linear feet to end," "Ilene Circle-600 linear feet to end" and "Bernay Way-1,090 linear feet to end," as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled "Street Acceptance Plan, Pillsbury Lane, Georgetown, Mass.," prepared by Hayes Engineering, Inc., dated April 20, 2006, revised through March 27, 2007, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said Pillsbury Lane, Ilene Circle and Bernay Way for all purposes for which public ways are used in the Town of Georgetown, including the drainage structures and appurtenances within those roads, but expressly excluding the drainage structures and appurtenances lying outside the rights-of-way of said roads.

The Planning Board voted 5-0 in favor

The Fin Com voted 8-0 in favor

There was no discussion.

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

ARTICLE 6: Pillsbury Pond Subdivision/Acceptance of Easements

To see if the Town will vote to authorize the Board of Selectmen to accept those utility easements within the Pillsbury Pond Subdivision as set forth in an instrument entitled Conveyance of Easements and Utilities,

dated June 21, 2000, recorded with the Essex South District Registry of Deeds in Book 16573, Page 102 and an instrument entitled Conveyance of Easements and Utilities, dated October 23, 2000, recorded with the Essex South District Registry of Deeds in Book 16677, Page 355, on such terms and conditions as the Board of Selectmen shall determine, or to take any other action relative thereto.

MOTION: Hugh Carter moved and it was seconded by Chris Rich to authorize the Board of Selectmen to accept those utility easements within the Pillsbury Pond Subdivision as set forth in an instrument entitled Conveyance of Easements and Utilities, dated June 21, 2000, recorded with the Essex South District Registry of Deeds in Book 16573, Page 102 and an instrument entitled Conveyance of Easements and Utilities, dated October 23, 2000, recorded with the Essex South District Registry of Deeds in Book 16677, Page 355, on such terms and conditions as the Board of Selectmen shall determine.

Planning Board voted 5-0 in favor

Fin Com voted 8-0 in favor

There was no discussion.

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

ARTICLE 7: Affordable Housing Bylaw

To see if the Town will vote to amend the Zoning Bylaw by deleting the text of Section 165-71, Housing Balance, and inserting in place thereof the below text to: (A) clarify the purposes of this bylaw; (B) update the definitions of affordable housing and the required deed riders for these units; (C) provide uniformity in the applicability requirements across all housing projects greater than 3 units; (D) maintain the 10% requirement for affordable housing within each development; (E) establish design and marketing requirements for the units; (F) include clear thresholds for fractional affordable housing unit and housing contribution payments to the Town; (G) establish guidelines and requirements for off-site affordable housing creation; (H) include references to state regulations and other local bylaws; and, (I) include standards for administration and enforcement, or take any action relative thereto.

§ 165-71. Inclusionary Housing Balance Bylaw

A. Purpose

The Town of Georgetown sets forth the following requirements in an effort to provide multiple housing choices for people of all economic backgrounds and to address the needs of current and future Georgetown residents by providing permanent affordable housing. The primary purpose of this bylaw (the "Bylaw") is to increase the supply of rental and ownership housing for low and moderate income households in Georgetown, contribute affordable housing units to the Town's Subsidized Housing Inventory (SHI), sustain a viable community making multiple housing options available for future generations in Georgetown and ensure that all units established under this Bylaw count towards the satisfaction of the Town's affordable housing requirements under the Comprehensive Permit law, G.L. c.40B, §§20-23.

B. Definitions

- (1) Affordable Housing Trust Fund (the "Fund"): A trust fund account established in accordance with G.L. c. 44, § 55C and operated for the exclusive purpose of creating and preserving affordable housing in the Town of Georgetown.
- (2) Affordable Housing Unit: A rental or homeownership unit that is subject, upon initial rent or sale, to certain price restrictions and tenant or owner eligibility requirements, and upon subsequent sale or rent, to certain restrictions intended to protect the affordability of the unit, all in accordance with the most recent program

guidelines issued by the Massachusetts Department of Housing and Community Development (DHCD) for the Local Initiative Program (LIP) or successor program.

(3) Deed Rider: A deed restriction or other legally binding instrument in a form consistent with the LIP requirements and acceptable under LIP that will ensure the affordability of the Affordable Housing Unit(s) for a term of years established by the Planning Board, but in no event less than the term required by the LIP.

(4) Qualified Affordable Housing Unit Purchaser or Tenant: Regulated under the LIP Deed Rider, an individual or family with household income that does not exceed 70%, or such greater amount as then in effect pursuant under the LIP requirements, of the median income for the primary metropolitan statistical area, with adjustments for household size, as reported by the most recent information from DHCD.

(5) Resale of Affordable Housing Units: The resale procedures and prices of Affordable Housing Units shall be as set forth in the Deed Rider.

(6) Vacant Affordable Rental Housing Units: In the event that an Affordable Rental Housing Unit becomes vacant for a term beyond that designated in the Deed Rider, the Town of Georgetown shall have the Right of First Refusal to purchase said unit and the Georgetown Board of Selectmen, Housing Authority, Affordable Housing Task Force, and the Planning Board shall be notified in writing of vacant affordable housing rental units.

C. Applicability

Approval by the Planning Board shall be required for any proposed residential development that would create three (3) or more attached or detached new housing units, including but not limited to: land divisions under G.L. c.40A, §9 (Special Permits); subdivision; units created under the Open Space Residential Development (Article VII) or Independent Senior Housing (Article XVII) of the Zoning Bylaw; an application to the Zoning Board of Appeals for a variance or a finding; or, a conventional subdivision allowed by G.L. c.41, §§81K-81GG (Subdivision Control Law).

Willful evasion of this section of the Zoning Bylaw is prohibited. Willful evasion is defined as follows: *segmenting land or properties with the intention of avoiding Inclusionary Housing requirements by either subdividing one parcel of land into two parcels of land in such a manner that each parcel will have less than three (3) units of housing or purposefully dividing a large development into phases that would develop less than three units of housing during each phase.* Residential developments subject to this section shall include new housing units created by new construction or new housing units created by remodeling or conversion of an obsolete or unused building or other structure from its original use to an alternate use.

D. Review Procedures

(1) An Applicant shall file a Building Permit Application with the Building Inspector. If the Inspector determines that approval under this Bylaw is required, the Applicant shall submit the appropriate application for such approval to the Planning Board, and the Inspector shall notify the Applicant in writing that the Building Permit Application is incomplete until the Applicant submits the decision of the Planning Board under this Bylaw.

(2) The current owner of record or an authorized representative shall submit application for approval to the Planning Board that is time-stamped at the Town Clerk's office. The application shall include an administrative filing fee in accordance with the schedule established by the Planning Board and one (1) original and eight (8) copies of the application and all supporting material. If requested by the Planning Board, the application shall also include a technical review fee for reviewing specific design or engineering elements of the proposed development subject to G.L. c.44 §53G.

(3) The Planning Board shall schedule a public hearing within thirty (30) days of the submission of the completed application. The notification requirements for the public hearing shall conform to the requirements of §165-45(F) of the Zoning Bylaw. Where the Boards of Appeals is the permit granting authority for a special permit or use variance, the Planning Board or Board of Appeals may request a joint public hearing be held to streamline the permitting process. The decision of the Planning Board shall adhere to the requirements of §165-83(D)(5) of the Zoning Bylaw.

(4) Where the Planning Board approves a project under this Bylaw "with conditions", and said approved project accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

E. Requirements

At least ten percent (10%) of the new housing units in any residential development shall be designated as and/or fulfill the requirements of Affordable Housing requirements of this Bylaw. In accordance with §165-128 of the Zoning Bylaw, the percentage of affordable housing within an Independent Senior Housing project shall be no less than twenty percent (20%).

F. General Requirements

- (1) Consultation: Developers whose projects are subject to this Bylaw are encouraged to consult with the Affordable Housing Task Force, or other such entity, on affordable housing early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirements can be met by the proposed development consistent with any affordable housing planned production plan or strategy then in effect in the Town. The Affordable Housing Task Force, or other such entity, on affordable housing may consult with and give advice to the Planning Board during the development process and, as a part of the process, may submit written reports to the board reviewing any proposed development subject to the Bylaw.
- (2) Comparability: Unless otherwise conditioned by the Board to ensure compliance with the Bylaw and due to unique site conditions such as soil, shape, topography limiting the placement of the buildings on the site, all Affordable Housing Units shall be dispersed throughout the development and shall be indistinguishable from market-rate units except in interior finish, fixtures, and appliances. The number of bedrooms in Affordable Housing Units shall be comparable to the bedroom mix in market-rate units in the development.
- (3) Selection Process: The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be conducted as follows:
 - a) Marketing Plan: The Developer shall prepare an affirmative fair marketing plan acceptable under the LIP for marketing the Affordable Housing Units created under this Bylaw which describes how the Affordable Housing Units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers and/ or renters. The marketing plan must describe how the applicant will accommodate local preference requirements of this Bylaw in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines under the LIP. The duration and design of the plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.
 - b) Local Preference: To the extent practicable, local preference shall be included in each development for the maximum number of the Affordable Housing Units created in any development subject to this Bylaw that is permitted subject to DHCD guidelines. To the extent permitted by DHCD, local preference for all sales and resales shall be granted to Georgetown residents as follows:
 - (1) an individual or family or a parent or child of an individual maintaining a primary residence in the Town of Georgetown;
 - (2) an individual who is employed as a full-time employee in the Town of Georgetown;
 - (3) an individual who is employed as a full-time employee by the Town of Georgetown or by the Georgetown School District.
- (4) Developers may sell affordable for-sale units to the Town, the Georgetown Housing Authority, or to a private nonprofit entity serving Georgetown for the purpose of providing affordable housing opportunities and to permit such entity to market the Affordable Housing Units and manage the choice of buyers.
- (5) LIP Approval. The Affordable Housing Units must be approved under the LIP or by DHCD under other programs that qualify for listing on the SHI. It shall be the responsibility of the developer to work with the Town and facilitate the preparation and submission of an application for approval under the LIP of the Affordable Housing Units, and all costs of such application shall be borne by the developer. The developer shall deposit a document review fee in an amount to be determined by the Planning Board, which shall be deposited into a special municipal account pursuant to G.L. c.44, § 53G.

G. Fractional Affordable Housing Units and Housing Contribution Payments

All projects consisting of three or more housing units shall be required to use the following calculations to determine the number of on-site affordable units required under the Bylaw as well as the amount of a contribution payment for whole or fractional units that may be accepted by the Planning Board in-lieu of providing on-site units.

(1) Requirements for Fractional Affordable Housing Units: When the calculation required by this Bylaw results in a Fractional Affordable Housing Unit (FAHU) of 0.8 or 0.9, the developer shall provide a whole On-Site Unit for that fractional unit. When the calculation required by this Bylaw results in a Fractional Affordable Housing Unit of 0.1 to 0.7, the developer shall provide a whole On-Site Unit or make a Housing Contribution Payment in-lieu of the fractional unit.

(2) Housing Contribution Payments in-Lieu of Fractional Affordable Housing Units:

To make a Housing Contribution Payment (HCP) in-lieu of a qualifying Fractional Affordable Housing Unit the developer shall make 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. The contribution payment shall be paid in full prior to the issuance of a final occupancy permit for any portion of the project.

(3) Amount of Housing Contribution Payments:

For ownership developments of three (3) to seven (7) units, the amount of the Housing Contribution Payment (HCP) shall be equal to:

$$\text{HCP} = \text{AMSP} \times (\# \text{ of new units}) \times 4\%$$

For ownership developments of eleven (11) units or more, the housing contribution shall be equal to:

$$\text{HCP} = \text{AMSP} (\text{FAHU} \times 10) \times 4\%$$

where:

AMSP = the Average Market Sales Price for the market-rate units in the subject development,

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.

H. Off-Site Affordable Housing Creation

In order to ensure compliance with the requirements of this Bylaw, the Planning Board may, as a condition of its approval, permit the inclusionary housing requirement to be met through the provision of some or all required Affordable Housing Units on an alternative site or multiple sites suitable for housing use.

Affordable off-site housing units may be either new construction, a payment in-lieu for an off-site housing contribution (as outlined in (1) below) or, in extreme cases, located in a rehabilitated existing structure. All off-site affordable housing units shall be required to meet the Energy Star requirements for energy efficiency, include a lead paint test where applicable, and a review and inspection by an independent consultant selected by the Planning Board. Unless otherwise conditioned by the Board to ensure compliance with the requirements of this Bylaw, all affordable off-site units that are newly created or replacing existing legal housing units shall be counted in the total number of housing units created by a proposed development. All Affordable Housing Units provided under this subsection shall comply in all respects, other than on-site location, with the requirements of this Bylaw.

(1) Amount of In-Lieu/ Off-Site Housing Contribution Payments:

For ownership developments the amount of the In-Lieu/ Off-Site Housing Contribution Payment (I/OHCP) shall be equal to:

$$\text{I/OHCP} = \text{AMSP} \times (\# \text{ of affordable units}) \times .6$$

I. Regulations

Affordable housing production, Housing Contribution Payments and rental and resale restrictions required by this section shall be governed by regulations promulgated by the Planning Board for purposes of carrying out its duties under this Bylaw.

J. Compliance

(1) Building Permit Conditions: All contractual agreements with the Town of Georgetown and other documents necessary to ensure compliance with this Bylaw, including all documents required under LIP, shall be executed and delivered to the Planning Board office and to the Town board reviewing any project or development prior to and as a condition of the issuance of a building permit. The Planning Board may require any applicant to post bond or other such surety, in an amount satisfactory to the Board, to ensure compliance with all terms and conditions of any approval issued under this Bylaw. The Building Inspector shall not issue a building permit with

respect to any project or development subject to this Bylaw unless and until the Planning Board has certified in writing to the Building Inspector that all conditions of this Bylaw precedent to such issuance, including any such conditions that may be established by the Planning Board in any decision or approval, have been met.

(2) Occupancy Conditions:

- a) Compliance: No occupancy or other use of any market-rate units in a development subject to this Bylaw shall be permitted until the LIP Deed Rider, agreements with the Town of Georgetown and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the Affordable Housing Units) with any requirements of this Bylaw and under the LIP, have been executed and recorded, a time-stamped copy of all recorded documents has been filed with the Planning Office, and authority and permission granted by the Planning Board.
- b) Housing Contribution Payments: Required Housing Contribution Payments shall be made with respect to each market-rate housing unit or rental unit prior to issuance of an occupancy permit for the unit; provided that such payments may be made at the time of conveyance of each unit to an end user or upon occupancy by any tenant if appropriate security arrangements to guarantee such payment have been made and are in effect under an agreement with the Town.
- c) Timing of Construction: Unless otherwise directed by the Planning Board as a condition of approval, all Affordable Housing Units shall be provided concurrently and proportionately with the development of market-rate units. To ensure compliance with this requirement, the Planning Board may establish a schedule for construction of affordable and market rate housing units.

J. Appeals

Appeal of a decision made pursuant to this Bylaw shall be made to the Zoning Board of Appeals in accordance with the provisions of §165-98 of the Georgetown Zoning Bylaw.

K. Severability

In the event that one or more of the provisions of this Bylaw are found or determined to be illegal or unenforceable, such finding shall not effect the validity of any other provisions of this Bylaw which provisions will remain in full force and effect.

MOTION: Hugh Carter moved and it was seconded by Chris Rich to amend the Zoning Bylaw by deleting the text of Section 165-71, Housing Balance, and inserting in place thereof the text contained in the handout entitled, "Amended Inclusionary Housing Bylaw Balance Bylaw - §165-71".

The Planning Board voted 5-0 in favor

The Fin Com voted 4 in favor, 0 against & 2 abstained.

DISCUSSION: The current bylaw requires only those applying for a special permit to build an affordable house. In some instances the Town did not even obtain the affordable houses required due to confusion with the bylaw. This new bylaw will require all new projects of three or more units to be treated consistently. Right now our affordable units are at 13%. The state requires that you have 10%. By including every development, we will stay above that 10% and eliminate 40B problems.

Larry Ogden spoke against this article as it will also apply to senior housing. The original bylaw was meant for only those looking for something special from the Town. Why not use the 3% allowed for affordable housing under the CPC funds that we're being assessed for.

Phil Cannon asked if the Planning Board was trying to stop any large development in Town. Are other towns doing this?

Hugh Carter stated that this was to close loop holes in the existing bylaw. Two developers got around this. Salisbury and West Newbury are currently doing this.

Tony Giardina from 4 Raymond Court asked if the projects in existence would be grandfathered by the old bylaw.

Chris Rich explained that the units will be produced if it was previously required by bylaw.

Paul Nelson stated two developers built their subdivision to 90% then went bankrupt without building their affordable units. This cleans up those loopholes.

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

ARTICLE 8: Affordable Housing Trust Fund

To see if the Town will vote to accept the provisions of G.L. c.44, §55C, establishing a trust to be known as the Georgetown Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households; and further, to amend the General Bylaws of the Town by inserting a new section, Article III, of Chapter 44 to be entitled “Georgetown Affordable Housing Trust Fund,” as follows, or take any other action relative thereto:

GEORGETOWN AFFORDABLE HOUSING TRUST FUND

- a) There shall be a Board of Trustees of the Georgetown Affordable Housing Trust which shall consist of five (5) trustees appointed by the Board of Selectmen, at least one of which shall be a member of the Board of Selectmen, for terms of two years to expire on June 30, except that initially terms shall be selected by the Selectmen, so that two trustees so appointed shall have initial terms not to exceed one year and three trustees so appointed shall have terms not to exceed two years. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. All Trustees must be residents of the Town of Georgetown to be eligible for appointment. Any member of the Board of Trustees may be removed from the Board, after the opportunity for a hearing. The Town Administrator shall not be eligible for appointment as a Trustee. The Chair of the Board of Trustees shall be elected annually by the Board of Trustees.
- b) The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, §55C, shall include the powers listed in G.L. c.44, §55C(c)(1) through (c)(16), inclusive.
- c) The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

MOTION: Hugh Carter moved and it was seconded by Chris Rich to accept the provisions of G.L. c.44, §55C, establishing a trust to be known as the Georgetown Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households; and further, to amend the General Bylaws of the Town by inserting a new section, Article III, of Chapter 44 to be entitled “Georgetown Affordable Housing Trust Fund,” as set forth in the warrant.

The Planning Board voted 5-0 in favor

The FinCom voted 6-0 in favor

EXPLANATION: Chris Rich explained that this bylaw is needed to purchase and convey properties. This trust fund would hold the monies collected from developers in lieu of an affordable unit.

Robert Kelley asked why we’re creating another board when we have the CPC and the Board of Selectmen.

The answer from Town Counsel was that only this board with the approval of the Selectmen can expend the monies.

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

ARTICLE 9: Acceptance of a Provision of the Subdivision Control Law:

To see if the Town will vote to accept the provisions of the penultimate paragraph of G.L. c. 41, §81U, which concerns expenditure by the Town of bond or deposit proceeds to complete the construction of ways and municipal services shown on an approved definitive subdivision plan, or take any other action relative thereto.

Acceptance of the 2nd last paragraph of c.41, s.81U

The security mechanism provided by G.L. c.41, §81U is the exclusive remedy provided by the Subdivision Control Law for ensuring completion of improvements. Adoption of this paragraph would allow the Town, subject to the approval of the Board of Selectmen, to expend up to \$100,000.00 of the security, if necessary, without having to specifically appropriate funds therefor. Note that because the paragraph at issue was not contained in the Subdivision Control Law when the Town adopted the law in 1952, the Town must specifically vote to accept the paragraph before it will be applicable in the Town.

FinCom voted 8-0 to support this article.

MOTION: Hugh Carter moved and it was seconded by Chris Rich to accept the provisions of the penultimate paragraph of G.L. c. 41, §81U, which concerns expenditure by the Town of bond or deposit proceeds to complete the construction of ways and municipal services shown on an approved definitive subdivision plan.

Planning Board voted 5-0 in favor

FinCom voted 8-0 in favor

EXPLANATION: This allows the Town with the approval of the Selectmen to expend bond money without a town meeting vote to complete any roadway that the developer did not finish.

Sharon Freeman asked if this was also for conservation issued or just roads.

The answer was just road and utilities.

Jim DiMento stated that the Planning Board should not release any funds until a project is completed.

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

ARTICLE 10: Rosemarie Lane/Map 11, Lot 38

To see if the Town will vote to transfer the care, custody, management and control of a parcel known as Georgetown Assessor's Map 11-lot 38, located on Rosemarie Lane, Judgment recorded at the Essex South Registry of Deeds in Book 26060 on page 51, to the Conservation Commission for all purposes included in General Laws, G.L. c.40, §8C, as it now reads or may hereafter be amended, the said Board of Selectmen having voted that said parcel of land is no longer needed for general municipal purposes, pursuant to the provisions of G.L. c.40, §15A, or take any other action relative thereto.

MOTION: Paul Nelson moved and it was seconded by Rose Provencher to transfer the care, custody, management and control of a parcel known as Georgetown Assessor's Map 11-lot 38, located on Rosemarie Lane, Judgment recorded at the Essex South Registry of Deeds in Book 26060 on page 51, to the Conservation Commission for all purposes included in General Laws, G.L. c.40, §8C, as it now reads or may hereafter be amended.

Fin Com voted 8-0 in favor

This is a parcel that should have previously been given to the Town. It was used for storage of dirt when Bernay Way was being built.

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

ARTICLE 11: Bussing/Searle Street Land Acceptance Map 16, Lot 92 and Lot 1

To see if the town will vote to authorize the Park and Recreation Commission to accept, for recreation purposes, a gift of land shown as "Proposed Lot 16-92B" on a plan entitled: "Plan of Land for Searle Street & Lisa Lane, Georgetown, Massachusetts (Assessors Map 10 Lots 20, 20A, 20B) & (Assessors Map 16 Lot 92), Prepared for James Bussing, 160 West Main Street, Georgetown, MA 01833", dated 5-22-2008, prepared by Apple Associates, Inc., a copy of which is available for review in the office of the Town Clerk, and to authorize the Conservation Commission to accept, for conservation purposes, a gift of land shown as "Lot 16-92A" on said plan, or take any other action relative thereto.

MOTION: Paul Nelson moved and it was seconded by Evan O'Reilly to authorize the Park and Recreation Commission to accept, for recreation purposes, a gift of land shown as "Lot 1" on a plan entitled: "Plan of Land for Searle Street & Lisa Lane, Georgetown, Massachusetts (Assessors Map 10 Lots 20, 20A, 20B) & (Assessors Map 16 Lot 92), Prepared for James Bussing, 160 West Main Street, Georgetown, MA 01833", dated 8-4-2008, prepared by Apple Associates, Inc., and to authorize the Conservation Commission to accept, for conservation purposes, a gift of land shown as "Map 16, Lot 92" on said plan.

Fin Com voted 8-0 in favor

EXPLANATION: This parcel will be split with 11 acres going to Park & Rec and 27 acres going to the Conservation Commission

There was no discussion on this article.

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

MOTION TO ADJOURN: Matt Vincent moved and it was seconded by Evan O'Reilly to dissolve the special town meeting.

ACTION: By voice vote, the motion carried unanimously.

The time is 8:20 P.M.

A true copy attest:

Janice M. McGrane, Town Clerk