



Town of Georgetown

MINUTES

Committee: Planning Board

Date: December 8, 2021

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.

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 7:01 by Harry LaCortiglia.

Minutes:

B. Watts: Motion to approve the November 10, 2021 meeting minutes with corrections, as cited in our packets and on this meeting's agenda.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

Vouchers:

J. Laut: Motion to approve the vouchers for BMO Zoom November \$104.99; H.L. Graham & Assoc. technical review 2 Norino Way \$2,060.00; Staples office supplies: \$83.56; and Reimbursement to Admin.

Assistant: MA Notary supplies \$77.42 as cited in our packets and on this meeting's agenda; as cited in our packets and on this meeting's agenda.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

Correspondence:

1. G. Mello Disposal Correspondence:

J. Cashell: Once the applicant properly notices the public, there is a 21-day comment period. Everyone can access this application and provide comments. I have not received input from Town Counsel re: whether or not the Planning Board will be making comments.

The 21-day comment period begins once the DEP has declared the public has been properly notified. It is a public notice, not a public hearing. Perhaps at least send the DEP notice of the Board's denial decision.

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48 J. Cashell: Through a vote of the Board, once the comment period is open, I can forward the
49 Board's decision to DEP.

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51 B. Watts: So moved.

52 B. Fried: Second.

53 Motion carries 4-1; via roll call vote. 1 abstain, George Comiskey.
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56 2. ZBA Request for comments Correspondence:
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58 J. Cashell: Regarding the ZBA request for comments on Tin Lizzie project: The ZBA has scheduled
59 a meeting on January 4, 2022. The ZBA has their process.

60
61 We have a Site Plan Approval to process. It may move into the direction of major development
62 review.
63

64 This Planning Board will have a period to thoroughly review under its own jurisdiction. Does the
65 Board just want to send comments to the ZBA?
66

67 This is a redevelopment of an existing development. It will take out a lot of impervious surfaces and
68 reestablish vegetation. Attempting to limit the amount of parking and removing all excess parking will
69 be much more environmentally friendly. This will be a more permanent use and provide more
70 stability.
71

72 G. Comiskey: I would submit that we received the application and we withhold comments on the
73 conceptual plans. When the time comes if it comes, there are a large number of variances requested.
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75 H. LaCortiglia: Only about 10% of the pavement is proposed to be removed.
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77

78 *{The Planning Board agrees to comment only once plans have been submitted to the Planning Board.}*
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81 B. Watts: Since it is on Rock Pond, I'd personally like to see shared public access to that space with 2-
82 3 cars.
83

84 H. LaCortiglia: That abuts state boat ramp property. I would urge ZBA to carefully consider any
85 variances especially 10,000 sq. feet per unit and understand why that was determined by the town.
86

87 Perhaps forward comments from individual Planning Board members as discussed this evening?
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89 G. Comiskey: Put me in favor of no comment.
90
91

92 *{Planning Board agrees to provide no comment.}*
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95 3. Pingree Road Correspondence:
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97 J. Cashell: I drafted a letter to Mr. Tolman, time and date stamped at Town Clerk's office. It is well
98 past 30 days, and I have not received a response from him.
99

100 B. Watts: I move to the Planning Board to take no further action on the MA Land Court
101 Remand Order in regard to CASE NO. 18 WSC 000260 (KCL) JAMES TOLMAN, Plaintiff,
102 v. JOSEPH BONAVIDA, et al; this action takes into consideration the advice of Town
103 Counsel, Atty. Jon Eichman, as cited in his attached email to the Planning Board, dated 22
104 November 2021, and from which the attached letter to Mr. Tolman went unanswered for a
105 period of time exceeding 30-days from his signed receipt of same. Further, a new application
106 must be filed before the Planning Board will make a determination regarding opening Pingree
107 road for public use under the Official Map statutes.
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109 B. Fried: Second.
110 Motion carries 5-0; via roll call vote.
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114 H. LaCortiglia: At this point, the judge has ordered that road must be shown on an official map.
115

116 Does that show as a private road or a public road? If it is public, is the town responsible now? We
117 need some clarification on this, as to how this gets placed on an official town map.
118

119 J. Cashell: I have not received anything from the Board of Selectmen or Jon Eichman regarding the
120 Town's final action. We will be instructed by Attorney Eichman which way to go.
121
122

123 **Planning Office:**
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126 1. Review and Final Action for Cultivina 70 Tenney Street:
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128 J. Cashell: Regarding this item, and the as-built plans review and field inspections, Dave will report
129 where he is.
130

131 David Varga: I think this is a reasonable condition. They do not show parking striping lines or trees
132 along I-95. Those are the two main omissions on current as-built plans.
133

134 J. Cashell: The striping is done; trees have been planted. The arborvitaes did not survive.
135

136 Matt Melander (applicant): We replanted 28. The original plan called for 25. The parking striping is
137 done.
138

139 D. Varga: I have not seen this revised plan.
140

141 H. LaCortiglia: Any objections to granting final occupancy permits tonight?
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143 D. Varga: No.

144
145 B. Fried: Motion to grant final occupancy permit for TINC, 68-70 Tenney St.

146 J. Laut: Second.

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

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149 H. LaCortiglia: Dave, please let us know if there are any problems with the as-built plans.

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152
153 2. 494 North Street:

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155 H. LaCortiglia: This is a request for a minor modification to the previously approved decision.

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157 J. Cashell: I did attach a draft report. The existing driveway, for the existing house that is now a
158 duplex, will remain in place.

159
160 G. Comiskey: The O&M plan under recording seems to still reference the HOA, under reporting and
161 documentation.

162
163 B. Fried: I move to allow for the proposed amendments to the Notice of Approval Decision for
164 the 494 North St. Subdivision, as cited in the attached Amended Notice of Decision for said
165 Subdivision, dated: December 8, 2021; and for this Amended Decision to be recorded at the So.
166 Essex County Registry of Deeds as the succeeding Notice of Approval for this subdivision.
167 Further, the associated O&M Plan, dated: November 12, 2021 shall also be recorded at said
168 Registry of Deeds, thereby, superseding the previously approved O&M Plan, dated: November
169 2, 2020; with amendments to the Operations and Maintenance Plan as discussed this evening.

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172 G. Comiskey: Second.

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

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177 H. LaCortiglia: We will consider surety once roadway is built and all stormwater facilities installed.

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180 3. CVS Plaza:

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182 J. Cashell: The project is seeking occupancy but the as-built plans have ongoing revisions.

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184 H. LaCortiglia: I won't be voting to approve the temporary occupancy. There was an estimate that
185 arrived late this afternoon. We don't have estimates for missing accessible signs and pavement repairs.
186 There is no back to dumpster enclosure, locking the gate will not provide security.

187
188 G. Comiskey: I note on assessor's map it is still two lots. Will the easement be shown in the plan?

J. Cashell: Yes, that has been executed and accepted at Town Meeting. It is an exhibit with the recorded deed. Those two lots have not been merged. That should be taken care of before we finalize action on this.

Bill Dufresne (engineer for the applicant): Regarding outstanding issues- hole in pavement, dumpster enclosure, parking. Is the landscaping alone something we could get a surety on?

H. LaCortiglia: Yes, if it were only the landscaping. There are also issues of lack of handicap parking signs, and hole in the pavement.

B. Dufresne: The handicap parking signs have been ordered. We just discovered the hole. We with regards to parking, this site was already developed. Those 10 spaces closest to the Fire Dept. We were not aware they were 8.5 feet. We are four spaces short of the 115 we proposed. 9 feet is more desirable.

{Planning Board agrees that if the only outstanding item is landscaping, they can approve a temporary occupancy permit.}

J. Cashell: I would recommend June 30, 2022 to give enough planting time.

J. Laut: I move to table this until the first meeting in February.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

Public Hearing: 2 Norino Way, Humboldt:

H. LaCortiglia: We will re-open the public hearing for 2 Norino Way. Tonight's presentation will primarily be on odor mitigation.

{Planning Board takes a 5-minute break at 8:23pm.}

Jill Mann (attorney for the applicant): We are here to present the odor control plan.

Jayne Fishman, applicant.

Kyle Baker, Odor control specialist.

John Mason, Engineer. Biosecurity and Chemical Threats.

Chris Drinan, Engineer.

We will address the concerns of abutters and Board members. We are able to control the odor to ensure there are not emissions of nuisance smells.

Kyle Baker: Nuisance odor can certainly be a problem. We've seen firsthand how things can go wrong. With odor causing molecules, we all perceive odors differently.

Our plan is one of (1) Containment; (2) Elimination; (3) Filtration and exhaust; (4) Inform- what is the recourse if there is an odor, what can be done.

J. Mann: This is a brand-new building. There are no windows, complete foam insulation on the interior. For a second level of containment, each room is and equivalent of a cooler – independent rooms. It is containment within containment.

K. Baker: For the elimination we use chloride dioxide. You have to manage odor and where it's at. At source suppression; where the plants actually are. Inside the HVAC system are also chloride dioxide.

It is constantly suppressing molecules and polishing the air. Breaking apart the molecules as opposed to masking odor.

J. Mason: This is a 3-layer approach. It is not fail -safe because nothing is perfect. It is a closed system within the building. If there is a leak, it goes through the filtration system, through carbon, then second filtration.

We have a redundancy of approaches and methods. The 4th approach is a high plume exhaust fan. This is required.

K. Baker: Essentially heating the air, it moves rapidly sometimes up to 90 feet, pushes the air up beyond the roof line.

J. Mann: If everything failed, what do you do? We have designed an informational component to cure.

{J. Mann presents the odor mitigation presentation.}

J. Mann: Yes, we will have monitoring and inspections.

H. LaCortiglia: Regarding phantom smell, objective odor – are there mechanical or electronic devices that can quantify odor?

J. Mason: I do not like odor instrumentation. I am distrustful of the general sensors.

G. Comiskey: In your report, 3 towns are listed. They are either finishing permitting or just started up construction.

K. Baker: Yes.

G. Comiskey: This seems to be a tutorial about how these systems would work. If we have a Peer Reviewer review this, we would need a more complete plan for a peer reviewer to look at. I would urge the Planning Board for a Peer Review once you have a system in place.

J. Fishman: I believe you don't have recourse; it was not part of the permitting process. The Board will have recourse if odor mitigation fails.

J. Mason: Conditional approval upon inspection of completeness. In the absence of an odor plan, they cannot build. Would you be amenable to such an amendment? We are using standard odor control methods.

B. Watts: I would like a better picture of the track record, where these methodologies have been used in the past.

B. Fried: I agree with first stages. I am curious about chlorine dioxide, and how that actually works?

J. Mason: In the facility, chlorine dioxide is a registered sanitizer and disinfectant. It knocks down odors every day, as well as carbon filters. It oxidizes, has been used in drinking water and food for 50 years.

B. Fried: Would that be escaping into the air? Will it smell of chlorine?

J. Mason: These are well established methods and well understood. Chlorine dioxide is similar to oxygen. We are using extremely low concentrations.

B. Fried: I still would like to visit a current facility, in full bloom, as examples.

J. Mason: Using UV, reactive surfaces are inexpensive and do not work.

Lauren King, 4 Birch Tree Lane: There are 50 houses and about 150 kids. References to the newness of the building, but what happens in 5 or 10 or 15 years, and none of this is working as well? How long will this be state-of-the-art?

J. Mason: Because this is a new industry, we have to address this through existing industries like food.

H. LaCortiglia: What is the expected life of the building?

Chris Drinan, engineer: Pre-engineered metal buildings are a minimum of 50 years.

Lauren King: What is the life expectancy of state-of-the-art odor system?

K. Baker: We monitor those systems into perpetuity. A technician shows up every 30-60 days for a replacement part, maintenance schedule. We factor in planned obsolescence and new technology. This a service, we provide a solution.

Sumul Shah, 4 Long Hill Road: I am not seeing specifics in your plan. Full engineering and design documents do not exist but there must be something in between a vague chemistry today and a full design. We need more specifics; we need to verify air tightness. Would like a spec on what that filter is. Need a set of standards that the Board could have Peer Reviewed.

My second comment—the applicant stated they are designing to meet CCC standards. What specific sort of consideration did Georgetown review and approve for Mission? What standard is applicable?

If all we are meeting is CCC standards, why do we expect a different outcome this time? Maintenance of systems for the long life of the system. Is that is the plan? Operations and Maintenance schedule and requirements?

H. LaCortiglia: There has been no O&M plan submitted.

B. Fried: Does the CCC require an applicant to file an O&M plan?

J. Fishman: No.

S. Shah: What are the performance criteria? We are talking of a federally illegal substance in a neighborhood filled with kids.

J. Ferra, 10 Longview Way: How many cannabis growth facilities they have that are working and Functional today?

K. Baker: We have 11 in various stages of construction. There have been supply chain issues.

J. Ferra: So, there is no experience, no test results of your system working for this application, within this state.

K. Baker: Phase I system is in Illinois; those are the chemicals.

J. Ferra: I am looking for proof that this specific design works.

H. LaCortiglia: With all of the many points in your report, what is a good future date to have time to work with the applicant and have another review?

G. Comiskey: Larry, your report said plans and hydro cad from October. The Board does not have those. I would like the stormwater calculations and any revised documents and we would like them in electronic format.

H. LaCortiglia: Any progress made with respect to solar panels on the roof?

J. Mann: Yes. It is not a viable source of electricity for this project. We are going to use a hydroponic system. I am preparing water usage for a submittal. We also updated our traffic report.

B. Fried: Motion to continue the public hearing for 2 Humboldt East, 2 Norino Way to January 26, 2022.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

Planning Office:

4. Zoning and Subdivision Regulations.

379 J. Cashell: We have sufficient hard copy subdivision regulations. We have 5 copies of the zoning. In
380 the spring we can consider publishing new ones in their entirety.

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383 5. Ch. 57 and MRD Articles.
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385 J. Cashell: We are looking at the second meeting in February to hold those public hearings. At the
386 conclusion of January MDR meeting, we will finalize the bylaw proposal.

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388 J. Laut: Motion to authorize John to advertise public hearings for 2 warrant articles that the
389 Planning Board is bringing to Town Meeting in May.

390 B. Fried: Second.

391 Motion carries 5-0; via roll call vote.
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395 6. Bylaw related to Cannabis Delivery License.
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397 H. LaCortiglia: CCC is now handing out cannabis delivery licenses. My concern is that we'd have to
398 modify our existing cannabis bylaw.

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400 J. Cashell: Jon Eichman says they will have to comply with existing permitting requirements. We do
401 not have to amend our existing bylaw for these uses.
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405 7. E-code status and Citizen's Petition.
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407 H. LaCortiglia: Have those been incorporated into e-code? *{Refers to small and large transfer station*
408 *definitions added as well as the schedule of use table from the Citizen's petition approved at Town Meeting}*.

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410 J. Cashell: Yes.
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414 8. FY2023 Budget.
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416 J. Cashell: The FY2023 budget process will begin in January with the new town administrator.
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420 9. Update of Green Communities Grant.
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423 J. Cashell: The Annual Report, that is required in order to be considered for the grant, was
424 successfully submitted. We received assistance from Jen Hughes at MVPC. That report will be
425 posted on our website.
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427 Motion to adjourn. B. Fried.
428 Second: B. Watts.
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430 Motion carries 5-0; via roll call vote.
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432 Meeting adjourned at 10:16pm.