



Town of Georgetown

MINUTES

Committee: Planning Board
Date: December 14, 2022
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 7:01pm by Harry LaCortiglia.

Minutes:

B. Watts: I move to approve the meeting minutes from November 9, 2022 meeting as stated in our packets and on the agenda.
G. Comiskey: Second.

Motion carries 5-0; via roll call vote.

Vouchers:

B. Watts: I move we approve the vouchers for BMO/Bank of Montreal Zoom for November \$14.99; notary stamp and supplies \$91.19; Site Plan review seminary for 4 members and 1 staff \$125.00; reimbursement to administrative assistant for HP 1- year warranty extension \$63.99; notary renewal fee \$60; H.L Graham & Associates technical review for G. Mello Disposal \$130.00; Staples office supplies \$61.25; vote to close escrow account #8000-258134 for Dunbar Tavern, East Main St. \$2,380.18.
J. Laut: Second.

Motion carries 5-0; via roll call vote.

{Planning Board and Town Planner discuss: application for Dunbar Tavern has been withdrawn and the property sold. No formal application for future use has been submitted. The escrow account is linked to the former owner of the property and they have a right for their money to be refunded.}

Public Hearing: 20 Carleton Drive, G. Mello Disposal continued from September 28, 2022.

H. LaCortiglia: I'd like to open the public hearing for 20 Carleton Drive, Map 15 Lot 46; G. Mello Disposal subdivision roadway, division of land.

Nancy McCann, attorney for the applicant.

Jason Mello, applicant.

Scott Cameron, project engineer.

N. McCann: This application was filed at the beginning of this year. We met with you last back in March and made a full presentation then for the definitive plan of a subdivision roadway.

At that time, the Board voted to send the application for review out to Larry Graham. As of December 7, we received a final letter from Mr. Graham indicating that we satisfied all of his comments in the course of the peer review. As we indicated back in March, this is a pretty straightforward subdivision.

S. Cameron: I would defer any detail questions to Larry Graham who is present.

{Reviewed plan revisions, response to comments and the timeline from March to present with communications with Larry Graham. Addressed how comments regarding fine tuning of stormwater management system, rain fall intensities; infiltration system; retaining wall design detail; discretionary trees.}

H. LaCortiglia: Larry Graham seems satisfied that the technical aspects have been achieved. At this point, I would open this up to the general public for comments or questions. Would anyone in the audience like to comment? It would appear that there is not anyone wanting to speak.

Are there any other questions from Board members?

G. Comiskey: I have a couple of open-ended questions that I raised the last time we met. Scott Cameron was going to look into in regards to the wetland impact statement requirements for subdivision application whether the amount of wetlands being filled which is 8500 square feet would require a new MEPA notification form?

Scott was going to look into that. What did you find out?

S. Cameron: Yes, should this project move forward to construction, and we know that this isn't a road that will be built here - there are other permits that have to be procured.

You'd have to file a notice of intent, you'd have to file with order of conditions, MEPA, water quality certification, you'd have to file with wetland filling process, Army Corp of Engineers, EPA for stormwater pollution prevention plan - all permits would have to be obtained to build it. Yes, it would be part of the next layer of permits.

G. Comiskey: Could that possibly change these plans depending on how MEPA advises the Boards? I believe that the 401-water quality certificate from MEPA asks for alternative analysis.

95 S. Cameron: Yes, but we would have no intention of moving forward and going with any of that work,
96 so there is no chance for the plans to change.

97
98 H. LaCortiglia: Assuming they did, or were forced to change, you could come back with a
99 modification request at that time.

100
101 S. Cameron: Yes.

102
103 G. Comiskey: Nancy, I brought up looking at the deed in reference to an old road. Attorney
104 McCann's opinion was that it was not a public way and didn't need to be shown on a subdivision plan.
105 Town Counsel has an opinion on an adjacent parcel.

106
107 In that court case, and it's still in the court system, our Town Council wants that road recognized as a
108 public way. If it is a public way, it should be shown on this subdivision plan too. It is actually referred
109 in one of the deeds, it shows entering the parcel but does not show where it ends up.

110
111 H. LaCortiglia: Does this run across the property or adjacent to it?

112
113 G. Comiskey: *{Displays the plan and shows the old roadway.}* This is a land court case, and so we need a
114 legal opinion whether this road should be shown on the G. Mello plan. Our town counsel was party
115 to the petition on the adjacent property. From the legal opinion "with respect to the old road...we
116 are not inclined to seek the extinguishment of all rights in the way..."

117
118 Should we send this to town counsel or should they just show the road on the plan?

119
120 Attorney Nancy McCann: We did discuss that in March. I do recall this.

121
122 This title for our property has gone through an exhausted review. There is no evidence in the title of
123 either a public or private way, and certainly not public. All aspects of the title have been reviewed. We
124 simply have no indication of that in our title.

125
126 *{Attorney McCann, Engineer Scott Cameron, Planning Board and Town Planner discuss getting an opinion from*
127 *Town Counsel, showing right of way on the plan; "old road to Rowley" as described on the plan; ancient way;}*

128
129 H. LaCortiglia: How about a motion where the Board asks John to begin drafting the subdivision
130 decision approval and also drafts correspondence to Town Counsel to inquire about the status and
131 more information about of this road?

132
133 G. Comiskey: So moved

134 B. Fried: Second.

135
136 G. Comiskey: I withdraw the motion.

137 B. Fried: I withdraw the second.

138
139 N. McCann: There is nothing outstanding. We are looking to close tonight.

140
141 H. LaCortiglia: There is no need for an extension. There is only the one question about the roadway.

G. Comiskey: I guess, when you break it down you are subdividing two lots so this may come up at a later point so I can wait for that.

J. Cashell: We have until December 31, 2022 without the extension. If the Board does move to approve, I can draft an approval decision in a few days if necessary. But we won't meet again until January 11, 2023.

N. McCann: We will absolutely extend relative to the holidays.

H. LaCortiglia: We have in front of us a Form H extension of time signed by Nancy McCann. Would someone make a motion to accept the Form H?

B. Watts: I move that Planning Board accept the Form H.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

H. LaCortiglia: We will need to vote to accept the subdivision and approve it.

J. Cashell: Larry Graham our technical review agent has signed off on this. I would say that we are complete, everything complies.

Larry Graham: I have reviewed this application for several months. The last review cleared all the issues.

J. Laut: Motion to accept the subdivision for 20 Carleton Drive as stated and discussed at this meeting.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

B. Watts: I move to close the public hearing for 20 Carleton Drive subdivision.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

Planning Office:

1. Little's Hill Project.

Larry Graham: I will be working with the survey firm Donahoe and beginning this work in January. I am wondering if letters need to go out to the neighbors with what to expect.

J. Cashell: It is better to notify people with what is going on.

H. LaCortiglia: We should send a letter to the condo association and allow the association to contact the residents that will be affected.

J. Cashell: I agree.

2. 66 Parish Road Surety Establishment.

J. Cashell: I have not heard back from Attorney Eichman regarding his tri-partite review. Dave Varga is recommending a reduction in the surety at this time, from the original surety amount. The developer would like the Board to consider the reduction at this meeting.

{Planning Board, Town Planner, and Dave Varga Town Engineer discuss cost of remaining granite marker installation; clarification of various surety line items; master deed and declaration of trust recording;}

J. Laut: I move to approve the requested surety reduction for the Parish Commons OSRD development from the present sum of \$337,310.60 down to \$187,910.60, as recommended by the Board's SIE, David Varga (see his attached spreadsheet estimated dated December 7, 2022). Said surety shall remain established with the town in the form of a tri-partite agreement with a Massachusetts Certified Bank, and shall remain established with the Town until this development is completed in its entirety, except that said sum shall be adjusted from time to time per the written request of the developer, and approval by the Planning Board.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

G. Comiskey: We had requirements in the master deed that need to be recorded. I couldn't find the conditions that we required in there.

John Colantoni: I'll be glad to share with my attorney and if anything was missed, we will get it corrected. The next time I am in front of the Board, I will have that update.

3. 51 W. Main Street Surety Request.

{Planning Board, Town Planner, applicant and David Varga discuss surety estimate; last revision of plan set; differences from original plan set; potential water mover; minor plan changes; possible easement.}

J. Cashell: If the Board is going to take up your request tonight, Dave is going to need more time to review.

J. Colantoni: I will withdraw my request to reduce the surety. We will keep it at the figure that Dave had enough time to go through, which I totally respect.

H. LaCortiglia: I have not seen a summary letter from the engineer who drew the current set of plans pointing out the differences between the old set of plans and the new set of plans.

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240 J. Colantoni: I will submit that in time for the next meeting.

241
242 D. Varga: I recommend the surety amount of \$540,520.00.

243
244 G. Comiskey: Motion to approve the surety sum in the amount of \$540,520.00 for the 51 W.
245 Main Street Mixed Use 7 Unit Townhouse development; said surety shall be established with
246 the town in the form of a tri-partite agreement with a Massachusetts Certified Bank, and shall
247 remain established with the Town until this development is completed in its entirety, except
248 that said sum shall be adjusted from time to time per the written request of the developer and
249 approved by the Planning Board.

250 B. Watts: Second.

251
252 Motion carries 5-0; via roll call vote.

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255 **4. Erosion and Stormwater.**

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257 J. Cashell: We've now amended the proper language for MS4, the climate resiliency provisions and for
258 the MVP program. MVPC consultant CeCe has provided us with a draft of where we are to date.
259 Tonight, we need to determine the public hearing dates. We will invite Cece and her associates to that
260 hearing.

261
262 These set of amendments have been really well vetted.

263
264 *{Planning Board and Town Planner discuss public hearing date of second meeting in January.}*

265
266 G. Comiskey: We decided to use a phased approach in order to not flood town meeting with too
267 many zoning warrant articles and not confuse residents.

268
269 J. Cashell: I agree, this will be a sizable warrant article. I will place the notice for the public hearing on
270 January 25.

271
272 We have found a much more affordable weekly publication in the Town Common.

273
274
275 **5. Electronic Vehicle Charging Stations.**

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277 H. LaCortiglia: *{Suggests the language for the new EV charging station amendment.}* I would hope that we can
278 hold a hearing and people would give us their input. This should be a quick and easy one for the town
279 warrant.

280
281 J. Cashell: Excellent.

282
283 H. LaCortiglia: Can you create the public hearing notice for this as well?

284
285 J. Cashell: Yes, it will either be the second January or first in February. Note 7/Intensity of Use
286 Schedule is already set up for public hearing on January 11.

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288
289 **6. Major Development Review.**
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291 G. Comiskey: It is part of our bylaw review, and as a phased approach this might have to take a back
292 seat. It probably won't be at this town meeting. It is necessary to do some revisions to it. It is
293 subjective and it is a special permit. Special permits can be denied without reason. The revisions we
294 are working on would give the applicant a set of goals to attain.
295

296 H. LaCortiglia: So, we won't be bringing to town meeting this spring. Let's pick this up after the new
297 year and see where we are with it.
298
299

300 **7. MBTA Communities**
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302 J. Cashell: The Select Board do want the Planning Board to spearhead this effort. Every town is
303 considered in compliance until the guidelines are finalized. But there is still a lot of figuring out going
304 on at the state level. What this town wants to do is to make sure that we are moving in the direction of
305 compliance with the statute.
306

307 These measures must be established over time. The first order of business is getting a working group
308 together. We have to come up with an overlay district of probably more than 50 acres. It calls for
309 750 units non age restricted additional than what presently exists.
310

311 We are also supposed to provide for upwards of 15 units of housing per acre. This means on site
312 sewerage treatment facility to handle the higher density.
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314 H. LaCortiglia: We need an actual number from the assessor's office with how many units of housing
315 we have in the town.
316

317 J. Cashell: We should have Planning Board, AHT, ZBA and Select Board members of the working
318 group. We also will have professional help from Merrimack Valley Planning Commission.
319
320

321 **8. Ch. 49 Earth Importation.**
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323 J. Cashell: When this matter came up a few months ago, I didn't know if this soil issue was part of a
324 building permit. We also discovered measurable wetlands and that would also be in the jurisdiction of
325 the Conservation Commission.
326

327 There is now a permanent building inspector. I went over everything with him and he will be going
328 over to the site.
329

330 No applicant has come forward with a site plan. With Ch. 49 and Ch. 57 the Board does get called
331 into issuing a permit if it is determined a major importation or excavation of soils. That determination
332 is made by the building inspector. Jim needs to make the zoning determination at this point. Steve in
333 regard to wetland jurisdiction is working with them relative to getting the owners to submit a plan to
334 the Conservation Commission and to get them to comply.

335
336 G. Comiskey: This may fall under a stormwater permit under our guidelines. Maybe John could
337 inform the building inspector. On the low side with a steep bank there are makeshift boulders, tree
338 stumps. Under a stormwater permit we could stabilize that bank.
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340 We could ask for soil samples. I would defer to the Conservation Commission but use the Planning
341 Board as a fall back. The proximity to Jackman Brook that flows into a Zone 2 we have to be ultra-
342 careful of contamination.
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345 H. LaCortiglia: We are at the point where we have to wait for the building inspector.
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349 Motion to adjourn: B. Fried.
350 Second: B. Watts.
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352 Motion carries 5-0; via roll call vote.
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355 Meeting adjourned at 9:40 pm.