



Town of Georgetown

MINUTES

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Committee: Planning Board
Date: June 14, 2023
Time: 7:00 pm.
Location: Virtual Meeting via Zoom

Members present: Harry LaCortiglia, Bruce Fried, Bob Watts, Joanne Laut, George Comiskey.
Staff present: Town Planner, John Cashell, Administrative Assistant, Andrea Thibault.

Minutes transcribed by A. Thibault. Note: Video recordings of all Georgetown Planning Board meetings may be found at www.georgetownma.gov and by choosing the Community TV option.

The Meeting was called to order at 7:00pm by Harry LaCortiglia.

Minutes:

J. Laut: I move to approve the draft minutes from May 10, 2023 meeting as cited in our packets and on this meeting's agenda.

B. Watts: Second.
Motion carries 5-0; via roll call vote.

Vouchers:

J. Laut: I make a motion to pay the vouchers for BMO/Zoom for May 2023 in the amount of \$15.99; Admin Assistant reimbursement for certified mail to abutters \$73.17; Staples office supplies \$137.42; as cited in our packets and on this meeting's agenda.

B. Fried: Second.
Motion carries 5-0; via roll call vote.

Public Hearing: Major Development Review for G. Mello Disposal 20 Carleton Drive.

J. Cashell: {reads the public hearing notice into the record.}

H. LaCortiglia: Is there a motion to accept the application as complete?

B. Fried: So moved.
J. Laut: Second.

47 Motion carries 5-0; via roll call vote.

48
49
50 Attorney McCann, Attorney for the applicant: We filed an appeal of the denial of Site Plan Review by
51 the Planning Board. Land Court determined that a Major Development Review Special Permit is
52 required if the development area, as defined by the Court, exceeds 30,000 sq feet.

53
54 The project engineer has determined that the project exceeds 30,000 sq. feet. The applicant has
55 appealed this determination of Major Development Review by Land Court.

56
57 In the meantime, Mr. Mello is here in a good faith effort to work with the town, and in order to move
58 this project forward. We are not waiving any rights we have under the appeal relative to the
59 applicability of major development review.

60
61 Project Narrative: The site is 14.6 acres, in the CC zoning district at 20 Carleton Drive. The applicant
62 operates an existing facility at 203 East Main Street. The old facility is now not compliant with DEP.
63 It has an open drop off and open sorting facility.

64
65 The applicant would like to construct a new transfer station on Carleton Drive. This will be fully
66 compliant with all DEP regulations, fully compliant under the Georgetown bylaw and Stormwater
67 Bylaw and the Site Assignment for the operation of the transfer station issued by the Georgetown
68 Board of Health.

69
70 A transfer station is not a landfill or a dump. It is where materials are accepted, sorted, processed, and
71 loaded offsite to the appropriate landfill or recycling facility. All waste is removed offsite for final
72 disposal within 72 hours of its arrival.

73
74 A transfer station provides a critical infrastructure component for the Commonwealth and for the
75 Town. All of the sorting as required by DEP will be done inside the new waste handling building.
76 This is a vast improving over the existing transfer station.

77
78 It will consist of the access driveway, a residential waste and recycling drop off center, 15,000 sq. foot
79 waste handling building, scales, scale house and the necessary vehicle circulation area.

80
81 The applicant proposes a capacity of 500-tons a day of solid waste that are phased in over a 5-year
82 period. The phasing in is as follows: years 1-2 is 150 tons per day; year 3 is 350-tons per day; year 4 is
83 450-tons per day, year 5 is- 550 tons per day as the maximum daily tonnage. That is in accordance
84 with the Georgetown Board of Health Site Assignment.

85
86 It will operate 7 days a week. Monday – Thursday 6:30am until 5pm. 7:30am and 3pm for receipt of
87 materials. Friday through Sunday hours will be 7:30am to 3pm. Receipt of materials 7:30am to noon.

88
89 The transfer station will operate in full compliance with DEP and the Site Assignment and the
90 extensive conditions by Georgetown Board of Health.

91
92 Land Court stated that the action of the Planning Board shall be granting the permit with conditions
93 on operations and construction. Land Court determined that the Planning Board may not use the
94 MDR in order to deny the project.

95
96 The scope is limited to the following standards of review.

97
98 Standards for review:

- 99
100 1. Legal conformance
101 2. Traffic
102 3. Parking
103 4. Town Services
104 5. Pollution Control
105 6. Nuisance
106 7. Landscaping and Screening and Buffering
107 8. Town Character
108 9. Existing vegetation
109 10. Drainage and Watershed Protection

110
111
112 H. LaCortiglia: We are familiar with the materials that have been submitted. I would like to open this
113 to the Board.

114
115 H. LaCortiglia: I will accept a motion to have John establish a 53G 8000 account peer review
116 account.

117
118 B. Fried: So moved.
119 J. Laut: Second.
120 Motion carries 5-0; via roll call vote.

121
122
123 H. LaCortiglia: I will accept a motion to have Larry Graham to receive the new updated
124 stormwater plan.

125 B. Fried: So moved.

126
127 B. Watts: Second.
128 Motion carries 5-0; via roll call vote.

129
130
131 G. Comiskey: The Board of Health report itemized a lot of things to be done for Carleton Drive.
132 Should we have Larry look at Carlton Drive, signage, improvement to intersection at 133, drainage
133 improvements. Should Larry review those?

134
135 These conditions and road specifications highlighted by the Board of Health and previous road
136 consultants for Carlton Drive should be submitted in a plan to be approved by the Planning Board.

137
138 *{Planning Board agrees.}*

139
140 B. Fried: I would like to modify my previous motion and motion to have Larry Graham
141 review the stormwater reports, signage, line placement and intersection work and anything else
142 delegated by the Board of Health.

143
144 G. Comiskey: Second.
145 Motion carries 5-0; via roll call vote.
146
147 G. Comiskey: Some of the things I was reading lacked a lot of specificity for how odor and noise is
148 going to be contained. Mike Lannan might have some thoughts on the equipment being used,
149 operation, where will there be screening? Firing pistols to disperse birds from the operations and
150 maintenance plan?
151
152
153
154 B. Fried: Motion for Mike Lannan to conduct an odor and noise review, review all the
155 documentation and submittals.
156
157 G. Comiskey: Second
158 Motion carries 5-0; via roll call vote.
159
160
161 B. Fried: I would like to get a price to rebuild Carleton Drive to the standards that were outlined by
162 the Mueller report. Everybody needs to know what that cost would be. We need that on the table.
163 Who would we hire to get that cost?
164
165 J. Cashell: We could start with Pete Durkee and go from there. Get his recommendation first.
166
167 B. Fried: I would like an outside source as well.
168
169 B. Fried: Motion for Muller Engineering to provide the cost analysis of rebuilding the road.
170
171 J. Laut: Second.
172 Motion carries 5-0; via roll call.
173
174 G. Comiskey: For the traffic peer review, I would defer to John for either Jason Ploude or John
175 Hendrickson.
176
177 J. Cashell: Jason Plourde is excellent. John Hendrickson is at Stantec. It is a massive national
178 engineering firm; they would assign the traffic consulting to someone else.
179
180
181 G. Comiskey: Motion to have a Jason Plourde, a traffic consultant to review and come up
182 with conditions based on reports we have been given.
183
184 B. Fried: Second.
185 Motion carries 5-0; via roll call vote.
186
187 J. Cashell: I would suggest to broaden Larry's review to be sure that he is reviewing all the engineering
188 aspects of the entirety of the Site Plan.
189

190 H. LaCortiglia: I will accept a motion for Larry to expand his review to the overall Site Plan
191 itself.
192
193 B. Fried: So moved.
194 B. Watts: Second.
195
196 Motion carries 5-0; via roll call vote.
197
198
199 B. Fried: This is a question for Attorney Eichman. Is this considered a new application? It has gone
200 through the Court system.
201
202 Jon Eichman, Town Counsel: Yes. It is a new application. The applicant has not filed for major
203 development review before.
204
205 The Court has determined that Site Plan review criteria will be applied to this application.
206
207 B. Fried: The town at Town Meeting a year or two ago, voted in a 50-ton maximum bylaw. How
208 does this apply or not apply?
209
210 J. Eichman: The 50-ton limit general bylaw. It is not an easy question. It was approved by the
211 Attorney General. It is in place and therefore it applied. Transfer Facilities that have received a Site
212 Assignment and have been approved, must be approved but with conditions.
213
214 The Board must apply the bylaw to the facility that was approved under Site Assignment. I think the
215 Board would be best served by applying the zoning bylaw as the Land Court directed.
216
217 B. Fried: I would like to clarify the zoning. Will you clarify the allowance of industrial in the
218 commercial zone?
219
220 J. Eichman: Zoning Board of Appeals approved under the use table, classified this use as essentially
221 similar to light industrial use, even though not expressly light industrial.
222
223 You have an industrial use approved in the commercial zone, which would be consistent with the
224 bylaw. That is how we are applying the zoning bylaw now.
225
226 G. Comiskey: What remedy will the town have under phasing in if there are noncompliance issues? Is
227 this under the Board of Health jurisdiction?
228
229 How do we enforce our conditions? Are any of our Planning Board conditions enforceable?
230
231 J. Eichman: Whether Planning Board conditions are enforceable depends on what those conditions
232 are. They must be determined reasonable in which case they would be enforced by the zoning
233 enforcement officer. This Board will be enforcing zoning conditions.
234
235 G. Comiskey: Can any recent zoning decision passed at Town Meeting in May be applied to this
236 project?
237

238 J. Eichman: That is a difficult question. This property may be subject to a zoning freeze based on a
239 prior filing of a subdivision or ANR Plan. The Special Permit is in effect, so that would hold. There is
240 protection for permits already issued.
241

242 G. Comiskey: Prior to Town Meeting, we had a 40% landscape requirement under intensity of use
243 schedule – does that requirement have to be met? Which one is the applicant required to follow?
244

245 H. LaCortiglia: When the application was first applied for, 40% of landscaping had to be in front yard.
246 That was changed at town meeting. Which one is the applicant required to follow?
247

248 J. Eichman: It will depend on the dates, but we may be talking about a zoning freeze. I would need
249 the history and the timing for a legal opinion.
250

251 G. Comiskey: The applicant received a subdivision approval from the Board last year. I had some
252 hesitation about an Old Road from Rowley, described as a public way.
253

254 Does that Old Road have to show on the current plan? Mr. Eichman is listed as a party of interest in
255 the Court case with the Town for B and R Realty Trust. It has been going on since 2008.
256

257 J. Eichman: I am somewhat familiar with that litigation. The potential existence of the old road has
258 been accounted for; it has not been ruled out. I do not know if that applies to this property as it is still
259 a live issue in the other case, and it is still pending.
260

261 B. Watts: Regarding the traffic analysis, I am very disappointed in this report. It is poorly organized,
262 there is no table of contents. There is over 700 pages of addendum and I do not see the conclusions
263 in the summary supported in the document.
264

265 They refer to the authorities, but who are those authorities. There are issues that were brought up in
266 the previous hearings that were not addressed then and certainly not addressed in this report.
267

268 H. LaCortiglia: That would be best handled with the Board's peer reviewer.
269

270 I would like to limit the duration of this hearing to another 30 minutes. Does the Board agree?
271

272 *{Planning Board agrees.}*
273

274 H. LaCortiglia: I would like to read the correspondence received by the Planning Office.
275 *{reads residents of 50-ton requested conditions}*
276

277 Conor Powers Smith 3 Spaulding Road: I would like to add the condition that this project is approved
278 by the majority of the town at a referendum.
279

280 Emma Driskill 3 Spaulding Road: I would request that the windows be replaced by Mello for abutters.
281 That residents submit a quote and have 50% of funding provided up front and 50% provided on
282 completion. State of the art noise barrier, odor mitigation.
283

284 Is it chemical scrubbing or misting system? I would like more information on that.
285

286 I want to clarify hours of operation that trucks will be coming and going from the facility. I would like
287 to request no motion sensor lights and minimal lighting, no LED lights. Instead of a meadow on the
288 north side, I would like trees and native plants and evergreens to help with sound buffer.

289
290 Free trash and recycling pickup for residents less than 200 feet. Prevention and penalty for trucks
291 lining up before hours.

292
293 G. Comiskey: Did we receive a photometric plan?

294
295 B. Watts: Could I ask Ms. Driskill to send us those in writing?

296
297 E. Driskill: Yes.

298
299 H. LaCortiglia: If we do not have a photometric plan, we can certainly get one. They will need
300 security as well as operational lighting and we should make sure there is no light escape.

301
302 N. McCann: If we did not have a photometric plan, we will provide that.

303
304 Scott Cameron, Engineer: Sheet L-3 is the photometric plan.

305
306 Patrick Canney, 4 True Lane: Sound frequency vs. decibel level, I would like sound frequency also to
307 be looked into.

308
309 Steve Sadler 7 Hillside Drive: The existing transfer station at 203 E. Main Street was for residents
310 only. In 1994 there are meeting minutes that indicate this was a resident only facility.

311
312 To Mr. Greg Mello, how did this transfer station become a regional transfer station without a town
313 meeting vote?

314
315 N. McCann: That is not relevant to this case.

316
317 S. Sadler: At the current transfer station there was an accident with a car versus an employee. How
318 will they prevent this from occurring at the new station.

319
320 N. McCann: Again, not relevant. I would like to discuss with my client before we respond.

321
322 Jon Samel, 16 Carleton Drive: I understood from the presentation tonight that the applicant has
323 proposed to shooting pistols to keep away the birds.

324
325 Is this now a gun range? To say nothing of the inappropriateness of using guns to scare birds.

326
327 N. McCann: We can defer that to your noise consultant.

328
329 Ken Lafferty: There is guidance from the MA DEP, and they require you to include that in the plan.

330
331 S. Sadler: It looks like the proposed queuing lane at the new station is half the size of the current
332 facility. How is that not a problem, when the current line is spilling out onto route 133?

333

334 G. Comiskey: What do we have for a timeline on this hearing John?
335

336 J. Cashell: Attorney Eichman was knocked off due to the storm. The applicant has said that the judge
337 has determined that we have a limited time. Jon Eichman does not agree.
338

339 When the Board concludes with the public hearing, then the Board has 90 to issue a decision. We do
340 have time to work on a thorough public hearing process.
341

342 N. McCann: The judge has asked us to do this as expeditiously as possible. I think there is a more
343 pressing timeframe that we have not discussed yet. The hearing itself, we are not in agreement that it is
344 open ended.
345

346 Our position is that you do not have until August 9, 2023. We will have to agree for an extension, but
347 we want on the record that the Board has until July 13 to close the public hearing, unless we agree to
348 that extension.
349

350 H. LaCortiglia: Would you agree to that?
351

352 N. McCann: Yes, we would agree to extend the time until August 9, to allow time for the Board to
353 complete its peer review. If the Board wanted to continue past that night, the applicant would have to
354 agree.
355

356
357 H. LaCortiglia: Is there a motion to continue the public hearing to August 9, 2023.
358 B. Fried: So moved.
359

360 J. Laut: Second.
361 Motion carries 5-0; via roll call vote.
362
363

364 J. Laut: What happens if we cannot secure the peer reviewer and the report by August 9?
365

366 H. LaCortiglia: We will find another peer reviewer.
367

368 J. Cashell: Realistically, it makes sense for the peer reviewer to get an initial report completed for
369 August 9th and then just go from there. I would like to get some input from Board members and from
370 the applicant. I think the peer review account should be established at \$20,000.00.
371

372 {5-minute break}
373
374

375 **Planning Office:**
376

377 1. Reynard Lane.
378

379 J. Cashell: Gary Evans is the attorney. He is not here.
380

381 2. As-built plans for 196 W. Main Street.

382
383 J. Cashell: This is an ongoing project relative to the applicant submitting their as-built plan and having
384 that reviewed by David Varga.

385
386 3. Barry Way.

387
388 J. Cashell: There is one outstanding issue having to do with a few trees that were supposed to be
389 planted.

390
391 The applicant would like a waiver since these trees would be placed inside a forested area and
392 realistically does not make sense as it was not disturbed. The other issue is granite markers. They
393 will be here at the next Planning Board meeting.

394
395 4. Review Status of Open Space Deed for Parish Common.

396
397 J. Cashell: We received the deed this afternoon and Jon Eichman is reviewing it.

398
399 5. CIP Appointment.

400
401 H. LaCortiglia: My CIP appointment is now up. Would anyone else like to be on the capital
402 improvement committee? Otherwise, I will continue if appointed.

403
404 G. Comiskey: I move to appoint as Harry LaCortiglia as the CIP representative from the
405 Planning Board through June 30, 2026.

406
407 B. Watts: Second.
408 Motion carries 4-0; via roll call vote. 1 abstain. H. LaCortiglia.

409
410
411 *{Planning Board and Town Planner discuss potential upcoming projects and summer schedule.}*

412
413 G. Comiskey: It is necessary to meet the first meeting in July?

414
415 G. Comiskey: I move that our next meeting be on June 28, and that we contingently cancel the
416 July 12 meeting.

417
418 B. Fried: Second.
419 Motion carries 5-0; via roll call vote.

420
421
422 B. Fried: Motion to adjourn.

423 J. Laut: Second.
424 Motion carries 5-0; via roll call vote.

425
426
427
428 Meeting adjourned at 9:28 pm.