

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; one Georgetown Housing Authority Member, 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.

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 General Operating Budget 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 question pursuant to Chapter 59, Section 21C(g) of the General Laws, or take any other action in relation thereto.

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 appropriate the sum of \$75,000 for salaries and \$25,000 for expenses for the fiscal year beginning July 1, 2018 from the PEG Access and Cable Related Fund for the purpose of providing PEG access services and oversight and renewal of the cable franchise agreement, 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 establish FY2019 spending limits as set forth below for the revolving funds listed in Section 1 of the General Bylaw entitled, "Revolving Funds", approved under Article 6 of the May 1, 2017 Annual Town Meeting, with such limits to be applicable from fiscal year to fiscal year until revised by Town Meeting prior to July 1 for the ensuing fiscal year:

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.

{END CONSENT CALENDAR}

Article 10: Fire Department Pump Truck (ATM18-18)

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a Pump Truck for the Fire Department pursuant to the provisions of G.L. c.44, §21C for a period up to or exceeding three years, , and further, to raise and appropriate or transfer from available funds a sum of money to fund the FY2019 lease/purchase payment, or take any other action in relation thereto.

Article 11: Library Security System (ATM18-15)

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

Article 12: Town Hall Security System (ATM18-11)

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

Article 13: Highway Department Pickup Truck (ATM18-12)

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

Article 14: Fire Department SCBA Cylinders (20) (ATM18-16)

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

Article 15: Fire Department Helmets (20) (ATM18-17)

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

Article 16: Police Department Portable Radios (5) (ATM18-14)

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

Article 17: Police Department T-1 Radio Project (ATM18-09)

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

Article 18: 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. c.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. c.44B, §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 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 open space, including land for recreational use; and

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

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

Appropriations:

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

\$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 the borrowings approved at the 2013 Annual Town Meeting (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 historic Peabody Library, specifically for roof repairs and including any incidental or related costs; funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article shall 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 historic Hill Schoolhouse, including any incidental or related costs; 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 preservation, restoration and rehabilitation, inclusive of but not limited to, exterior repairs and painting and upgrading the alarm system of the historic Samuel Brocklebank Museum located at 108 East Main Street, including any incidental or related costs; 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 forth 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, restore and rehabilitate, the Town Hall in Georgetown, including any incidental or related costs; 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 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 funding the costs related to the repair/replacement of the lodge roof at Camp Denison, including any incidental or related costs, and further 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 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 open space 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 as Passive Recreational Open Space in accordance with Article 97 of the Massachusetts Constitution and G.L. c.40, §8C, said parcel to be 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 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), including authorization for the Board of Selectmen to convey a perpetual conservation restriction in accordance with G.L. Chapter 184, as required by Section 12(a) of Chapter 44B as amended; 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 hiring of a consultant to study, identify, and then prepare projections for the three most cost effective solutions to replacing the existing West Street Recreational Fields in the event that they are allowed to return to a natural state; said study shall include consideration of, but shall not be limited to, the most recent Recreational Trails’ Linkage Analysis Study conducted by the Open Space Committee and the most recent Buildout Analysis projections prepared by the Planning Board, such projections must include a current field usage analysis report and a future needs analysis, however such sections might be characterized; such funds to be expended by the Board of Selectmen, in consultation with the Recreational Fields Committee; 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.

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 Parks 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 4, 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 19: 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 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 September 1, 2018. Existing stock of single-use bags shall be phased out within twelve (12) months after September 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 Bylaw may be enforced by any Town police officer, enforcement officers or agents of the Board of Health. This Bylaw 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 Article II of Chapter 1 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.

Article 20: Styrofoam Containers (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, Styrofoam Containers, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

CHAPTER ___: STYROFOAM CONTAINERS

§___-1. 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.

§___-1. Effective Date

This Bylaw shall take effect on September 1, 2018.

§___-3. Purpose and Intent Expanded polystyrene food containers form a significant portion of the solid waste stream going into 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. Polystyrene contains substances that when heated release toxic chemicals that may be carcinogenic. 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.

§ ____-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.

§ ____-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.

- B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

§____-6. Deferments

Upon written application, the Board of Health, which shall have the authority to enforce this 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 disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment.

§____-7. Administration and Enforcement.

This Bylaw 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 Article II of Chapter 1 of the Town’s General Bylaws. If non-criminal disposition is elected, then any Food Establishment or Town Facility User which violates any provision of this Bylaw shall be subject to the following penalties:

- First Offense: Written warning
- 2nd Offense: \$50 fine
- 3rd Offense: \$100 fine
- 4th 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 relative in relation thereto.

Article 21: 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.

Article 22: Town Clerk Appointed Position (ATM18-23)

To see if the Town will vote to change the Town Clerk position from elected to appointed in accordance with the provisions of G.L. c.41, §1B, provided, however, that in accordance with law, such change must also be approved by the voters of the Town at the 2019 Annual Town Election, or take any other action in relation thereto.

Article 23: Recreational Marijuana Bylaw (ATM18-27)

To see if the Town will vote to amend the Town of Georgetown Zoning Bylaw to provide for the regulation of marijuana not medically prescribed, as defined in MGL Chapter 94G, and to amend the Zoning Map to change the boundaries of the Medical Marijuana Overlay District, as follows:

- a) Amend the Zoning Map of the Town of Georgetown to eliminate that portion of the existing Medical Marijuana Overlay District situated within the Commercial B (CB) zoning district, and to rename the resulting Medical Marijuana Overlay District as the Marijuana Business Overlay District;
- b) Amend Article XVIII to delete the strikethrough language and insert the language in bold as set forth below;

, or take any other action in relation thereto.

ARTICLE XVIII ~~Registered Marijuana Dispensary~~ **Businesses**

§ 165-156 Purpose and Intent.

- A. To provide for the placement of a ~~Registered Marijuana Dispensary~~ **Marijuana Businesses** (“RMD”), in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in ~~locations suitable~~ **locations** for lawful medical marijuana facilities and to minimize adverse impacts of a ~~Registered Marijuana Dispensary~~ on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of ~~RMDs~~ **Marijuana Businesses**.
- B. Provisions set forth in this section shall take precedence over all other sections of the Bylaw when considering applications related to the construction, operation, expansion, repair, and/or removal of lawful ~~RMD facilities~~ **Marijuana Businesses**.

§ 165-157 Establishment and Delineation of a ~~Medical Marijuana~~ **Business** Overlay District.

A. Establishment:

For the purposes of this Bylaw, there is hereby established a ~~Medical Marijuana~~ **Business** Overlay District (“~~MMBOD~~”). Within the ~~MMBOD~~, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the ~~MMBOD~~ may be used either for (1) a ~~Registered Marijuana Dispensary~~ (“RMD”), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the ~~MMBOD~~ are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the ~~MMBOD~~ conflict with the requirements of the underlying district, the requirements of the ~~MMBOD~~ shall control.

B. Delineation:

The MMBOD is delineated on shown the official zoning map of the Town of Georgetown and ~~the~~ the Town of Georgetown Zoning & Overlay Districts Map on file with the Planning Office.

§ 165-158 Scope of Authority.

- A. The Planning Board shall act as the Special Permit Granting Authority (SPGA) for all ~~Registered-Marijuana Dispensary~~ **Business** applications.

§ 165-159 Applicability.

- A. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana ~~for medical use~~ is prohibited unless permitted by Special Permit as a ~~Registered-Marijuana Dispensary~~ **Business** under this Section, except as otherwise provided herein.
- B. No ~~Registered-Marijuana Dispensary facility use~~ **Business** shall be established except in compliance with the provisions of this zoning bylaw section and all other sections of the Town of Georgetown's Bylaws.
- C. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

§ 165-160 Definitions.

Where not expressly defined in the Zoning Bylaws, terms used in the MMBOD Bylaw shall be interpreted as defined in **G.L. c.94G and G.L. c.94I and regulations promulgated and/or incorporated thereunder**, ~~the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq.,~~ and otherwise by their plain language. The following terms as used in this ordinance are defined as follows;

Marijuana: ~~In addition to the Commonwealth's definition under Chapter §94C of Mass General Laws, a definition of marijuana shall include: Marijuana, Marihuana, Cannabis, Hashish, Cannabis seeds, THC (tetrahydrocannabinol) and its derivatives and extracts as well as any substances containing THC whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.~~ **All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL Chapter 94C Section 1; provided that "Marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any**

other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

~~**Marijuana Cultivation:** The process of propagation, including germination, using soil, hydroponics, or other mediums to generate growth and maturity. The intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing. This definition encompasses marijuana cultivation related to RMD facilities.~~

Marijuana Business: A Registered Marijuana Dispensary, Marijuana Establishment, or any combination or part thereof.

Marijuana Cultivator: Pursuant to MGL c.94G, §1 and regulations promulgated thereunder, an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana related business, for the non-medical use of marijuana, as set forth in G.L. 94G, and regulations promulgated thereunder.

Marijuana Retailer: Pursuant to MGL c.94G, §1 and regulations promulgated thereunder, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers (except that nothing in this definition or By-Law shall allow for the consumption of marijuana on the premises where marijuana is sold).

Registered Marijuana Dispensary (RMD): As defined by 105 CMR 725.000, et al., as it may be amended or superseded, and pursuant to all other applicable state laws and regulations, means an entity registered under 105 CMR 725.100, Aalso referred to and known as a Medical Marijuana Treatment Center, means an ~~not for-profit~~ entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

An application for a ~~RMD and/or Medical Marijuana Treatment Center~~ **Business** shall be reviewed by the SPGA for consistency with the provisions of this section. All proponents are required to provide a Site Plan Approval application to the SPGA demonstrating compliance with, or a written waiver request for, each of the following requirements in order to be deemed a complete application:

A. Administration:

Prior to construction, installation or modification of an ~~RMD~~ **Marijuana Business**, a Site Plan Approval application shall be made pursuant to the provisions of Section §165-83 in addition to the provisions of this Article.

B. Compliance with Zoning Laws, Ordinances and Regulations:

The construction and operation of any **Marijuana Business** ~~RMD~~ shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.

C. Fees:

A Site Plan Approval application for a **Marijuana Business** ~~Registered Marijuana Dispensary~~ must be accompanied by the filing fee established by the SPGA.

D. General:

All site and structural plans and maps shall be prepared, sealed and signed by a professional civil engineer licensed to practice in the Commonwealth of Massachusetts. All building plans and elevations shall be prepared, sealed and signed by an architect licensed to practice in the Commonwealth of Massachusetts.

E. Submission Requirements and Required Documents:

(1) As party of the Special Permit and Site Plan Approval process, the applicant shall demonstrate to the SPGA's satisfaction that the following design process was followed in determining the location of a proposed **Marijuana Business** ~~RMD~~;

- (a) Understanding potential development sites: The first step is to inventory existing potential sites;
- (b) Evaluating the proposed development site: The second step is to evaluate the proposed site in its larger context by taking care to identify eligible locations as described in Section 165-161(I) and beneficial or detrimental connections to surrounding land uses and activities;

- (2) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (3) A Proof of Liability Insurance that satisfies Section §165-161(G);

F. Safety Standards:

Upon request by the SPGA, the owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility.

- (1) Emergency Services Plan: Prior to issuance of a building permit, the **Marijuana Business Registered Marijuana Dispensary** owner and/or operator shall provide a written plan including but not limited to a project summary to the Town's Board of Selectmen, local safety officials including the Police Chief, Fire Chief and Building Inspector. The SPGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any Site Plan for the **Marijuana Business Registered Marijuana Dispensary**.
- (2) Unauthorized Access: The **Marijuana Business Registered Marijuana Dispensary** shall be designed to allow access within the area of the **Marijuana Business RMD** to authorized personnel as well as state and municipal emergency personnel only.

G. Proof of Liability Insurance:

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

H. Eligible Locations:

Any **Marijuana Business RMD** facility permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw. No **Marijuana Business RMDs** use shall be located within 300 linear feet of a property line where the following zoning district, activity or use occurs, whether within the municipal borders of the Town of Georgetown or adjoining municipality;

- (1) Any Residential District as defined by Chapter §165
- (2) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (3) Any child care facility;

- (4) Library;
- (5) Playground;
- (6) Public Park;
- (7) Youth center;
- (8) Public swimming pool;
- (9) Religious institution;
- (10) Video arcade facility;
- (11) Similar facility in which minors commonly congregate **in an organized, ongoing, formal basis**;
- (12) Any other **Marijuana Business**~~Registered Marijuana Dispensary~~;
- (13) Any drug or alcohol rehabilitation facility;
- (14) Any correctional facility, half-way house or similar facility; or
- (15) Any establishment licensed under the provisions of General Law, Chapter 138, Section §12.

I. Separation:

Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child care purposes or places where minors frequent or any other use listed above in Section 165-161(H) to the nearest point of the property line of the proposed **Marijuana Business RMD**-parcel. The distance requirement may be reduced by twenty-five percent or less, but only if:

- (1) The applicant demonstrates that the **Marijuana Business RMD**-would otherwise be effectively prohibited within the municipality;
- (2) With regard to locations protected pursuant to Section 165-16(H(1)-(11)), the applicant demonstrates that the **Marijuana Business RMD**-will employ adequate security measures to prevent diversion of ~~medical~~-marijuana to **unauthorized** minors ~~who are not qualifying patients pursuant to 105 CMR 725.004.~~

J. Visibility: There shall be no visual proof or visibility of use activities, products or treatment occurring within or on the premises of a **Marijuana Business RMD**-from the exterior of such facility or premises.

§ 165-162 Special Permit Review Procedures and Criteria.

The SPGA may grant a Special Permit and a Site Plan Approval and require that certain requirements be met as conditions of approval.

A. Procedure:

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a **Marijuana Business RMD**-special permit application.

B. Criteria:

In the review and evaluation of an application and in making a final determination in writing, the SPGA shall consider but not be limited to the following as it pertains to a **Marijuana Business Registered Marijuana Dispensary**;

- (1) Complies with all requirements set forth in this section;
- (2) Minimizes visual impact by controlling off-site visibility of parking, storage, or other outdoor service areas viewed from public ways and places or land residentially used or zoned;
- (3) Provides adequate storm water management and other utilities consistent with the functional requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised);
- (4) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
- (5) Minimizes glare from headlights and lighting intrusion;
- (6) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;
- (7) Ensures compliance with the provisions of the Town of Georgetown's Zoning Bylaw, including parking, signs, landscaping, environmental standards and other pertinent sections;
- (8) Specific use is an appropriate location for such a use;
- (9) Nuisance is not expected to be created by the use;
- (10) Provides adequate access to each structure for emergency service equipment;
- (11) Facility shall be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts;

- (12) Proposed **Marijuana Business RMD** use shall does not create a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

C. Special Permit Conditions:

The SPGA may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's **Marijuana Business RMD**, the SPGA may include the following conditions in any special permit granted under this Bylaw;

- (1) Hours of Operation, including dispatch of home deliveries;
- (2) The permit holder shall file a copy of any Incident Report required under **regulations promulgated in accordance with G.L. c.94C, G.L. c. 94G, or G.L. c.94I, 105-CMR 725.110(F)** with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the **RMD Marijuana Business**. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
- (3) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the **Marijuana Business RMD** with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the **Marijuana Business RMD**;
- (4) The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit;
- (5) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the **Marijuana Business RMD**;
- (6) The special permit shall lapse upon the expiration or termination of the applicant's registration by Department of Public Health ("DPH") or the **Cannabis Control Commission ("CCC")**;

- (7) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the ~~RMD~~ **Marijuana Business** or the expiration or termination of the permit holder's registration with DPH **or CCC**.

D. Application:

In addition to the materials required under Town of Georgetown Article XIII of Chapter 165, the applicant shall include:

- (1) A copy of its registration as an ~~RMD~~ from the ~~Massachusetts Department of Public Health ("DPH")~~ **or the CCC**;
- (2) A detailed floor plan of the premises of the proposed ~~RMD~~ **Marijuana Business** that identifies the square footage available and describes the functional areas of the ~~Marijuana BusinessRMD~~, including areas for any preparation of MIPs;
- (3) Detailed site plans that include the following information;
 - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw and Chapter 165 of Town of Georgetown Zoning bylaws;
 - (b) Convenience and safety of vehicular and pedestrian movement off the site, if off-site vehicular and pedestrian traffic can reasonably be expected to substantially affected by on-site changes;
 - (c) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - (d) Design and appearance of proposed and/or existing buildings, structures, freestanding signs, screening and landscaping; and
 - (e) Adequacy of water supply, surface and subsurface drainage and light.
- (4) Description of the security measures, including employee security policies, approved by DPH **or for the RMDCCC for the Marijuana Business**;
- (5) Copy of the emergency procedures approved by DPH **or CCC** for the **Marijuana BusinessRMD**;

- (6) Copy of the policies and procedures for patient or personal caregiver home-delivery approved by ~~DPH~~ **DPH or CCC** for the **Marijuana BusinessRMD**;
- (7) Copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between ~~RMDs approved by DPH~~ **Marijuana Businesses**;
- (8) Copy of proposed waste disposal procedures; and
- (9) Description of any waivers from **DPH or CCC** regulations issued for the **Marijuana BusinessRMD**.
- (10) Distance in linear foot from property line to property line of any zoning district, activity or use occurs as described in Section §165-161(H);

E. Notification:

Any new applications sought under this Section must be publically advertised for a period of no less than fourteen (14) days, not including the date of the required special permit public hearing. Abutters within three hundred (300) feet shall be notified in writing of said application, and include any and all dates and locations of public hearings on said application.

The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

F. Waivers:

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

~~Applicant may request an exemption from special permit requirements if the RMD is able to demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 and are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section §165-83.~~

G. Final Action:

After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a special permit. No **Marijuana Business RMD** shall be erected, constructed, installed or modified as provided in this section without first obtaining a Site Plan Approval decision from the SPGA and a building permit from the Building Inspector.

H. Modifications to Approved Site Plan:

All material modifications to a **Marijuana Business RMD** made after issuance of the required permit shall require approval by the SPGA as provided in this section. Modifications to an approved Site Plan shall be allowed upon submission of a written description to the SPGA of the proposed modifications. The request for modification shall be subject to the submittal, review and hearing procedures as required for new filings unless the SPGA finds that the proposed modifications satisfy the review criteria and the Site Plan as modified would be consistent with the originally approved plan and therefore a new public hearing may not be required.

I. Appeals:

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

J. Enforcement:

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

K. Severability:

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

L. Issuance of Building Permit:

No building permit for a **Marijuana Business RMD** shall be issued until the SPGA has rendered its decision on the Special Permit and Site Plan Approval application and the appeals period pursuant to G.L. c.40A §17 has lapsed or any appeal taken has been finally resolved. Any site clearing or disturbance done on a site ultimately for the purpose of a **Marijuana Business RMD** without a building permit shall be deemed improper clearing, a

violation of the provisions of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to the provisions of Article XVI of the Town of Georgetown Zoning Bylaw.

N. Expiration:

A permit issued pursuant to this ordinance shall expire if;

- (1) A **Marijuana Business RMD** is not installed and operational within 48 months from the date the permit is issued; or,
- (2) A **Marijuana Business RMD** is abandoned or deemed abandoned pursuant to this ordinance.

O. Violations:

It shall be unlawful for any person to construct, install, or operate a **Marijuana Business RMD** that is not in compliance with this Section or with any condition contained in a permit issued pursuant to this Section.

§ 165-163 Development and Performance Standards.

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

A. Dimension and Density Requirements.

- (1) Setbacks: The purpose of setbacks is to mitigate adverse impacts on abutting properties. For **Marijuana Business Registered Marijuana Dispensaries**, compliance with front, side and rear setbacks shall be as follows:
 - (a) Front yard: The front yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential use district, the front yard shall not be less than 50 feet;
 - (b) Side yard: Each side yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;

- (c) Rear yard: The rear yard depth shall be at least 25 feet from the property line provided, however, that where the locus abuts a conservation use, recreation use or residential district, the rear yard shall not be less than 50 feet;
- (2) The SPGA may grant a waiver from setback requirements if the applicant can demonstrate:
 - (a) Failing to do so would render the siting of the **Marijuana Business RMD** unfeasible; and
 - (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
 - (c) The waiver will not adversely affect the intent of this bylaw section in terms of development and design standards.

B. Design Standards.

- (1) Lighting: Lighting of a **Marijuana Business RMD** shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the RMD shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (2) Landscaping: Applicant shall submit a Landscape Plan detailing the following:
 - (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening and/or fencing and planting, exterior lighting and structures;
 - (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;
 - (c) All landscaped areas shall be properly maintained and monitored for at least two growing seasons. Shrubs or trees that die shall be replaced by the applicant or property owner within one growing season. The long term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.

(3) Signage: Signs on a **Marijuana Business RMD** shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:

- (a) Location, materials and details of proposed signs shall be submitted;
- (b) A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number;
- (c) Facility shall not be used for displaying any advertising except for reasonable identification of the operator;

C. Land Clearing, Soil Erosion and Habitat Impacts:

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the **Marijuana Business RMD** and per best management practices and otherwise prescribed by applicable laws, regulations, and bylaws, particularly but not limited to Town of Georgetown's Chapter §49 Earth Removal and Chapter §57 Erosion and Stormwater Control. The limit of work shall be shown on the submitted Site Plan.

D. Operation and Maintenance:

The applicant, owner or operator shall maintain the facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the **Marijuana Business RMD** and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified on said plan until the facility is closed.

E. Removal and Decommissioning:

- (1) Removal Requirements: Any **Marijuana Business RMD** that will be closed, has been closed or is determined to be abandoned in a manner consistent with Article XV of Town of Georgetown's zoning bylaw shall be removed. The owner or operator shall have completely physically removed the facility, as it pertains to the interior of the structure and specialized to the use of a **Marijuana Business RMD**, no more than 150 days after the date of discontinued operations. At least thirty (30) days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the SPGA and the Building Inspector by Certified Mail of the proposed date of discontinued operations and include plans for removal.

(2) Decommissioning: shall consist of:

- (a) Physical removal of all specialized structures and equipment required for a **Marijuana Business**~~RMD~~ facility;
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.;

Article 24: 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: “Definitive Subdivision 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 445, Plan 49”, 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 take any other action in relation thereto.

Article 25: 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, or take any other action in relation thereto:

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 26: 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 (OSRD), and by deleting within this Article VII existing text, which is shown below in bolded strikethrough text, or take any other action in relation thereto.

§ 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** ~~:- 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, ~~the~~ 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, ~~the~~ 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 be 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

