



## Town of Georgetown

## MINUTES

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Committee: Planning Board

Date: June 23, 2021

Time: 7:00 pm.

Location: Virtual Meeting via Zoom

Members present: Harry LaCortiglia, Bruce Fried, George Comiskey, Joanne Laut.

Staff present: Town Planner, John Cashell, Andrea Thibault.

Members absent: Bob Watts.

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

The Meeting was called to order at 7:01 by Harry LaCortiglia.

### **Minutes:**

J. Laut: Motion to accept the minutes of June 9, 2021 with corrections as noted.

B. Fried Second.

Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

### **Vouchers:**

J. Laut: Motion to pay the three vouchers as noted on the agenda: Zoom \$64.99;

Gatehouse Media \$388.18; and Ron Muller \$1945.00.

B. Fried: Second.

Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

### **Public Hearing:** Ch 57 Stormwater Regulations.

Jen Hughes, Merrimack Valley Planning Commission leads the review and discussion of final edits to Stormwater Regulations.

*{Planning Board, Town Planner and Jen Hughes discuss final language of proposed changes.}*

G. Comiskey: Motion to approve the regulations as discussed. I move to forward a report to the Select Board for the 2021 Fall Special Town Meeting in support of the proposed amendments to Chapter 57 - Erosion & Stormwater Control Regulation, as written and attached herewith, and as same relates to the town fulfilling the requirements of the Municipal Separate Storm Sewer Systems (MS4):

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44 B. Fried: Second.

45 Motion carries 4-0; 1 absent (B. Watts) via roll call vote.  
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47 J. Laut: Motion to continue the public hearing for the Stormwater bylaw amendments to  
48 Stormwater Ch. 57 to August 11, 2021.

49 B. Fried: Second.

50 Motion carries 4-0; 1 absent (B. Watts) via roll call vote.  
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54 **Public Hearing:** Major Development Review.  
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56 Harry LaCortiglia: Opening the continuation of the public hearing for Major Development  
57 Review, continued from May 26, 2021.  
58

59 J. Cashell: From our last meeting, Jean Nelson offered to help us with the edits. Her edits are  
60 included in the attached staff report.  
61

62 *{Planning Board and Town Planner discuss edits The Board decides to create a Major*  
63 *Development Review Subcommittee, resident members Jean Nelson, Mike Birmingham and Jay*  
64 *Ogden.}*  
65

66 G. Comiskey: I move to close the public hearing for Major Development Review.

67 J. Laut: Second.

68 Motion carries 4-0; 1 absent (B. Watts) via roll call vote.  
69

70 G. Comiskey: I move to forward a report to the Select Board for the 2021 Fall Special Town  
71 Meeting in support of the proposed amendments to §165-80.2 Major development review.

72 B. Fried: Second.

73 Motion carries 4-0; 1 absent (B. Watts) via roll call vote.  
74

75 H. LaCortiglia: John, will you please forward a copy to the Board of Selectmen and the Town  
76 Clerk?  
77

78 **Preliminary Subdivision Plan** - G. Mello 20 Carleton Drive.

79 Scott Cameron, engineer for the applicant: We filed this on June 10 via hand delivery.

80 H. LaCortiglia: A 1972 version of Form C was used. This is actually the second time that one of  
81 our own forms was modified by the applicant, and that doesn't sit well with me. This should have  
82 been submitted on a Form D. The submission date is on the date at which it is presented at a  
83 meeting of the Board.  
84

85 Are there any encumbrances that you are aware of?

86  
87 S. Cameron: No.

88  
89 H. LaCortiglia: All of the date stamps need to be June 23, 2021. Are we all in agreement on that?

90  
91 S. Cameron: I would need to defer to our attorney. *(She is not present).*

92  
93 Jason Mello, applicant: I can't answer that question without legal counsel.

94  
95 S. Cameron: This is a preliminary plan. A two-sheet plan set. Our hope tonight is to get some  
96 feedback from the Board. Our proposal is to extend a new road from Carleton Drive 500 feet.

97  
98 *{Planning Board, Town Planner and Applicant's Engineer discuss frontage, wetland impact,*  
99 *retaining basin.}*

100  
101 G. Comiskey: You have a concurrent NOI with the Conservation Commission?

102  
103 H. LaCortiglia: The other Town Boards haven't had a chance to see this.

104  
105 J. Cashell: MGL Ch 40A, 81S requires non-residential subdivision has to be submitted first as a  
106 preliminary. This requires a lot of review within 45 days from the date of submission. What is  
107 technically submission? What is the legal date of submission? The purposed here is to freeze  
108 zoning as of the submission date. That freezing only applies if the definitive subdivision plan is  
109 approved.

110  
111 It is 4-8 years of freezing zoning. The goal of this submission is to freeze zoning for 8 years.  
112 They already have ANR freeze for 4 years. Their special permit freezes zoning to when that  
113 special permit was granted. Land Court may go to Superior Court, or Mass Supreme Court. This  
114 is mixing all kinds of cobwebs. The Planning Board has a Site Plan to review from this applicant.  
115 Other permits are with other town boards, state and federal.

116  
117 This is unnecessary in my opinion. Conservation issues are outstanding.

118  
119 G. Comiskey: 365-19 "second conference will follow...and other interested agencies". Sounds  
120 like we need to send this out to the other Town Boards.

121  
122 Will you be asking for waivers for the Definitive Subdivision Plan, on the road such as sidewalk  
123 width, etc.?

124  
125 S. Cameron: No, but whatever you guys want.

126  
127 G. Comiskey: It looks like the road will increase encroachment into the wetlands based on the  
128 plan.

129  
130 S. Cameron: Yes, but it will be less than 5,000 sq. feet.

132 G. Comiskey: The plan for the basin near Carleton Drive indicates that it will be a retention  
133 instead of infiltration basin.

134  
135 S. Cameron: Yes, the groundwater is too high for the infiltration basin.

136  
137 J. Cashell: We don't even know if an extension will be provided for. This submission hit me out  
138 of nowhere and surprised me.

139  
140 H. LaCortiglia: Form H extension of time provides for a preliminary plan.

141  
142 J. Cashell: It is technically a non-binding review. Ultimately, they have to get a definitive  
143 subdivision plan.

144  
145 H. LaCortiglia: What is the diameter of the turn-around?

146  
147 S. Cameron: 140 feet.

148  
149 H. LaCortiglia: I believe it has to be at least 160 feet re: 365-36D. For the proposed wall, I don't  
150 think the town would want the maintenance of two walls. The center line seems fine, sidewalk,  
151 grass strip needs to be shown, shade trees. 365-55 re: the area between the sidewalk and the  
152 curve. We don't have Larry Graham's input. I don't think we can accept escrow funds at this  
153 point.

154  
155 S. Cameron: It is our intention to move this into the definitive design. You can approve, approve  
156 with conditions or deny.

157  
158 J. Cashell: Section 81S, within 45 days, each Board and Board of Health shall notify by certified  
159 mail, either that the preliminary plan was been approved, or agree with modifications, or  
160 disapprove. These preliminary plans are strictly non-binding. The only binding action is freezing  
161 the zoning.

162  
163 H. LaCortiglia: The definitive plan is a public hearing, with peer review.

164  
165 Does this have the proper road frontage? In reference to Lot 2?

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167 S. Cameron: No.

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169 B. Fried: Motion to approve the preliminary subdivision plan with the condition that the  
170 applicant will go to a pre-development review board before submitting a definitive plan,  
171 and address all the concerns raised by the Planning Board tonight.

172 J. Laut: Second.

173 Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

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175 H. LaCortiglia: We will be filling out a Form D.

**ANR:** 92 Nelson Street.

Christine Barry, DCR.

Mike Dalberg, Surveyor.

Arthur George, Agency Council for Comm of MA.

C. Barry: Essentially this is a conservation project. Parcel A would be conveyed to the Comm of MA, Baldpate State Park, it would be all open space. There is a connection with Town property to the east and south through Camp Denison. Our agency targets priority land acquisitions.

G. Comiskey: Do we have the land owner's permission on the form?

J. Cashell: Yes.

G. Comiskey: Would endorsement of the way provide them frontage? Farmer Bob's Way is a tribute sign.

*{Planning Board, Town Planner and DCR discuss Farmer Bob Way, tribute sign is not a way, it is a driveway, and how to move forward.}*

Arthur George, Agency Council for Comm of MA: I would appreciate conditional approval so we can meet our closing date.

G. Comiskey: Motion to endorse the Plan of Land entitled 92 Nelson St. dated May 28, 2021.

J. Laut: Second.

Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

## **Planning Office:**

### **1. 68-70 Tenney St.**

J. Cashell: All of the arborvitae are planted. They are asking for an extension to the temporary occupancy permit through September 20, 2021.

B. Fried: I move to grant a 3d Temporary Occupancy for the Cultivana facility (d/b/a TINC), located at 68 Tenney Street, for up to and including 30 Sept 21, and for the established escrow surety in the amount of \$110,000.00 remain until a permanent Certificate of Occupancy is issued for the subject premises.

J. Laut: Second.

Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

### **2. Pingree Rd:**

H. LaCortiglia: Has a check been cut for the review fees to pay our Town Engineer?

Gallagher, applicant's attorney: I don't know if he's sent a check or not. Mr. Tolman has requested this matter be rescheduled to July 28, 2021.

G. Comiskey: Motion to continue the Planning Board review of Pingree Rd. to August 11, 2021.

B. Fried: Second.

Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

H. LaCortiglia: The caveat, if this town does not get payment, you will fall off of the agenda.

### **3. Bailey Lane:**

Jeff Rhuda, applicant: Symes Development for Bailey Lane. We are in full compliance with the plan and we are requesting release of the bond.

*{Planning Board, Town Planner, and applicant discuss Dave Varga's letter}.*

J. Laut: Motion to put this item on our agenda for the July 28, 2021 meeting.

B. Fried: Second.

Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

G. Comiskey: I found the deed that the Board of Selectmen and Conservation Commission signed on March 9, 2020.

H. LaCortiglia: We need one comprehensive package.

### **4. CVS Plaza:**

J. Cashell: Dave Varga does not have the as-built plan. There are still issues outstanding. They still owe the in-lieu payment to the Affordable Housing Trust.

### **5. Little's Hill:**

J. Cashell: Larry Graham is putting that at the top of his list and hopefully we will have a report at our next meeting.

Motion to adjourn. B. Fried.

Second: J. Laut.

270 Motion carries 4-0; 1 absent (B. Watts) via roll call vote.

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272 Meeting adjourned at 9:501pm.

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