



## *Town of Georgetown*

## *MINUTES*

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3 Committee: Planning Board  
4 Date: August 25, 2021  
5 Time: 7:00 pm.  
6 Location: Virtual Meeting via Zoom  
7  
8 Members present: Harry LaCortiglia, Bruce Fried, Bob Watts, George Comiskey, Joanne Laut.  
9 Staff present: Town Planner, John Cashell.  
10  
11 Minutes transcribed by A. Thibault. Note: Video recordings of all Georgetown Planning Board  
12 meetings may be found at [www.georgetownma.gov](http://www.georgetownma.gov) and by choosing the Community TV option.

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

### 14 **Minutes:**

15 B. Watts: Motion to approve the draft minutes of August 11, 2021.  
16 B. Fried Second.  
17 Motion carries 5-0; via roll call vote.

18 J. Cashell: For the minutes in general, moving forward Andrea will write more extensive minutes, and  
19 more of the dialog.

20 H. LaCortiglia: Transcribing and verbatim is too much, we need a happy medium somewhere between  
21 a transcript and a brief summary. We'd like to see more of the questions that are asked and the  
22 answers.

23 J. Cashell: This particular gentleman deserves my personal apology. What it concerns is there was an  
24 accounting error having to do with peer review. This particular person is James Tolman, a lifelong  
25 resident of the community. He was involved with the Pingree Road review that was a litigation matter  
26 that the Planning Board has been engaged in for well over a year. We had thought that Mr. Tolman  
27 did not submit sufficient funds, but in fact, all along, Mr. Tolman had submitted sufficient funding to  
28 pay for those consulting engineering review fees. It was because of an accounting error. Some of his  
29 funds paid for the peer review of another project that the Board has had under review for many  
30 months. We were under the assumption that sufficient funds hadn't been paid, but, in fact, they were  
31 submitted. My apologies go out to Mr. Tolman for not catching that particular error. I may have said  
32 some rather disturbing and/or disparaging remarks about the whole thing at the last meeting, and for  
33 such, I'd like to sincerely apologize.

34 H. LaCortiglia: I'd like to reiterate that. Mr. Tolman and anyone associated with that project – you  
35 have my apologies and the apologies of my Board. Accounting errors do occur. This will now be  
36 squared-up. Of course, now that this project is pretty much over, any remaining funds we will figure  
37 out the accounting of and return any remaining funds to Mr. Tolman. We will get finalized and  
38 certified numbers from the Town Treasurer. With that being said, apologies again, and I hope they are  
39 accepted.

40 John, please keep us up to speed on that, and let's circle back to that at our next meeting.

41 **Vouchers:**

42 B. Watts: I move that the Planning Board approve payment of the following vouchers:  
43 Minuteman Press \$135.38; Reimburse Admin Assistant \$56.00; BMO charges \$84.00 and  
44 \$175.40 and Staples office supplies \$49.00; as cited in our packets and on this meeting's  
45 agenda.

46 J. Laut: Second.

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

48

49 **Public Hearing: G. Mello Disposal.**

50 Nancy McCann, Attorney.

51 Jason Mello, Applicant.

52 Rebecca Brown, GPI, Traffic Consultant.

53 Michael Wagner, Landscape Architect.

54 Scott Cameron, Civil Engineer.

55 B. Fried: Motion to hold each of these public hearings to approximately 1.5 hours.

56 H. LaCortiglia: I would like adopt that as a policy. We are hereby opening the Planning Board  
57 continuation of the G. Mello Site Plan Map 15, Lot 46 on Carleton Drive. I should start with an  
58 apology. This was supposed to have been continued last month. There was a problem and we could  
59 not hold the meeting unfortunately. Attorney McCann, will you please locate your representatives?

60 *Attorney McCann: {Introduces team.}*

61 H. LaCortiglia: We are hereby opening the Planning Board's continuation of the G. Mello hearing,  
62 Map 15, Lot 46 on Carleton Drive. I should start with an apology. This was supposed to have been  
63 continued last month and we could not hold the meeting.

64 Let me reiterate that apology. We are opening the continuation of this hearing. Just so everyone is  
65 aware, and it is in the record. This is the continuation that was supposed to have occurred the second  
66 meeting in July. We were unable to hold the meeting due to an electronic error. Due to that, since it  
67 was not able to be continued that night, we have advertised in a newspaper of general circulation and  
68 sent out a public hearing notice for this meeting to all of the abutters of record.

69

70 H. LaCortiglia: I would like to reach out to Planning Board members individually, do you have  
71 further questions or are further explanations needed?

72 J. Laut: I need more traffic survey information from someone that represents us, as a rebuttal. I  
 73 don't feel comfortable to make a decision, perhaps after this meeting I will feel better.

74 J. Cashell: This is the first public hearing we've had since June 9. {*Reads Ron Muller traffic engineer*  
 75 *response letter*}

76 J. Laut: Is there other input we could get before the project is completed? As opposed to correcting  
 77 issues that come up after the project is completed, is there any synopsis that could be provided in  
 78 terms of comparing to other traffic studies of other dumps in the state? The other dumps they used  
 79 for comparison; they didn't really fit our situation. It was hard to put a more exact comparison to what  
 80 would come with G. Mello on Carleton Drive.

81 H. LaCortiglia: Our consulting reviewer seemed to be satisfied. I certainly understand if you're not  
 82 satisfied.

83 B. Watts: The repudiation of that video I found completely unconvincing. These were photographs  
 84 spliced together. The scenario that's portrayed in the images is very credible. And, it could be a worse  
 85 if there are big trucks backed up on Carleton Drive and a huge truck pulls in and is stuck.

86 I see this as something that is going to happen. I'm glad to hear that a traffic officer will be there for  
 87 the first 60 days. I like starting at 200 tons a day and incrementally rising. I think it's a much better  
 88 plan. I think certainly there should be monitoring when those transitions happen. If after 60 days,  
 89 with police officer there, what if it's bad? I had mentioned Disaster Recovery Plan. I think it's up to  
 90 the applicant to provide a solution that would absolutely proclude it, in 60 days, 90 days, in 2 years.

91 H. LaCortiglia: Once a Certificate of Occupancy permit is issued, there is very little that a Planning  
 92 Board can do to change things.

93 Attorney McCann: The traffic has undergone a review initially by Larry Graham and by your traffic  
 94 peer consultant agreed that what we presented is accurate.

95 G. Comiskey: I think we left off at our last meeting, Larry was going to review a report on Carleton  
 96 Drive, and specifically whether there are drainage issues as part of the cause for the deterioration and  
 97 if he has any recommendations as far as drainage on the road. Before I ask any questions, I'd like to  
 98 hear if Larry has reviewed that report and if he has any comments.

99 L. Graham: I did review the core samples that were taken, and also reviewed the report and  
 100 recommendations, and basically, I concur with the recommendations. I understand there was some  
 101 questions as far as drainage whether or not the town highway department wanted to get involved with  
 102 any subsurface drainage work there.

103 G. Comiskey: Would that be a recommendation?

104 L. Graham: If drainage could be handled on the surface without it impacting the subsurface structural  
 105 ability of the road to stand up, I would agree. I am not sure if that's been totally flushed out. The area  
 106 is so flat that sub surface drainage may not even be available. That has not been determined or set  
 107 one way or another, I don't think.

108 G. Comiskey: Attorney McCann's letter concerning Peter Durkee, she says she's had a discussion  
109 with him on upgrading the road. We have heard nothing from him as far as Planning Board. I don't  
110 know how the Board would conditionally approve what could be done with Carleton Drive. Would  
111 the Board look at it and say, we conditionally approve and no building occupancy would be permitted  
112 until the road is done. What is the timeline? What is the funding source, is it going to be Chapter 90,  
113 is it town funding? Funding from the applicant? I feel the Town is left in the lurch without hearing  
114 from our highway surveyor. We need more information from Peter Durkee, I am not sure if the  
115 Board has enough information to make a decision.

116 J. Cashell: I did talk to Peter Durkee about this. He hasn't put together any written report, but he is  
117 very much amenable to working with the applicant relative toward reconstructing Carleton Drive to a  
118 satisfactory construction standard.

119 H. LaCortiglia: Did Peter indicate how much that would cost? Have we received that from Peter or  
120 anyone?

121 J. Cashell: No, but the applicant's consultants may be able to shed some light on the cost. The Board  
122 of Selectmen have control and allow for - they are the permit granting authority relative to roadway  
123 improvements in existing public rights of way.

124 G. Comiskey: I saw the letter from Scott Cameron that corrections need to be made to the  
125 stormwater calculations. We did not receive any updated calculations, or revisions to the plans that we  
126 affected. Can Scott or Larry answer that?

127 L. Graham: I want to backup and note on the Muller Report that the proposed roadway pavement  
128 section does not comply with Georgetown's regulations for Industrial Road. It should be a 4" binder  
129 for an industrial road over the stone base. I just wanted to make that note on the record for the  
130 Board.

131 No, I haven't received any revised plans. My last version we reviewed was May 2020.

132 G. Comiskey: I'd like to hear from Scott Cameron, what he plans are.

133 S. Cameron: To clarify my letter, stormwater hasn't really been a topic since to the extent that they are  
134 applicable to the project we followed the zoning bylaw, handbook 2008 as the governing regulation,  
135 we followed that. It was my understanding that we met the stormwater requirements. We are aware  
136 that new regulations were approved last June. To the extent that we need to meet the new regulations  
137 with a separate permit, we will. But I have not seen or received any feedback other than last year  
138 when we were advised that our stormwater design was good.

139 G. Comiskey: Our Stormwater regulations were adopted May 2019 which includes the updated  
140 Cornell numbers. Talks about 85% TSS removal, 60% phosphorous removal, hydro cats for 4 events,  
141 not 3, talks about IDF curves. What you are proposing is to not to do any revisions under Site Plan  
142 Review?

143 S. Cameron: This issue was brought to our attention a month ago, or 1.5 months ago. We were  
144 following the regulations at the time. I've just learned about this. We will file under the Stormwater  
145 permit application to the extent it is applicable.

146 G. Comiskey: You say that you filing under the Stormwater bylaw in the future?

147 S. Cameron: Yes, to the extent it is applicable. That is one of our obligations. If that is applicable to  
148 this project, I will be assuming we will be filing that.

149 G. Comiskey: Our regulations were in place prior to them applying. Do you have any revisions on  
150 the current site? You are going with retention basin at the northerly part of the site. Do you plan on  
151 doing any plan revisions now?

152 S. Cameron: I don't have any revisions planned at the moment.

153 G. Comiskey: You said that the groundwater is too high and so an infiltration basin isn't going to  
154 work.

155 S. Cameron: Some areas we can and some areas we can't.

156 G. Comiskey: Scott, can you point to the Site Plans of 5/2020 the latest revisions?

157 S. Cameron: *{Reviews the plans and points out infiltrations and sub basin systems}.*

158 G. Comiskey: Do you have the engineering design for those? You have several stormwater facilities –  
159 infiltration basins, groundwater recharge, sub surface infiltration systems. Did the Planning Board  
160 have access to these filed plans? Where are they in these plans? The engineering design specifics of  
161 the sub basins and the infiltrations basins are they in the stormwater reports? I didn't see where each  
162 individual sub basin and infiltration basins are being shown.

163 S. Cameron: Larry did this review. We made changes based on Larry's preliminary review. We  
164 confirmed where everything was draining. We did spend quite a bit of time especially around the  
165 perimeter of the project, back at the end of 2019 and beginning of 2020 with soil testing, site walk  
166 with Larry. Quite a bit of time from our team and the town's engineer.

167 G. Comiskey: Larry, how much will the engineering change with a 100-year storm based on a 6.5 inch  
168 24-hour rainfall event, to a 9 .06 rainfall event, will it change the engineering specifics drastically or  
169 slightly?

170 L. Graham: I don't want to answer either way because I think it is to be determined. I do think it's  
171 definitely going to increase the size of sub surface structure.

172 G. Comiskey: In the stormwater report, I didn't see any IDF curves, is that something you need to  
173 look at, in determining if it will meet the intensity duration of these storms?

174 L. Graham: It is taken into account in the calculations. We don't usually see those or look at them  
175 (IDF curves).

176 G. Comiskey: For the MEPA file that was filed during this process, Environmental Secretary  
177 commented that the applicant should look at climate change conditions. What have you done to  
178 address climate change? I think everyone would agree that climate change affects the health, safety,  
179 welfare of the residents. There is an executive order, by the Governor that permitting should be  
180 addressing these things. If they don't want to address it, they don't have to.

181 N. McCann: We are not compelled to address it under Site Plan approval at all. That sort of issue, we  
182 do keep that in mind, for energy savings. But it is not an issue with regard to Site Plan approval.

183 B. Fried: I have a few statements not questions. On the incremental increase that has been proposed  
184 by the applicant, which was actually recommended by this Board well over a year ago. It is pretty  
185 much useless if we don't have any conditions on that. It is easy to say that we will go slow, but if we  
186 can't stop it and pause it at any time, indefinitely or permanently because it is causing issues, then it is  
187 useless. We need to have review periods put into these conditions and we need to have conditions  
188 that we can pause it and fix whatever is wrong, move on to the next level if that is possible, or stop it  
189 indefinitely or permanently.

190 You are going to build a 500-ton site and then we won't let you use it --and we will get into a big battle  
191 later on and the Board will have no recourse if there are no conditions around it.

192 Thank you for filling in the table that I provided for the traffic review with all the numbers.

193 I was dismayed that we only had one comparison, and the other comparisons I asked for from the  
194 sites on the Cape that I asked for---Yarmouth, Bourne, East Sandwich were said to be not  
195 comparable.

196 Yet I see this letter at the transfer station that has those exact sites as a comparison that you are having  
197 people sign, that you are handing out at the transfer station. That's why I asked for those sites as  
198 comparisons, and now I'm being told that they are not comparable.

199 The one site that it was compared to is not a good comparison. The ones that you are offering up to  
200 the people as a comparison, we are being told as a board are not comparable.

201 This is a huge project. We need to get that right. I agree completely with George regarding the costs  
202 of the roadway. If we don't have something solid, we don't know how much will it cost the town. It is  
203 easy to say Mr. Durkee will take care of it and I know John says the selectmen are responsible for that  
204 road and will approve anything but we don't know what Mr. Durkee's standards are. We know that we  
205 have a report from other folks that gave us standards that we believe the road should be rebuilt to.

206 Without knowing what those standards are that Mr. Durkee is going to rebuild it to, how much those  
207 costs are, and who will pay for it on paper, we will be remiss in approving this.

208 This is a large project, and if we don't get this right, we can't go back and re-do it.

209 These are statements asking the Applicant about these items. We don't have the information we need.

210 H. LaCortiglia: I want to ask a couple questions of Scott or Larry -- someone that can show me a few  
211 points on the plans. I asked for these and it didn't really get answered. Scott, could you pull up the  
212 plan and show me where the snow storage is?

213 S. Cameron: The snow storage areas are in the cloud-shaped areas notated on the plan. Present in  
214 various areas around the site.

215 H. LaCortiglia: Will you be bringing the snow from the road over the scale house and then storing it  
216 there?

217 S. Cameron: Storage is where snow is piled during bad storms. Typically, we try to designate areas that  
218 will be out of the way and will drain back during spring melt toward the parking area which will run it  
219 through the stormwater management system. Will not interfere with operations.

220 H. LaCortiglia: Will it prohibit trucks from backing up in the facility?

221 S. Cameron: No. They are out of the way in an excess area.

222 H. LaCortiglia: Will you show me how the truck makes its way into the site? How long does it take  
223 when the truck is in reverse?

224 S. Cameron: It is very variable. Depends on skill level of driver, size of truck, whether there is one in  
225 the bay already. Would speculate it is less than a minute, on average less than 30 seconds. Based on  
226 personal experience, not data.

227 H. LaCortiglia: I am concerned with the length of time the truck's backup alarm will be beeping.

228 N. McCann: Jason responded that in his observations it is between 20 and 45 seconds.

229 H. LaCortiglia: Thank you. As far as intensity of use, Scott, in the second plan there is a 40%  
230 requirement of landscaping. If you zoom in on that, 40% of that needs to be in the front yard. Could  
231 you show me that landscaping right now?

232 S. Cameron: It is an open area. The intent is to get landscaping in the front of the yard but it is based  
233 on the overall depth of the property. Existing conditions plan has zoomed-out scale so you can see the  
234 entirety of the tract. The development area is this area on the site (marked on Zoom meeting). As a  
235 result of extra land in the back, effectively the entire site is behind this wooded landscape from  
236 Carleton Drive but the way the zoning is written it is ambiguous as to how you calculate that. If the  
237 building inspector in his review of the zoning says we need to take a literal interpretation, it would  
238 result in us wanting to remove portions of land in the back. In that case we would separate it off with  
239 an ANR action and treat that as a separate unbuildable parcel in the rear to make that comply. That's  
240 what the intent of this note here is (marked on Zoom meeting). We weren't able to get a clear  
241 indication of what this landscape/open space area meant. We have the ability to meet the requirement  
242 and, in our opinion, we do not require any zoning relief.

243

244 H. LaCortiglia: I believe it is 40% of landscaping has to be in the front yard. Do you have an estimate  
245 of how much landscaping on the site is in the front yard?

246 S. Cameron: We estimate that we are around the 40% mark. The question is where you draw the line  
247 in the back of the property to calculate that. We have at least 40%. We can make that number 70% if  
248 we draw the line right at the limit of work. If we draw the line at the back of the lot it comes closer to  
249 40%. Effectively the entire front yard is open landscaped area with the exception of the driveway.

250 H. LaCortiglia: Are you saying you meet those criteria?

251 S. Cameron: Yes.

252 H. LaCortiglia: Thank you. I have a question on a rendering from the traffic engineer. This is a view  
253 from the street right near the direct abutters, the parking lot to the Western side of the building. I am  
254 not understanding where the roadway is.

255 N. McCann: Mr. Chairman, this was submitted in response to your request for a view of what the  
256 facility will look like from the abutting property. This was prepared by our landscape architect Mike  
257 Wagner.

258 M. Wagner: The view is taken from Carleton Drive in front of the abutters' parking lot.

259 H. LaCortiglia I am familiar with that. Did you use the plan when you looked at this? I do not see the  
260 roadway.

261 M. Wagner: The driveway to the facility is represented by the car to the right of the light pole, just  
262 beyond the existing line of vegetation.

263 H. LaCortiglia: My understanding is that there is a detention facility there.

264 M. Wagner: That would not be visible from this vantage point. It is depressed below grade.

265 H. LaCortiglia: I envisioned being able to see the roadway more than this berm shows. I am not seeing  
266 the wall that raises the roadway. It looks like the roadway is not there in this photograph.

267 S. Cameron: I can show you the grading plan. You are looking through the existing vegetation,  
268 existing 86 and 87 contour here, going up to 88, a foot above the adjacent parking area. You do not  
269 see the road because it is designed to be flush with the abutting grade to blend those together. We  
270 receive the water from the abutting parking lot. We are maintaining the ability of the abutting property  
271 to drain through this property. In the initial design 18 months ago, it was higher up. After going  
272 through review process with Larry we were able to lower a lot of this site by reengineering the  
273 stormwater system and improving stormwater measures.

274 M. Radner: Scott, can you highlight where the retaining wall starts on the right edge of the plan? It is  
275 about 300 feet back from Carleton drive and starts at a low elevation. You would not be able to see it  
276 from Carleton Drive.



277 S. Cameron: You will not be able to see that wall. It gets up to 4 feet at maximum. Very tallest point is  
 278 5.5 feet. This was a big change from the initial plan.

279 H. LaCortiglia: We can see the building, but not the wall?

280 S. Cameron: Correct.

281 H. LaCortiglia: Thank you. Is the floodplain on the plan?

282 S. Cameron: C2 of plan has a Zone X delineation. The floodplain is further back into the property.  
 283 The zone is not in a floodplain. The front part of the site is not within the groundwater protection  
 284 district, while the rear is. The groundwater protection district rear of site is the stormwater protection  
 285 district.

286 H. LaCortiglia: I'd like to open to questions and statements from the public.

287 Joe Tarone, 2 Carleton Drive: Has anyone been down this street lately? There are 18-wheeler tracks  
 288 going into the dirt. I am constantly having to worry about this crazy, narrow road. Route One, have  
 289 you smelled that facility? This is insane to me. It is a danger; trucks are shaking my house.

290 Theodora Capulto, 111 West St: This will affect everyone in town. In all of these meetings, I've never  
 291 once heard mention of the Master Plan., targeted with 2023. This application is a resurrecting as a  
 292 500ton proposal from 2017. The form letters are not letters of support, they were not correctly done,  
 293 they do not have full disclosure, and they are a microrotation of information and omission of salient  
 294 details. Look at negative home values in other communities, wear and tear on infrastructure. First,  
 295 Do No Harm. Please follow your fiduciary duty to the town. 2007 Master Plan already identified 133  
 296 and Route 95 as having the highest accident rates in town.

297 H. LaCortiglia: This is basically testimony. It would be helpful for the public record if you could  
 298 submit this to the Planning Office.

299 J. Samuel, 16 Carleton Drive: Bruce Fried asked for a chart, a template and Joanne asked for what is  
 300 true and not true. I did a survey of the businesses on that road. We are a very quiet street.

301 We have a total of 180 trips a day. The proposal is to increase to 1444 trips a day.

302 Emma Driskill, 3 Spaulding Rd: We abut the back of the proposed transfer station. I will also submit  
 303 these slides so you can have for your records. This property is beautiful, there are a lot of  
 304 animals. How is this project serving the town? Who will pay for the re-paving of Carleton Drive?  
 305 How long will the trash linger? How will traffic be managed? How is this aligning with what residents  
 306 want? Will this create jobs? While they are increasing size ten times, they are only hiring one  
 307 additional employee, what is the benefit to the town?

308 Conor Driskill, 3 Spaulding Rd: We need significant noise and odor reduction. We need written  
 309 enforcement, if agreements are not fulfilled. Financial agreement, that is transparent for who is  
 310 expected to pay for major projects like Carleton Drive as well as day-to-day cleanup of the  
 311 road. There is such a thing as assigned property value guarantee for abutters and residents whereby

312 the developer agrees that any significant reduction in property values are met by the developer. Host  
313 community agreement, was that voted and shared with the public? We have expressed our opinions at  
314 two town meetings as well as other formats. As far as minimizing noise and traffic, there is a lot of  
315 technology - sound barriers. No host agreement with a project of this scale, I think this is bordering  
316 on negligence by the town to let that go forward. I think that's amazing and stunning and pretty  
317 depressing that this type of major project would even be contemplated without a host agreement.

318 H. LaCortiglia: The trash would stay no greater than 72 hours.

319 E. Driskill: What will happen to dampen the noise and the smell on the back of the property to  
320 protect the neighbors on Tenney St and Spaulding?

321 H. LaCortiglia: The applicant has stated they have faced the building in a certain direction so that the  
322 noise will hopefully go out to Route 95.

323 E. Driskill: Is that how noise works?

324 Aaron Needleman, 31 Tenney St: Wetlands, how will they be affected? I am concerned about the  
325 smell. Do the people of the town get to vote on this?

326 Kyle McNichol, 107 West St: The concerns have been addressed. I believe the negatives have been  
327 exaggerated.

328 Ritchie Kapachinski, 5 Spaulding Rd: I never got addressed to a town meeting. We were never  
329 notified of the ZBA Special Permit meeting the other issues is that water is encroaching and backing  
330 up. I'll be flooded out. Where is 500-tons a day going to go? It smells awful. You should not be  
331 granting anything.

332 S. Sadler, 7 Hillside Drive: I would like to highlight level of service. Level of Service is rated "D" on  
333 Muller original traffic studies. How do we correct the concerns of Level F? Is it even possible to get  
334 Level "D" to comply with the bylaws? Even though level of service is "F" volume to capacity is  
335 below.

336 Basically, what is the saturation point for the roadway?

337 The peer review identified all performance measurers to meet the bylaw. How will service get to a  
338 "D"? Did we even consider truck types – gaps with slowdowns and speedups? Have we taken a look  
339 at this closely as the highway manual indicates? The bylaw states that are had to be a "D", and all I  
340 am seeing is "E" and "F".

341 Patricia Flint, George Sorillo, 38 Tenney St: I drive a big truck for a living. I's 73 years old. I know  
342 how loud the decibels are, the backup alarms. They will also have loaders there- and they make a lot  
343 of noise backing up. What are the hours? I am concerned about noise pollution. Rodents – trash  
344 facilities bring in all kinds of rodents. I am concerned about the traffic and who will pay for the  
345 roadway. Will there be an officer 7 days a week? Who will pay? There should be a light there.

346 Michael Imbrogio, 36 Tenny St: First notice regarding this. I have been here since 2005. Why don't  
347 the Georgetown residents have a say? 75-80% of the residents do not want this. I am angry. You  
348 should be voting this down.

349 Andrea Cerventa, 17 Marlborough Rd: How is this benefitting the town? Why do we need 500-tons?  
350 Why the size? If anything, the town is losing property tax income when the leave the town leased  
351 land.

352 John Duff: I don't remember hearing anything positive over the last few years on this project. A few  
353 years ago, we had a crisis with an engineering company moving steel plates around and creating  
354 unbearable noise. The noise from the trucks will be unbearable.

355 Residents have voted 2 articles at two Town Meeting and vote in two new Selectmen. This is a  
356 democracy. We have made this pretty clear as a town that we don't want this.

357 Kathy Birmingham, 12 True Lane: Why isn't the 50-ton bylaw kicking in? This is on the 8/25  
358 paperwork posted on the town website. There is no mention of the 50-ton bylaw.

359 Mike Birmingham, 12 True Lane: It was supposed to be acted upon immediately, for the town bylaw  
360 limiting to 50-tons. Town Counsel said that right on stage at town meeting. Why isn't the 50-town  
361 bylaw kicking in right away if it supposed to be acted upon immediately?

362 H. LaCortiglia: You would have to ask the building inspector, when it comes time for a building  
363 permit.

364 K. Birmingham, 12 True Lane: We've been fighting this battle since 2019. My heart breaks for all of  
365 the people that just found out about this. I know how they feel. If the Mellos really cared about the  
366 town they would not do this to us.

367 *{Town Planner and Planning Board discuss closing public hearing.}*

368 B. Fried: Motion to close the public hearing for G. Mello Disposal.

369 J. Laut: Second.

370 Motion carries, 4-0; 1 abstain George Comiskey.

371

372 **Public Hearing: 2 Norino Way.**

373 Jill Mann, Attorney for Applicant.

374 Jayme Fishman, Applicant.

375 T.J. Melvin, Engineer from Millennium.

376 Dennis Caulwell, Architect.

377 Chris Drinan, Architect.

378 H. LaCortiglia: We are opening the first public hearing for property located at 2 Norino Way.  
379 Assessor Map 15 at Lot50H Special Permit and Site Plan Approval; Development and Operation of a  
380 Marijuana business specializing in cultivation and manufacturing. Special permit under major  
381 development review bylaw, authorizing development of property with structure in excess of 30,000  
382 square feet. Applicant is Humboldtcast, LLC.

383 H. LaCortiglia: Can we get a motion to accept the Special Permit, Site Plan major development review  
384 application?

385 B. Fried: So moved.

386 G. Comiskey: Second.

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

388 G. Comiskey: Since the applicant is combining two bylaws, have they considered including the  
389 stormwater bylaw? Was that filed concurrently?

390 J. Mann: Yes, we filed it concurrently. It is a stormwater management permit, not a special permit,  
391 which is why it isn't included, it is just submitted and then reviewed.

392 J. Cashell: The review of the stormwater facilities go hand in hand with Site Plan review.

393 G. Comiskey: The bylaw does not read as if it exempts the review. It seems to be a separate bylaw.

394 J. Mann: Yes, the stormwater permit bylaw is a separate bylaw. I would like it included in the motion  
395 but I defer to Mr. Cashell and Mr. LaCortiglia. If you think it is the best procedural method, I would  
396 ask that it be added because it was included in the submittal.

397 H. LaCortiglia: Given that it was included in the submittal and can be resolved at another time, the  
398 initial motion is still standing. Is there any further discussion regarding the Special Permit Site Plan  
399 major development review application?

400 J. Mann: This is a use that Georgetown has debated in many forms --town meeting, private, individual  
401 abutters -- and the town has been very supportive of the cannabis industry. Other businesses already  
402 permitted and operating.

403 Located in Marijuana Business overlay district and light industrial district adjacent to 95. Located  
404 directly across the street from a previous comprehensive permit, an apartment building. Industrial  
405 project is abutting residential zone.

406 We are requesting waiver for the 300-foot separation from any residential zone.

407 Tremendous transparency in this project. Has been reviewed many times. Mr. Fishman? went before  
408 the selectmen to secure host agreement before he could proceed to go to cannabis control  
409 commission and get his permit. in Jan 28 2019 public selectmen meeting (shows minutes on Zoom)  
410 Humboldtast had its initial discussion relative to the host agreement. Feb 11 2019 board of selectmen  
411 approved 4-1 issuance of host agreement.

412 Host agreement accrues financial benefits to town. 50 basis points (Half a percent) impact fee paid  
413 over a five-year period based on the gross revenues of the enterprise. Total number of sales x 50 basis  
414 points = impact fee, over the first five years.

415 Initially host agreement approved payment of 2.5% each year for entire duration of business  
416 operation. Town wants to be able to offset burdens the business may have and gain revenue.

417 After host agreement was approved, and Mr. Fishman? was trying to get license from cannabis control  
418 commission which takes about year, it was discovered that the property could not meet 300-foot  
419 setback requirement. Mr. Fishman brought this to attention of many departments' heads.

420 Circle designation is where marijuana businesses are able to be located. All of them are very close to  
421 residential districts. There are no available parcels large enough for manufacturing and cultivation  
422 facility that meet strict compliance of 300 feet. This is why town went back to town meeting May 2019  
423 to modify bylaw and give Planning Board discretion to waive 300-foot requirement.

424 This waiver would be consistent with other types of licensed goods. For example, sale of alcohol,  
425 measurement of distance is building to building, not lot line to building.

426 All abutters are notified. All town residents are notified.

427 *{Bob Watts leaves meeting due to technical difficulties.}*

428 H. LaCortiglia: I would accept a motion to continue this hearing at a later date. The way a special  
429 permit works is you need a supermajority) 4/5 vote to move forward. If member of board misses 2  
430 meetings they cannot vote. With Bob Watts not being here it would put him out of the voting.

431 *{Planning Board and Town Planner discuss the situation. Bob Watts is called via telephone. Bob Watts re-enters the*  
432 *meeting.}*

433 J. Mann: May 2019 town decided that as long as this board decides be properly screened, protecting  
434 minors from diversion, plain on face, not readily identifiable, security measures. It is a cultivation and  
435 manufacturing facility. The project was previewed and reviewed at a Community Outreach meeting  
436 with the abutters. We must request the 300-foot waiver. We have updated the landscaping plan per  
437 Mr. Watts suggestions. DPW asked about driveway grading elements and we have addressed  
438 those. There were two entrances on Longhill Road. We minimized to one entrance. There will be  
439 one driveway for emergency access only. There is a steep grade change on the property. This is one  
440 of the last remaining developable MBOD lots. All of the development for this project is located  
441 outside of the watershed. District. The building will have a 27,000 sq. ft. footprint. It is a completely  
442 enclosed structure. No one can open any doors or windows. There will be no visitors. There will be  
443 deliveries and shipments.

444 H. LaCortiglia: I think it's important we see on the plans where you are requesting a waiver.

445 J. Mann: I have a color rendering I will bring up.

446 H. LaCortiglia: Ch 165-161 Zoning with respect to distances. John, did you already create some draft  
447 waiver wording?

448 G. Comiskey: They show demonstrated the nearest house. Are there any bus stops or have you  
449 identified areas where children may be within the 300-feet?

450 J. Cashell: I want to mention, as one of the issues of the law is vacant of addressing is residential  
451 development in a non-residential district. 40B is located in an Industrial Zone. Within those  
452 subsections, this marijuana use is exempt from having to meet those criteria.

453 B. Watts: I vote Aye, but I am surprised that we have not allowed any public input on this question.

454 Noah Bradley, 12 Long Hill Road: Thank you. I live on the street. I would like to talk before you vote  
455 on the motion. You are avoiding us; can you talk to us first? Before you vote on my neighborhood  
456 and my kids, you should hear from us. How are you going to make a decision without hearing from  
457 us? You need to hear from the people that live in this neighborhood before you decide about the  
458 waiver. I have no confidence in you after listening to you on the G. Mello meeting. I can't believe  
459 what I am hearing from you. If covid was not going on I would be standing there in a public meeting  
460 and. (Muted by host)

461 (Unmuted) If this was a public meeting and covid was not going on you could not stop me from  
462 speaking up. You need to hear the people of this community. We are all muted. The planning board  
463 needs to hear us. Who do you represent? Have some courtesy for the people that live in this  
464 neighborhood and for our children before you vote on this. How disrespectful of you. Please hear us  
465 before you vote.

466 You are voting on the waiver so she can pass this. It is the one thing that stands between us having  
467 this road on our street and the opening of this facility, and you all know it. These marijuana facilities  
468 have a lot of money and have more lawyers than us. We are just hearing about this. Everyone in this  
469 meeting has had their time to do their research and we have not. We are the people of this  
470 community. You serve us and you are supposed to care about our opinions. If you decide to not give  
471 them a waiver, this project does not move forward, correct? Before you grant them a waiver, you  
472 should hear from the people who live here. Why else are you having a public hearing?

473 Mr. Shuh, resident: I live right across the street from the facility. I operate a school for children right  
474 across the street. State setback requirements need to be factored in with superseding law.

475 N. Bradley: I am not sure that this won't turn into Mission Dispensary.

476 B. Fried: We can't turn that into a dispensary. State laws only allow so many for how many liquor  
477 stores. We would need to have six more liquor stores to get another dispensary license in this town. I  
478 would like to hear from the community, just to hear what you have to say, regardless. You will never

479 get a dispensary there; I promise you that. The Cannabis Commission has given the license. We will  
480 ask for all of that proof.

481 H. LaCortiglia: This is two special permits. There are a number of decisions that will be made.

482 They have shown they meet the technical criteria to meet the waiver., under the zoning amendment  
483 passed at Town Meeting.

484 B. Fried: Motion to accept a waiver under Ch 165-161 Section I.

485 J. Laut: Second.

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

487

488 B. Watts: Motion to continue this hearing to September 22, 2021.

489 J. Laut: Second.

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

491

492 J. Cashell: 554 North Street applicant and David Varga worked diligently to submit on time. We will  
493 have that on the next agenda.

494

495 Motion to adjourn. B. Fried.

496 Second: B. Watts.

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

498

499 Meeting adjourned at 10:35pm.