

Memorial Town Hall, 1 Library Street, Georgetown, MA 01833

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BOARD OF SELECTMEN MEETING MINUTES

Memorial Town Hall

4/9/18

6:00PM 2nd floor meeting room

7:00PM 3rd floor meeting room, Town Hall

**A part of this meeting will be joint with the Board of Assessors and Conservation
Commission**

Selectmen Present: Joseph Bonavita, Chairman; Steven Sadler, Clerk; Douglas W. Dawes, Gary C. Fowler, and C. David Surface

Others Present: Michael Farrell, Town Administrator; Janet Pantano, Administrative Assistant

Absent:

6:00PM EXECUTIVE SESSION-2nd floor

Joint meeting with the Board of Assessors

(1) To discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

Joint meeting with the Conservation Commission

(3) To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

Board members delayed in Executive Session

8:00PM Call to order-3rd floor

Invocation-Douglas W. Dawes

Pledge of Allegiance

NEW BUSINESS

Carleton Fund Advisory Committee gift to the COA

Beverly Knapp, Gary Evans, Carleton Fund Advisory Committee; Sue Clay, CoA board member; and Colleen Ranshaw-Fiorello, CoA Director were present

Mr. Evans gave the background on George Carleton and his donation to the town. He explained that the Carleton Home on Andover Street was run from 1901 to 2013. He stated that the mission on committee is to support seniors in Georgetown. He stated that the committee is proud to give \$10K to Senior Center for their continued support of seniors. Ms. Ranshaw-Fiorello gave some ideas on what they will spend the funds on and thanked the committee for the donation.

Mr. Dawes moved to accept the \$10,000 donation from the Carleton Fund Advisory Committee to the Council on Aging. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface stated that they want to send condolences to the Nunan Family on the passing of Ken Nunan our oldest citizen.

Request from the American Diabetes Assoc. for the Tour de Cure to pass through town
Callie Roberts from ADA was present and she explained the event and that this year they have added a fun run 5K. She gave some background on her own diabetes history.

Mr. Dawes moved to approve the American Diabetes Association Tour de Cure to pass through Georgetown on May 20, 2018. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.

WARRANT and MINUTES

Minutes of February 12 and March 26, 2018

Mr. Fowler moved to approve the General meeting *minutes of February 12 and March 26, 2018*. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.

APPOINTMENTS and APPROVALS

Request from the Town Clerk for approval of the Poll Workers for the Town Election Monday, May 14, 2018.

Mr. Surface read the list of poll workers for the town election on Monday, May 14, 2018.

Mr. Surface moved to approve the list of poll workers from the Town Clerk for the Town Election on Monday, May 14, 2018. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Appointment of Laura Britton as a Full Time Police Officer

Mr. Surface moved to appoint Laura Britton as a Full Time Police Officer term to expire June 30, 2018. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

SELECTMEN'S REPORT

ATM & STM Warrants for Monday, May 7, 2018

Mr. Farrell went over the warrant and budget. He handed out updated copies of warrant and the budget to the board.

Mr. Bonavita asked about Snow and Ice. Mr. Farrell stated there is some salary items that have to be adjusted for snow and ice.

Mr. Fowler asked about the 2 ½ percent as he only sees 2 percent added. Mr. Farrell explained where the numbers were found on the chart.

Mr. Sadler asked the Fire Chief about the Fire Truck. Chief Mitchell stated that the FinCom to vote to have on the ATM warrant so the vehicle can be ordered and then have the lease on the STM in the fall. Mr. Farrell stated that the first payment would not be due until FY20. Mr. Farrell stated on the wage classification one salary was taken out as it comes from a revolving account not out of the General Budget so this reduces the amount needed now \$44K. He explained that there are 11 positions that are under the equal pay act that should be adjusted. Mr. Surface explained that the AG office came out with a spreadsheet to plug the positions and salary in. Mr. Farrell stated that the FinCom voted to fund the wage adjustments at 100%. Mr. Dawes asked the positions. Mr. Surface stated the prudent thing is if a member wants to see the positions to see Mr. Farrell. Discussion to fund in one year or over 3 years. Mr. Farrell stated that they are funding the Budget with \$80K of free cash funds. Discussion on Debt service and that it dropped this year. Mr. Surface asked why not put the \$600K fire truck in debt service. Mr. Farrell stated that the number is too small. He stated that the lease will be in the Fire Dept. Budget. Mr. Fowler stated that the FinCom wanted to fund fully the wage adjustments because the board may change and this may get lost. Mr. Surface stated that this would be a reward to staff that have been underpaid. Discussion on Bonding and the upcoming bonds.

Board went over the warrant and voted on articles.

Town Warrant Commonwealth of Massachusetts May 7, 2018

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 7th day of May, 2018 (Monday) at 7 o'clock P.M. then and there to act on the articles of this warrant, and further, to meet at the Penn Brook School Gymnasium, 68 Elm Street in said Town, on the 14th day of May, 2018 (Monday), where the polls will be open from 8 o'clock A.M. until 8 o'clock P.M., to vote by ballot for the following officers: one Light Commissioner for one year; two Selectmen, one Assessor, two School Committee Members, one Light Commissioner, one Water Commissioner, and two Peabody Library Trustees, for three years; and one Planning Board Member, for five years, and to vote by ballot for the following:

Ballot Question

QUESTION # 1

Shall the Town of Georgetown be allowed to assess an additional \$108,000 in real estate and personal property taxes for the purposes of funding a school resource officer position within the Police Department, for the fiscal year beginning July first, two thousand and eighteen?

_____ Yes _____ No

Article 1: Town Officers and Committee Reports (ATM18-01)

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

Article 2: General Operating Budget/Reserve Fund (ATM18-02)

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, 2018, or take any other action in relation thereto.

Mr. Surface moved to recommend approval of ATM18-02. Mr. Fowler seconded the motion and the motion was approved by a 4-1 vote.

Article 3: Police Department/School Resource Officer Override (ATM18-33)

To see if the Town will vote to raise and appropriate the sum of \$108,000, which shall be added to the amount appropriated under Article 2 for the purpose of funding a school resource officer within the Police Department for the fiscal year beginning July 1, 2018, contingent upon approval of a Proposition 2 ½ override, or take any other action in relation thereto.

FinCom voted in favor of this article.

BoS voted in favor of this article. 3-1

Article 4: Water Department Operating Budget (ATM18-03)

To see if the Town will appropriate the receipts and available funds, including retained earnings, 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, 2018, or take any other action in relation thereto.

Article 5: Fire Department Ambulance Operating Budget (ATM18-04)

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2018, or take any other action in relation thereto.

Article 6: Local Access Programming (ATM18-05)

To see if the Town will vote as authorized by General Laws Chapter 44, Section 53F¾, to transfer from the PEG Access and Cable Related Fund, into which cable franchise fees and other cable-related revenues are reserved for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the sum of \$75,000 for salaries and \$25,000 for expenses for the fiscal year beginning July 1, 2018, or take any other action in relation thereto.

{BEGIN CONSENT CALENDAR}

Article 7: Municipal Light Department Continuation of Operation (ATM18-06)

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, 2018, or take any other action in relation thereto.

Article 8: Chapter 90 Reimbursement, Transportation Bond (ATM18-07)

To see if the Town will appropriate the sum of \$304,154 (Three hundred four thousand one hundred fifty four dollars) or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 9: Revolving Funds (ATM18-08)

To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and spending limits as set forth below, and (2) further to amend the General Bylaws by inserting a new bylaw, Article ____, Revolving Funds, establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

ARTICLE __ REVOLVING FUNDS

§__ - 1: There are hereby established in the Town of Georgetown pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUND
Zoning Board of Appeals	Applicants' fees	Zoning Board of Appeals	Application review, including but not limited to review services, clerical, legal expenses, equipment and office supplies
Conservation Commission – Camp Denison	Program fees, facilities use charges and outside vendor charges	Conservation Commission	Maintaining support of the land and facilities, including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies

Fire Alarm	Annual fees charged for connection for municipal fire alarm system	Fire Department	Maintaining municipal fire alarm system
Inspections Department	Fees associated with electronic permit tracking software	Inspections Department	Funding permit tracking software fees, training, computer upgrades, data storage and electronic data conversion of existing paper files, and contract work associated with the electronic permitting system

§__ - 2: Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

And, further, to set the fiscal year spending limits for such revolving funds as follows:

Program or Purpose	Fiscal Year Spending Limit
Zoning Board of Appeals	\$20,000.00
Conservation Commission – Camp Denison	\$60,000.00
Fire Alarm	\$14,000.00
Inspections Department	\$16,000.00

, or take any other action in relation thereto.

Mr. Surface moved to recommend approval of ATM18-7, 8, & 9 all on the Consent Calendar. Mr. Dawes seconded the motion and the motion was approved by a 5-0 vote.

{END CONSENT CALENDAR}

Article : Fire Department Pump Truck (\$600,000) (ATM18-18) Lease Purchase

To see if the Town will vote to authorize the Town to enter into a lease or lease/purchase agreement, for a period up to or exceeding three years, for a Pump Truck for the Fire Department, or to purchase the same, and to raise and appropriate or transfer and appropriate from available funds a sum of money for this lease or purchase, or take any other action related thereto.

Mr. Surface moved to recommend approval of ATM18-18. Mr. Sadler seconded the motion and the motion was approved by a 5-0 vote.

Article: Library Security System (\$31,150) (ATM18-15) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$31,500 for a Library Security System, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0

Mr. Surface moved to recommend approval of ATM18-15. Mr. Sadler seconded the motion.

Mr. Fowler asked about the security at the Senior Center and other town buildings. Mr. Farrell stated that there has been some done for the senior center.

The motion was approved by a 5-0 vote.

Article : Town Hall Security System (\$25,000) (ATM18-11) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for a Town Hall Security System, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0

Mr. Surface moved to recommend approval of ATM18-11. Mr. Fowler second all seconded the motion and the motion was approved by a 5-0 vote.

Article : Highway Department Pickup Truck (\$52,000) (ATM18-12) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$52,000 for a Highway Department Pick-up Truck, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0

Mr. Surface moved to recommend approval of ATM18-12. Mr. Sadler seconded the motion and the motion was approved by a 5-0 vote.

Article : Fire Department SCBA Cylinders (20) (\$20,000) (ATM18-16) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 for Fire Department Self Contained Breathing Apparatus (SCBA), or take any other action in relation thereto.

Awaiting word on regional grant application

FinCom voted in favor of this article. 5-0

Mr. Surface moved to recommend approval of ATM18-16. Mr. Sadler seconded the motion and the motion was approved by a 5-0 vote.

Article: Fire Department Helmets (20) (\$20,000) (ATM18-17) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 for Fire Department Helmets, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0

Mr. Surface moved to recommend approval of ATM18-17. Mr. Dawes seconded the motion and the motion was approved by a 5-0 vote.

Article : School Department Dump Truck (\$57,500) (ATM18-19) Not funded

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$57,000 for a School Department Dump Truck, or take any other action in relation thereto.

FinCom voted not in favor of this article. 0-5

Mr. Fowler moved to remove ATM18-19. Mr. Surface seconded the motion and the motion was approved by a 5-0 vote.

Article : Police Department Garage Floor (\$12,210) (ATM18-13) Not funded

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$12,210 for the Police Department Garage Floor, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0? Not funded hold for Fall STM

Mr. Fowler moved to remove ATM18-13. Mr. Surface seconded the motion and the motion was approved by a 5-0 vote.

Article: Police Department Portable Radios (5) (\$19,500) (ATM18-14) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$19,500 for Police Department Portable Radios, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0

Mr. Fowler moved to recommend approval of ATM18-14.

Mr. Dawes stated that the funds from Healthy Pharms could fund these projects. Discussion on when the town will have the funds.

Mr. Sadler asked if we have the funds could we rescind the vote and use the funds for something else. Mr. Farrell stated that at the fall town meeting you could rescind the vote but the funds would not go back to the town until 2021. Discussion on HP funds and use. Mr. Surface stated that the board should put a process in place to use the funds. Mr. Dawes stated that the Police, Fire, and Highway are the departments that are most impacted by this business. Mr. Fowler stated that the board should come up with an SOP on the use of these funds. Mr. Surface stated funds should be used for one time purchases not structural items. Mr. Bonavita stated that they can also save the funds and hold for a larger project or item.

Mr. Surface seconded the motion and the motion was approved by a 5-0 vote.

Article: Police Department T-1 Radio Project (\$40,000) (ATM18-09) Free Cash

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$40,000 for the Police Department T-1 Radio Project, or take any other action in relation thereto.

FinCom voted in favor of this article. 5-0

Mr. Surface moved to recommend approval of ATM18-09. Mr. Fowler seconded the motion and the motion was approved by a 5-0 vote.

Article: Needs Assessment Prelim Design-Public Safety Building (\$15,000) (ATM18-10) not funded

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000 for a Needs Assessment Preliminary Design for the Public Safety Building, or take any other action in relation thereto.

FinCom voted not in favor of this article. 0-5

Mr. Surface moved to remove ATM 19-10. Mr. Fowler seconded the motion and the motion was approved by a 5-0 vote.

Article: School Department Auditorium Curtain (\$18,950) (ATM18-20) not funded

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$18,950 for the School Department Auditorium Curtain, or take any other action in relation thereto.

FinCom voted not in favor of this article. 0-5

Mr. Surface moved to remove ATM18-20. Mr. Fowler seconded the motion and the motion was approved by a 5-0 vote.

Article : Community Preservation Committee (ATM18-26) (Submitted by CPC)

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 2019 Community Preservation budget and to appropriate, pursuant to G.L. Ch. 44B §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2019; 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; a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources; and a sum of money for the creation, preservation and support of community housing; as well as sum of money to be placed in the 2019 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$65,000 (>10% of the estimated FY revenues) for the acquisition, creation and preservation of open space; and

\$65,000 (>10% of the estimated FY revenues) for acquisition, preservation, restoration and rehabilitation of historic resources; and

\$65,000 (>10% of the estimated FY revenues) for the creation, preservation and support of community housing.

Appropriations:

\$21,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year;

\$65,000.00 (Sixty Five Thousand Dollars) from the Open Space / Recreational Land Reserve and \$185,000.00 (One Hundred Eighty Five Thousand Dollars) from the Undesignated Account for a total of \$250,000.00 (Two Hundred and Fifty Thousand Dollars) for the Debt

Service, principal and interest payments and any and all costs associated with Bond notes and instruments incurred by the Community Preservation Fund related to the Articles previously appropriated at the Annual Town Meeting in 2013 (Articles 27(H) ATM 5-6-13 and 27(I) ATM 5-6-13); or take any other action in relation thereto.

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

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate \$95,000.00 (Ninety Five Thousand Dollars) from Community Preservation Fund Community Housing Reserve Account as a Grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust’s Articles of Incorporation and the most recently accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into a Grant Agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, including a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and further, to authorize the Board of Selectmen to accept such restrictions; or take any other action in relation thereto.

C: Community Preservation Historic Resources Category, “Peabody Library Preservation”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Community Historic Reserve Account, the amount of \$51,500.00 (Fifty One Thousand Five Hundred Dollars) to fund the restoration and preservation of the Peabody Library and any and all costs related to the repair of the roof. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

D: Community Preservation Historic Resources Category, “Historic Hill Schoolhouse”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate \$13,500.00 (Thirteen Thousand Five Hundred Dollars) from Community Preservation Fund Historic Reserve Account, and \$9,500.00 (Nine Thousand Five Hundred Dollars) from the Undesignated account for a total of \$23,000.00 (Twenty Three Thousand Dollars) to be expended under the direction of the Georgetown Historical Commission for, the interior and exterior restoration, inclusive of but not limited to the replacement of the roof of the Hill 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.

E: Community Preservation Historic Resources Category, “Historic Brocklebank Museum Preservation”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community

Preservation Fund Undesignated Account, the amount of \$5,000.00 (Five Thousand dollars) for the interior and exterior restoration, inclusive of but not limited to the exterior repairs and painting and to fund the upgrade of the alarm system of the Historic Samuel Brocklebank Museum located at 108 East Main Street; and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee to enter into a Grant Agreement with the Georgetown Historical Society setting the terms for such grant, and further, any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect, or take any other action in relation thereto.

F: Community Preservation Historic Resources Category, “Historic Town Hall Preservation”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Undesignated Account, the amount of \$9,500.00 (Nine Thousand Five Hundred dollars) to be expended to preserve the Town Hall 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.

G: Community Preservation Historic Resources Category, “Camp Denison Lodge Roof”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Undesignated Account \$25,680.00 (Twenty Five Thousand Six Hundred and Eighty dollars) for the purpose of providing funding for the costs related to the repair/replacement of the lodge roof at Camp Denison. 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 in relation thereto.

H: Community Preservation Open Space Category, “Conservation Land Purchase”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Undesignated Account \$35,133.87 (Thirty Five Thousand One Hundred Thirty Three Dollars and Eighty Seven Cents) to fund the legal costs and the acquisition by purchase, gift or eminent domain for Conservation Purposes of approximately 7.5 acres of land near Rosemarie Lane, known as the Muise Parcel, and further described as Assessors’ Map 11, Lot 11, to be perpetually maintained in accordance with Article 97 of the Massachusetts Constitution and M.G.L. c.40 Sec. 8C as Passive Recreational Open Space under the care, custody, management and control of the Georgetown Conservation Commission, and to authorize the Board of Selectmen to acquire said property; and further, that the Board of Selectmen, Community Preservation Committee and the Conservation

Commission be authorized to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the purchase and protection of the parcel(s) and including the conveyance of a perpetual 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. Said restriction may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. c.44B. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

I: Community Preservation Open Space / Recreational Land Category, “West Street Fields Replacement Study”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Undesignated Account the amount of \$25,000.00 (Twenty Five Thousand dollars) for the purpose of providing the Recreational Fields Committee with the necessary funding for the costs related to engage a consulting firm to ascertain the cost projections of the three most cost effective solutions to replacing the existing active recreational fields that would be eliminated by allowing the existing West Street Recreational fields to return to a natural state. Said study must be inclusive of, but not limited to, including the most recent Recreational Trails’

Linkage Analysis Study information conducted by the Open Space Committee and must also provide a Future Needs Projection Section utilizing the most recent Buildout Analysis projections conducted by the Planning Board, and also must provide a current Field Usage Analysis Report; the full deliverable report shall be in hard copy and .pdf format. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

**J: Community Preservation Open Space / Recreational Land Category
“American Legion Park Retaining Wall”**

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account the amount of \$23,000.00 (Twenty Three Thousand dollars) to fund the engineering, permitting and implementation of improvements as recommended by the Georgetown Park and Recreation Commission, including all costs incidental and related to the rehabilitation and preservation of the American Legion Park, . This funding will be inclusive of but not limited to, any and all costs associated with the installation of a retaining wall to prevent the erosion and soil undermining of the Tennis Court area and any improvements necessary to comply with the Americans with Disabilities Act and other federal, state or local building, access, and safety codes; and further to authorize the Board of Selectmen and Park and Recreation Commission to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of the Park. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation

Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

K: Community Preservation Open Space / Recreational Land Use Category,
“East Main Street Active Recreational Land Access and Development”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate \$60,000.00 (Sixty Thousand Dollars) from the Community Preservation Fund Undesignated Account to fund the ongoing engineering, legal, permitting, and development costs, including all costs incidental and related thereto, for the creation of an Active Recreational Facility at the location of the Recreational land off of Main Street, purchased by Art 20(E) of the Annual Town Meeting of May 4th, 2009; and further, to authorize the Board of Selectmen and Parks and Recreation Commission, in consultation with the Community Preservation Committee to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the development of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article : Plastic Bag Ban (ATM18-21) (Submitted by Board of Selectmen)

To see if the Town will vote to amend the Town’s General Bylaw by inserting a new bylaw entitled, Single Use Plastic Bags, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

CHAPTER ____: SINGLE USE PLASTIC BAGS

§ ____-1. Purpose.

The production and use of single-use plastic bags have significant impacts on the environment of all communities, including but not limited to: contributing to the potential death of fish, fowl, animals and wildlife through ingestion and entanglement; contributing to pollution of the environment through improper disposal; clogging storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel for their manufacture. Therefore, the Town of Georgetown seeks to phase out the use of single-use plastic bags by all retail establishments, including restaurants providing take-out, doing business in Town over a period of 12 months from the effective date of this bylaw.

§ ____-2. Definitions.

“Establishment” means any business selling goods, articles, food or personal services to the public, including restaurants.

“Single-use plastic bags” means bags made of plastic, with integral handles, and thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

§____-3. Use Regulations.

- A. Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Georgetown effective ____ 1, 2018. Existing stock of single-use bags shall be phased out within twelve (12) months after ____ 1, 2018; any stock remaining at the end of said 12 months shall be disposed of properly by the Establishment. Customers are encouraged to bring their own reusable shopping bags to stores.
- B. Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available to customers at a reasonable price.
- C. Thin-film plastic bags, used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise, typically without handles, are exempt from the provisions of this Regulation.

§____-4. Administration and Enforcement.

This Regulation may be enforced by any Town police officer, enforcement officers or agents of the Board of Health. This Regulation may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c.40, §21D and appropriate chapter of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this regulation shall be subject to the following penalties:

First Offense:	Written warning
2 nd Offense:	\$50 fine
3 rd Offense:	\$100 fine
4 th and Subsequent Offenses:	\$300 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

,or take any other action in relation thereto.

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

SECTION 2. EFFECTIVE DATE

This bylaw shall take effect on July 1, 2018.

SECTION 3. FINDINGS

Expanded polystyrene and single use plastic food containers form a significant portion of the solid waste stream going into our landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost.

Expanded polystyrene food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries.

Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages.

Many communities in the United States have banned expanded polystyrene food containers, including Seattle WA, Freeport Maine, Great Barrington MA and Nantucket MA.

Numerous Town food establishments have already stopped using expanded polystyrene food containers and plastic containers for health and sustainability reasons, and have instead used paper and/or cardboard containers.

Appropriate alternative and sustainable products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible.

Thus, elimination of expanded polystyrene and plastic food containers is in the best interest of the health and welfare of Town inhabitants.

SECTION 4. DEFINITIONS

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this bylaw.

“Expanded Polystyrene” (EPS) means polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam.

“Polystyrene” means expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes clear or solid polystyrene which is known as “oriented polystyrene”.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Town Facility” means any building, structure, land or park owned or operated by the Town of Georgetown, its agents and departments.

“Town Facility Users” means all persons, societies, associations, organizations or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events and food services provided at the Town’s expense.

SECTION 5. PROHIBITION

- A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene or plastic.
- B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene or plastic.

SECTION 6. DEFERMENTS

- A. Upon written application, the Board of Health, which shall have the authority to enforce such Bylaw, after a public hearing, may defer application of this Bylaw for a Food Establishment for a one year period, upon a showing by the Food Establishment that the conditions of this Bylaw would cause undue hardship. For purposes of this Bylaw, an “undue hardship” is a situation unique to the Food Establishment where there are no reasonable alternatives to the use of expanded

polystyrene or plastic disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment.

, or take any other action relative thereto.

Mr. Fowler moved to recommend approval of ATM 18-21. Mr. Surface seconded the motion.

Mr. Dawes asked about who was notified for the public meeting. Ms. Pantano stated all the license holders and some other businesses in town. He stated that this is feel good regulation. He asked if this includes Styrofoam. Mr. Surface stated that Styrofoam is listed in the bylaw.

Motion approved by a 3-2 vote.

Article: Accept Statute for Non-Medical Marijuana Local Sales Tax (ATM18-32)

To see if the Town will vote to accept Massachusetts General Law Chapter 64N, Section 3 to impose an excise on the retail sales of marijuana for adult use at the rate of three (3%) percent, or take any other action in relation thereto.

Mr. Surface moved to recommend approval of ATM18-32. Mr. Fowler seconded the motion and the motion was approved by a 5-0 vote.

Article : Bylaw Amendment to Chapter 141, Town Meetings (ATM18-22) (Submitted by Board of Selectmen)

To see if the Town will vote to amend Chapter 141 of the Town's General Bylaws, Town Meetings, by deleting Section 141-2 in its entirety and renumbering the remaining sections accordingly, or take any other action in relation thereto.

ALTERNATE LANGUAGE:

To see if the Town will vote to amend Chapter 141 of the Town's General Bylaws, Town Meetings, Section 141-2, Quorum, by deleting the language shown in strike-through and adding the language show in bold set forth below, or take any other action in relation thereto.

§ 141-2 Quorum.

[Amended 3-2-1953 ATM]

~~One hundred~~ **Fifty** of the legal voters of the town shall constitute a quorum for the transaction of business of the town at all town meetings except such parts of meetings as are devoted exclusively to election of officers, and that for the transfer of money or moneys, 25 shall constitute a quorum.

Discussion on quorum at town meeting.

Mr. Surface moved to recommend to remove of ATM18-22. Mr. Fowler seconded the motion and the motion was approved by a 5-0 vote.

Article: Town Clerk Appointed Position (ATM18-23)

Mr. Fowler stated that he feels the position should be appointed. Mr. Surface stated that he feels that both the Town Clerk and Highway Surveyor should be appointed especially with the qualifications needed for these positions. He stated both should be appointed by the BoS. Mr.

Dawes stated that no one has talked with the Town Clerk or Highway Surveyor and he feels that they should be in to discuss. Mr. Farrell explained the timing is right to do this now for the Town Clerk as she is retiring in August. Mr. Farrell stated both positions are up in 2019. Mr. Fowler stated that the town clerk may have her own opinion on why the position should be elected.

Mr. Surface moved to recommend approval of ATM18-23. Mr. Fowler seconded the motion and the motion was approved by a 3-2 vote.

Article: Highway Surveyor Appointed Position (ATM18-24)

Mr. Fowler moved to remove ATM18-24. Mr. Surface seconded the motion.

Discussion that this is not the right time to look at this position.

The motion was approved by a 5-0 vote.

Article: Recreational Marijuana Bylaw (ATM18-27)

To see if the Town will vote to amend the Town of Georgetown Zoning Ordinances, by providing within existing Article XVIII, regulation for the use and distribution of marijuana not medically prescribed (MNMP), as provided in MGL Chapter 94G, and shall require the issuance of a special permit granted by the Planning Board pursuant to the criteria set forth in XVIII, with such conditions as may be consistent with G.L. c. 94G. Further, said MNMP establishments are permitted solely within the existing Medical Marijuana Overlay District, i.e., as cited in Article XVIII, and as shown on the Town's Zoning Map; it shall be further stipulated, herein, that said existing Medical Marijuana Overlay District shall be amended by eliminating the area of this district situated within the Commercial B (CB) zoning district.

Article: Street Acceptance Turning Leaf Subdivision: Lisa Lane, Vineyard Lane and Grapevine Circle (ATM18-28)

To see if the Town will vote to accept as a public ways the roadways known as "Lisa Lane, Vineyard Lane and Grapevine Circle", as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled:

"Street Acceptance Plan of Turning Leaf Subdivision, Georgetown, MA", Owner/Applicant: Turning Leaf Georgetown, LLC, dated, January 15, 2018, prepared by Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA 01949, and recorded with the Essex South Registry of Deeds in Plan Book _____, Plan _____", a copy of which is 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 Lisa Lane, Vineyard Lane and Grapevine Circle for all purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto.

Article : Continuous Building Area: Definitions and Word Usage: Additions and Subtractions (ATM18-29)

To see if the Town will vote to amend the Zoning Bylaw by amending §165-7 – Definitions and word usage - existing definition of "Continuous Building Area" by inserting the below-cited bold text and delete existing text in bold-strikethrough:

CONTINUOUS BUILDING AREA: That portion of a lot comprised exclusively of connected

upland and consisting of such upland square footage/acreage equal to or greater than the minimum lot size requirement for the zoning district in which the lot is situated; said upland shall ~~not include~~ exclude any freshwater wetland as delineated per Chapter 161, Wetlands Protection, ~~nor~~ **and** any pond or stream. [Added 6-11-1990 ATM, Art. 37 (Amdt. No. 82)]

Comments – This amendment is proposed in order to provide an unambiguous definition of the term “Continuous Building Area”.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on March 14, 2018. The Planning Board voted unanimously: 5 in the affirmative and 0 opposed.

Article : Open Space Residential Development (ATM18-30)

To see if the Town will vote to amend the Zoning Bylaw by inserting the below-cited bolded text into existing ARTICLE VII Open Space Residential Development Special Permit Pursuant to MGL Chapter 40A, Section 9 and Chapter 365 Georgetown Planning Board’s Subdivision Regulations, and by deleting within this Article VII existing text, which is shown below in bolded strikethrough text.

[Added 5-2-2005 ATM, Art. 28 (Amdt. No. 155), Amended 5-17-2009, ATM Art. No. 25]

§ 165-47. Purpose and intent.

A. The primary purposes for Open Space Residential Development (OSRD) are the following:

(1) To allow for greater flexibility and creativity in the design of residential developments;

(2) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife and rare species habitat, other natural resources including the Parker and Merrimack River watersheds, aquifers, waterbodies, areas of critical environmental concern, wetlands, and historical and archeological resources in a manner that is consistent with a Town of Georgetown Community Development Plan (2004) and Town of Georgetown Open Space Plan (2001);

(3) To encourage a less sprawling, less land consumptive and 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 or grid subdivision;

(4) To minimize the total amount of disturbance on the site;

(5) To further the goals and policies of the Town of Georgetown Master Plan and Town of Georgetown Strategic Land Use Plan as amended from time to time;

(6) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner, that are in harmony with the architectural heritage of the Town of Georgetown. § 165-48 Applicability.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

§ 165-48. Applicability.

- A. Any proposed development in the Town of Georgetown, which would create more than 10 lots or dwelling units or is 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
- B. 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 subdivisions that would create nine or fewer lots or units or are on 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 MGL c. 41, § 81P provided, however, that an 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.

-§ 165-49 Special permit required.

A. The Planning Board may authorize an OSRD pursuant to the grant of a special permit. The Planning Board will act as the special permit granting authority for all OSRD applications. Such special permits shall be acted upon in accordance with the following provisions outlined in this bylaw.

§ 165-50. Pre-Application.

A. ~~Conference. The applicant is strongly encouraged to attend a pre-application conference at a regular business meeting of the Planning Board. If one is requested, the Planning Board~~

~~shall invite a representative of the Conservation Commission, Board of Health, and the Open Space Committee.~~ The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant **shall** ~~may~~ outline the proposed OSRD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the consent of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit.

B. ~~The Planning Board may adopt rules and regulations relative to the size, form, number and contents of the plans to be submitted for a pre-application review.~~

§ 165-51 Design process.

A. At the time of the application for a special permit for OSRD, in conformance with § 165-52 of this bylaw, **the applicant is** ~~applicants are~~ required to demonstrate to the Planning Board that the following design process **is provided for, relative to** ~~is was performed by a certified landscape architect or a qualified land planner and considered in~~ determining the layout of proposed streets, house lots, and open space:

- (1)** ~~Step One: Identifying Conservation Areas. The applicant shall identify both Primary and Secondary conservation areas~~ **preservation land of the parcel: by: two steps. (1)** Primary conservation areas **include: Primary conservation areas are** site features that are protected by federal, state or local laws, such as wetlands, wetland buffer zones, riverfront areas, areas of critical environmental concern, outstanding resource waters, rare species habitat, vernal pools, flood hazard areas, and floodplains; **and (2)** Secondary conservation areas, ~~which: Secondary conservation areas~~ include: unprotected elements of the natural landscape, such as steep slopes (typically greater than 25%), mature woodlands (trees with caliper of 20 inches or greater), associated vernal pool upland habitat, prime farmland, large open meadows, critical wildlife habitats and important cultural features such as historic and archeological sites and scenic views shall be identified and delineated. The areas that do not qualify as Primary or Secondary conservation areas **as agreed to by the discretion of the Planning Board** define the potentially developable area. ~~The potentially developable area shall be identified and delineated on the plans, and to the maximum extent feasible, the potentially developable areas shall consist of land outside identified primary and secondary conservation areas.~~
- (2)** Step Two: Locating House Sites. Locate the approximate sites of individual houses or structures within the potentially developable area and include the delineation of private yards and shared amenities, so as to reflect an integrated neighborhood, with emphasis on consistency with the ~~T~~ town's historical development patterns and heritage.
- (3)** Step Three: Aligning the Streets and Trails. Align streets in order to access the house lots or units. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

- (4) Step Four: Lot Lines. If applicable, draw in the lot lines according to § [165-54](#) of this bylaw.

§ 165-52 Procedures.

- A. Application. An application for a special permit for an OSRD shall include an OSRD concept plan. The OSRD concept plan **shall** consist ~~s~~ 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 **bylaws**, 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.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

- (2) A determination of **lot/dwelling unit** yield shall be presented as described in § [165-53](#) of this bylaw.

- B. Relationship between the OSRD concept plan and OSRD definitive subdivision plan or OSRD site plan.

- (1) The issuance of an OSRD concept plan special permit replaces the preliminary subdivision plan and allows the applicant to submit to the Planning Board an OSRD definitive subdivision plan. ~~or land division plan for approval under the Subdivision Control Law. Any OSRD concept plan special permit issued by the Planning Board shall specifically state that the OSRD definitive subdivision plan, land division plan or the OSRD site plan shall substantially comply with the OSRD concept plan and special permit conditions.~~

- (2) Once an OSRD concept plan has been approved, **i.e.**, for developments that do not involve a subdivision ~~of~~ **if** land, the applicant shall submit an OSRD site plan and will not be required to submit an OSRD definitive subdivision plan. Such plan shall satisfy the requirements of § [165-83](#) of the Town of Georgetown Site Plan Approval, and shall contain such additional requirements as **set forth required** by the Planning Board under § [165-59](#) of this bylaw.

- (3) An OSRD definitive subdivision plan, **land division plan** or OSRD site plan will be considered **not noncompliant to substantially comply** with the OSRD concept plan, if the Planning Board determines that any of the following conditions exist:

- (a) An increase in the number of building lots or dwelling units;
- (b) A **significant** decrease in the open space acreage;
- (c) A **significant** change in the lot layout;
- (d) A **significant** change in the general development pattern, which adversely affects natural landscape features and open space preservation;

(e) ~~Significant~~ Storm water management facilities change; and/or,

(f) ~~Significant changes in~~ Wastewater management systems change.

(4) If the Planning Board determines that the OSRD definitive subdivision plan, ~~land division plan~~ or OSRD site plan does not ~~substantially~~ comply with the OSRD concept plan, the Board may disapprove said plan. ~~for failure to comply with the condition of the special permit requiring that the OSRD plans substantially comply with the OSRD concept plan.~~

(5) The Planning Board may conditionally approve an OSRD definitive subdivision plan, ~~land division plan~~ or OSRD site plan that does not ~~substantially~~ comply with the OSRD concept plan special permit. However, such conditional approval must identify where the plan does not ~~substantially~~ comply with the OSRD concept plan special permit. ~~and shall require that the OSRD concept plan special permit be amended to be in compliance with the special permit approval. The Planning Board shall also require that the applicant file an application to amend the OSRD concept plan special permit within a specified time period.~~

(6) ~~The public hearing on the application to amend the OSRD concept plan special permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the OSRD definitive subdivision plan, land division plan or OSRD site plan special permit.~~

C. General procedures.

(1) Whenever an application for a OSRD special permit is filed with the Planning Board, the applicant shall also file within five working days of the filing of ~~said the completed~~ application, copies of the application, accompanying OSRD concept plan and other documentation to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Police Chief, Fire Chief, and Open Space Committee for their consideration, review, and report. ~~The applicant shall furnish the copies necessary to fulfill this requirement.~~ Reports from the ~~aforementioned other~~ boards and officials shall be submitted to the Planning Board within 35 days of receipt of the reviewing party of all ~~of the~~ required ~~application~~ materials; failure of said ~~these~~ reviewing parties to ~~submit make written comments recommendations~~ within ~~said 35 days after having received copies of all such required materials~~ shall be deemed a lack of opposition or support of the proposed OSRD. ~~In the event that the public hearing by the~~ If the Planning Board holds a public hearing ~~is held~~ prior to the expiration of the ~~aforementioned 35 day period thirty-five day period,~~ the ~~Planning Board shall continue the public~~ hearing shall be continued until such time as the subject 35 day period has expired. Thus, giving the reviewing parties the provided time in which to forward their written comments to the board. ~~to permit the formal submission of reports and recommendations within that thirty-five day period.~~ The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party. The Planning Board shall render a decision on the special permit application within 65 days from the opening of the hearing, i.e., unless the applicant executes Form H, agreeing to ~~approves of~~ an extension. Further, the

Planning Board shall ~~render~~ **provide its written a** decision on the special permit application within 30 days from the close of the public hearing.

D. Technical experts. The Planning Board may engage technical experts, at the applicant's expense, **and** as ~~reasonably~~ necessary in conjunction with its review of the applicant's proposed plans and technical reports.

E. Site visit.

(1) Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or the applicant's ~~his or her~~ agents.

F. Other information.

(1) The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing ~~required for any application for a special permit~~ for an OSRD concept plan with the public hearing required for ~~approval of~~ an OSRD definitive subdivision plan or an OSRD site plan.

§ 165-53 Basic Maximum number of lots/dwelling units.

A. Determination of yield.

(1) The ~~basic~~ maximum number of lots or dwelling units ~~or density~~ on a tract ~~parcel~~ shall be derived from a yield plan. The yield plan shall show the maximum number of lots or dwelling units that could be ~~reasonably placed up~~ constructed on the tract site for ~~under~~ a conventional subdivision, i.e., in accordance with the minimum lot size, frontage and continuous building area (CBA) requirements for the zoning district in which the tract is situated, together with the right-of-way requirements, as specified in the most recent edition of the Planning Board's Subdivision Regulations. The aforementioned yield plan shall also provide a chart inscribed thereon, clearly depicting the gross square footage/acreage of each proposed lot area, minus wetlands (as defined and provided in this ordinance) of each lot, resulting in the net CBA, which shall represent the minimum lot size requirement for the respective zoning district. ~~process according to the Regulations Governing the Subdivision of Land in the Town of Georgetown.~~ The determination of yield shall set the amount of lots or dwelling units submitted in the concept plan, not including increased units allowed under § 165-58 of this bylaw.

NOTE: the proponent shall have the burden of proof ~~in-with~~ regard to the determining the ~~basic~~ maximum number of lots or dwelling units resulting from the design and engineering specifications shown on the yield plan; further, the Planning Board may request further information to justify the determination of yield, including an approved wetland and resource delineation, soil tests and percolation tests.

Revised Yield Chart example (i.e., to include: Lot Area gross minus (-) Wetlands = Continuous Building Area (CBA), which shall equal or be greater than the required minimum lot size:

Yield Plan Zoning Summary Chart

LOT	LOT AREA, GROSS (SF)	Wetlands	CBA (40,000 sf min. req.)	Frontage 160 ft. req.	Lot Depth 150 ft. req.
1	65,000 sf	15,000 sf	40,000 sf	160 ft.	175 ft.
2	85,000 sf	19,500 sf	65,500 sf	180 ft.	250 ft.

165-54 Reduction of dimensional requirements.

A. The Planning Board encourages applicants to modify lot size, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

- (1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; ~~provided, however, that~~ the Planning Board may waive this requirement where it ~~determines is determined~~ that such reduced dimensional requirements will further the goals of this bylaw.
- (2) At least 50% of the required setbacks for the district shall be maintained in the OSRD, **i.e.**, unless a reduction is otherwise authorized by the Planning Board.
- (3) Minimum lot size ~~shall will~~ be 10,000 square feet, which ~~provided, however, that~~ the Planning Board may waive ~~this requirement~~ where it is determined that further lot area reductions will further the goals of this bylaw.

§ 165-55 Open space requirements.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

Open space. A minimum of 60% of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded conservation restriction enforceable by the Town, providing that such land shall be ~~perpetually kept in perpetuity as open space. in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.~~

- A. The percentage of the set aside open space that is wetlands shall not ~~normally~~ exceed the percentage of the total tract that is wetlands.

- B. The open space shall be contiguous, ~~which Contiguous is shall be~~ defined as being connected and shall be no less than 50 feet wide. ~~at its narrowest point.~~
- C. The open space shall be used **primarily** for wildlife habitat and/or for conservation purposes, ~~as well as and for~~ the following ~~secondary additional~~ purposes: historic preservation, education, outdoor education, passive recreation, park purposes, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to 5% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (e.g., pedestrian walks, bike paths **and shelters**).
- D. At the discretion of the Planning Board subsurface wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the **required** minimum open space ~~required~~, unless these structures are determined by the Planning Board to be "soft" (**i.e., non-structural and natural in appearance**) stormwater management ponds. ~~techniques that reduce impervious surfaces and enable infiltration where appropriate.~~
- E. 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.

§ 165-56 Design standards.

- A. The following generic and site specific design standards shall apply to all OSRDs and shall govern the development and design process:
- (1) General design standards.

(a) **Insofar as practicable, ~~T~~ the landscape of the tract shall be preserved in its natural state, insofar as practicable, i.e.,** by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and take advantage of natural drainage patterns.

(b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

(c) All open space (landscaped and usable) shall be designed to add to the visual **aesthetics amenities of the tract and its surroundings. area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.**

(d) **Insofar as practicable, ~~T~~ the removal or disruption of historic, traditional or significant uses, structures, or architectural elements found/established on the tract shall be minimized. insofar as practicable, whether these exist on the site or on adjacent properties.**

(e) Garages **shall are strongly encouraged to** be recessed at least five feet from the front building wall of the house.

B. The Planning Board may issue building form guidelines to help clarify architectural design standards listed in this section.

C. Site specific design standards.

(1) Mix of housing types. The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than three dwelling units. Multifamily residential structures shall be in scale with surrounding residential structures. No further special permits are required from the Town of Georgetown for construction of multifamily residential structures.

(2) Parking. Each dwelling unit **shall have a minimum of be served by** two off-street parking spaces. Parking spaces in front of garages may count in this computation. All parking areas with greater than four spaces shall be screened from public view.

(3) Buffer areas. A minimum buffer area of 25 feet in width shall be provided at the perimeter of the property where it abuts residentially zoned and occupied properties and a buffer area of 100 feet in width shall be provided from natural resource areas such as wetlands, intermittent streams, agricultural or recreational fields, and land held for conservation purposes, except as noted below. In all cases a two-hundred-foot wide buffer must be maintained from perennial streams, unless otherwise permitted by the Conservation Commission. Driveways **necessary for access and egress to and from the tract** may cross such buffer areas. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the

buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein. ~~decisions will be made in conjunction with the Conservation Commission where the Commission's jurisdiction is applicable.~~

- (4) Drainage. The Planning Board shall encourage the use of "soft" (i.e, non-structural **and** natural **in appearance** stormwater management techniques, such as rain gardens, open grass swales and bio-retention swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate. Stormwater should be treated at the source to limit nonpoint source pollution. In order to promote water conservation, rainwater retention systems such as rain barrels and cisterns are also strongly encouraged for irrigation purposes.
- (5) Screening and landscaping. All structural surface stormwater management facilities shall be accompanied by a landscape plan. The landscape plan shall not include invasive plant species, **but rather, and shall include** species that are drought tolerant and provide habitat value. Native plant species are strongly encouraged and in ground sprinkler systems are strongly discouraged.
- (6) Common/shared driveways. A common or shared driveway may serve a maximum number of three dwelling units.
- (7) On-site pedestrian and bicycle circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities, including parkland and open space and adjacent land uses where appropriate.
- (8) Disturbed areas. Not more than 50% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

§ 15-57 Decision of the Planning Board.

A. The Planning Board may grant a special permit for a OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional development proposed for the tract, **and only** after considering the following factors:

- (1) Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional development plan;[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]
- (2) Whether the OSRD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;
- (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;
[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

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

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

(5) Whether the OSRD furthers the goals and policies of the Town of Georgetown Community Development Plan (2004) and Town of Georgetown Open Space Plan (2001) as amended from time to time;

(6) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner;

(7) Whether the Concept Plan and its supporting narrative documentation complies with all sections of this Zoning Bylaw;

(8) Whether the construction of housing, landscape and streetscape is in harmony with the architectural heritage of the Town of Georgetown.

§ 165-58 Increases in permissible density.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

A. After reviewing the design standards listed in § 165-56, and the factors listed in § 165-57, the Planning Board may award a density bonus to increase the number of residential dwelling units beyond the ~~basic~~ maximum **yield** number. The density bonus for the OSRD shall not, in the aggregate, exceed 50% of the ~~basic~~ maximum **yield** number. Projects of five or less approved units (including the ~~basic~~ maximum **yield** number and all density bonus units) shall not be subject to the Town of Georgetown Inclusionary Housing Bylaw (§ 165-71) six 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 **yield** number may be awarded; provided, however, that this density bonus shall not exceed 25% of the ~~basic~~ maximum **yield** 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 **yield** 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 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.

§ 165-59 Adoption of rules and regulations.

The Planning Board may, after notice and hearing, adopt rules and regulations specifying the content of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements to be applied under this bylaw.

Comments – This amendment is proposed in order to clarify the intent and purpose of Article VII Open Space Residential Development Special Permit Pursuant to MGL Chapter 40A, Section 9 and Chapter 365 Georgetown Planning Board's Subdivision Regulations.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on February 28, 2018. The Planning Board voted 4 in the affirmative and 1 in opposition.

Article : Use Regulations Schedule – Mixed-use (ATM18-31)

To see if the Town will vote to amend the Zoning Bylaw by amending Section 165.b - Use Regulations Schedule, Attachment 2:1 - Residential Use - by allowing "Mixed-use" in the Commercial B zoning district, via a Special Permit granted by the Planning Board, with "Mixed-use" providing for residential use above the first-floor of commercial/retail space.

§165 - 11 Use Regulations and Intensity of Use Schedule

To see if the Town will vote to amend the Zoning Bylaw by amending the text to §165-11 – *Use Regulations and Intensity of Use Schedule* by ADDING the following use as follows added "D" shown in bold text and deleted "O" shown in bold-strikethrough:

	RA	RB	CA	CB	CC	IA	IB	RC
Residential Use:								
Mixed –use ³³	O	O	D	O D	O	O	O	O

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

Comments: This amendment is proposed, relative to providing for the potential of affordable (or otherwise) housing opportunities within the Commercial B (CB) zoning district, together with providing more sustainable commercial development potential within said district. The CB zoning district, which is the sole district so designated in Georgetown, is depicted in salmon-color in the below provided Zoning Map, and is generally bordered by Library and East Main Streets to the north, Chestnut St. to the east and both sides of Central St., north of the U.S. Post

Office site.

Action – Planning Board recommends to the Board of Selectmen the amendment be placed on the warrant for Annual Town Meeting to be voted upon by the registered voters of Georgetown. The Planning Board made this recommendation by a motion and vote during a public hearing on March 14, 2018. The Planning Board voted unanimously: 5 in the affirmative and 0 opposed.

Mr. Fowler moved to recommend approval of ATM18-31.

Chief Mitchell explained the history of the CVS building and plan for apartments on the 2nd floor. Mr. Sadler stated that the Economic Development Committee supports this article.

Mr. Sadler seconded the motion and the motion was approved by a 4-1 vote.

Special Town Meeting Warrant

Mr. Farrell read the articles on the STM warrant.

**TOWN WARRANT
SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
May 7, 2018**

Article 1: Adjustments to the Fiscal Year 2018 operating budget (STM18-01)

To see if the Town will vote to amend the vote taken under Article 2 of the 2017 Annual Town Meeting warrant for the purpose of adjusting line items in the FY 2018 budget, and as necessary, to transfer from available funds a sum of money for the purpose of supplementing departmental expenses, or take any other action in relation thereto.

Article 2: Appropriation of Free Cash for the Snow and Ice deficit FY2018 (STM18-02)

To see if the Town will vote to transfer from available funds a sum of money to be applied to the FY2018 snow and ice deficit, or take any other action in relation thereto.

Article 3: Security Upgrades for Schools (STM18-03)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$88,846 to purchase and equip Security Upgrades for the Perley, Penn Brook, and Middle/High schools, or take any other action in relation thereto.

Mr. Fowler moved to recommend approval of ATM18-03. Mr. Surface seconded the motion and the motion was approved by a 5-0 vote.

Board Business

Mr. Sadler stated that it has been a pleasure to work with Mr. Surface and he will be missed. Mr. Bonavita stated the board will miss a very exceptional member. He and the board thanked him for his 11 years of service to the town, 2 years on FinCom and 9 as a Selectmen. Mr. Surface thanked the board and stated he would like to stay on as an Affordable Housing Trustee.

NEXT MEETING

Monday, April 23, 2018 at 7:00PM, 3rd floor meeting room, Town Hall

ADJOURNMENT

Mr. Fowler moved to adjourn. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Meeting adjourned at 10:16PM.

Minutes transcribed by J. Pantano.

Minutes approved April 23, 2018.

Documents used in this meeting:

- Executive Session Minutes March 12, 2018 and March 15, 2018
- Minutes of February 12 and March 26, 2018
- ATM & STM Warrants for Monday, May 7, 2018
- Request from the Town Clerk for approval of the Poll Workers for the Town Election Monday, May 14, 2018
- Request from the American Diabetes Assoc. for the Tour de Cure to pass through town