



Town of Georgetown

MINUTES

1
2
3 Committee: Planning Board
4 Date: March 23, 2022
5 Time: 7:00 pm.
6 Location: Virtual Meeting via Zoom
7
8

9 Members present: Harry LaCortiglia, Bruce Fried, Bob Watts, George Comiskey, Joanne Laut.
10 Staff present: Town Planner, John Cashell, Administrative Assistant, Andrea Thibault.
11

12 Minutes transcribed by A. Thibault. Note: Video recordings of all Georgetown Planning Board
13 meetings may be found at www.georgetownma.gov and by choosing the Community TV option.
14

15 The Meeting was called to order at 7:00 by Harry LaCortiglia.
16
17

Minutes:

18
19

20 B. Watts: Motion to accept the meeting minutes from March 09, 2022 with edits.
21 B. Fried: Second.
22 Motion carries 4-0; via roll call vote. 1 abstain J. Laut.
23
24

Vouchers:

25
26

27 J. Laut: I move to approve the vouchers as stated on the agenda for March 23, 2022.
28 B. Fried: Second.
29 Motion carries 5-0; via roll call vote.
30
31

Correspondence:

32
33

34 H. LaCortiglia: We received courtesy public hearing notices from abutting towns. We will consider
35 those approved as read. We also received a letter from DEP, dated March 1, 2022 regarding G. Mello
36 Disposal pertaining to site suitability. DEP is notifying the town that it considers 20 Carleton Drive
37 to be suitable site for a waste disposal transfer station.
38
39

Public Hearing: 2 Norino Way/Humboldt East.

40
41

42 H. LaCortiglia: I will open the public hearing continuation for 2 Norino Way, continued from January
43 26, 2022 for a special permit for development and operation of a marijuana business, and a special
44 permit under major development review, and a site plan review.
45

46 B. Fried: I'd recommend that we set a time limit for each project, of 1.5 hours each.

{*Planning Board agrees.*}

Jill Mann, attorney
Jayme Fishman, applicant
John Mason, Odor Control Specialist
Chris Drinan, Architect
T.J. Melvin, Engineer
Kyle Baker, Odor Mitigation and Control System Team

J. Mann: We received comments from Mr. Graham and we did respond to his comments. My understanding is that Mr. Graham is ready to issue his response. We would like to discuss the peer review letter you received.

H. LaCortiglia: I would like to see the modified plans - these were just issued last Monday. We saw a full report from H.L. Graham, but he has not reviewed these plans as drawn as of yet.

L. Graham: I can clarify. I received the plans and documents last Wednesday. I will have the letter out tomorrow or Friday.

H. LaCortiglia: Larry, has the stormwater report been reviewed?

L. Graham: Yes. That is part of what I did review. My report on that will be coming out later this week. There are still things outstanding in my report that need some attention.

H. LaCortiglia: Snow storage area is in conflict with landscape plan. Were we able to get the renderings?

J. Mann: The landscape plans are not final nor the fencing, we have a draft.

H. LaCortiglia: The letter from the Fire Dept. just came in today. We will get this to you Attorney Mann.

There are concerns regarding access. The fire department is having an issue with not being able to exit directly. Also, other issues with question of fire hydrants on the property, lock boxes, master box, road plans.

I would like to Board to allow the Fire Dept. to work directly with the applicant to resolve these safety issues directly, it will be more expeditious. As far as I am concerned, the Fire Dept. speaks for us.

J. Mann: We most certainly will. We will have to resolve the emergency access, we thought that one access was acceptable. We will follow up tomorrow.

J. Cashell: This letter from the Fire Dept. resulted from the revised plans that were submitted last Wednesday. The fire department letter was issued today.

We have a policy of Tuesday the week before to submit material to the Planning Board prior to each meeting.

H. LaCortiglia: Regarding the agreement for Mike Lannon as the peer reviewer for odor and noise from Tech Environmental – I will accept a motion to take on Tech Environmental as the peer reviewer for 2 Norino Way, and to authorize John to sign the contract? {G. Comiskey and B. Fried confirm their motion and second.}

G. Comiskey: So moved.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

H. LaCortiglia: Since Larry's review is not done at this point, and we are waiting on that - has the photometric plan been submitted yet?

L. Graham: No, I do not have that.

J. Mann: It was part of the original submittal. It was not revised.

Regarding the odor peer review, we have an issue relative to timing and scope. His scope is detailed and confusing.

Our expert, John Mason, please introduce yourself and your qualifications. We did include the confidential recommendation as well. This is not public information.

John Mason: I have 32 years' experience in the disinfection, sterilization, and odor control field in a variety of industries, agriculture, pulp and paper, rendering industries. I have qualified for testimony before Congress, as well as state and local courts.

This is all about iterative steps. There are standards from governing bodies. Once the initial approval is received, then detailed design and engineering is done. Equipment, processes and technologies will be selected. To do peer review, you have to have your plans done.

The peer review process is an iterative process, where issues are resolved. Then the plan is presented back to the governing group to decide whether the final approval will be given.

We are also putting in the monitoring programs as well, to ensure that all the steps in the process are working.

I applaud putting in the peer review step. You do want a bright light on this, a third-party peer review.

H. LaCortiglia: The peer review will be the same as the stormwater peer review. In the end, everyone benefits.

140 J. Mann: What is the peer reviewer going to look at? It is almost as if he is going to recommend what
141 systems we should use. We do not yet have a permitted use and we have not yet fully designed the
142 system. There cannot be detailed plans developed before the approval.

143
144 What is he going to review if the plans are not developed? The peer reviewer has nothing to review.

145
146 The MEP and construction level plans have not been done.

147
148 We are talking about doing a design. It has not been done. We need to know that this is the
149 appropriate site first.

150
151 J. Fishman: Our intention is to be a strong partner with the community. We look forward to the peer
152 review process. There is a pragmatic reality – the town maintains control.

153
154 If we expend monies now, for a peer review before the complete design is done, it is not money well
155 spent because the appropriate level of detail is not provided to the vendor.

156
157 H. LaCortiglia: We will take that into consideration. Let's see what the first peer review looks like.

158
159 J. Cashell: I've talked with Mr. Lannon several times now. There probably isn't a more qualified firm
160 to do an odor and noise peer review such as this.

161
162 They are working throughout the country on marijuana peer reviews. This is their forte – to ensure
163 that industrial uses are not causing adverse impacts to resident abutters. This is one of the top firms.

164
165 There is no question that Mr. Lannon absolutely sides with Planning Boards and government entities
166 regarding adverse impact with odor and noise. He really convinced me completely that he does the
167 job for the entity that is hiring him and does an incredibly thorough job.

168
169 We have an applicant that is willing to go through this peer review process, and wants to do
170 everything they can to mitigate any adversity to residential abutters.

171
172 We have two qualified engineering firms working together to ensure that all mitigation is ensured.

173
174 Mr. Lannon is ready to begin. He can come back at the next meeting, and discuss how he will
175 conduct this peer review.

176
177 We have had a real good discussion tonight, but we need to bring our peer reviewer in, and let's see
178 how it works out at our next meeting. I think that is the best way to progress this step by step.

179
180 This Planning Board is doing everything they can, and should do for the community, and for this
181 particular business.

182
183 This is a new industry. We are interested in doing this right. Having Mr. Lannon at the next meeting
184 to discuss this peer review is what I think we need to do at this point in time.

187 B. Fried: I agree with John. I think we should have Mr. Lannon come in. Humboldt has a concept;
188 they have a conceptual idea.
189
190 The peer reviewer could review the concept, and when we can, we get the full review of the actual
191 design.
192
193 H. LaCortiglia: Yes, I agree. We would like to see a collaboration between the applicant and the peer
194 reviewer. Instead of a peer review being a criticism, we would like to see a collaboration.
195
196 J. Mann: Yes, we agree.
197
198 G. Comiskey: I just want to clear up a few things. I was looking over some of the proposed
199 conditions.
200
201 You mentioned that a well will be put in if needed – I know that we talked about conserving water.
202 You said that we won't draw on Georgetown water for irrigation. If that is the case then we need to
203 see that on the plan beforehand.
204
205 T. J. Melvin: Yes, we can add that to the plan.
206
207 J. Mann: We will add that to the plan.
208
209 G. Comiskey: You submitted for your energy savings plan that you will conform to CMR 935.
210
211 I'd like to see more detail. I'd like to see the energy savings plans. You said that you will be the
212 biggest energy user in town.
213
214 J. Fishman: We have to comply with the Cannabis Control Commission's wattage regulations.
215
216 If you are looking for more detail, see 500.120, with regard to lighting. That is a conservative usage in
217 the industry, it is quite a hinderance to the cultivation community at large.
218
219 G. Comiskey: I did read 500.120. I would like to see you confirm what equipment you'll be using to
220 conserve energy.
221
222 J. Mann: We will provide that. I will incorporate it.
223
224 J. Laut: What is the source of water? Will all the water be coming from the Georgetown water supply?
225
226 J. Mann: Yes, but we will reclaim 50% of the water used. So, we conserve water by that amount. The
227 water will be processed in storage tanks.
228
229 H. LaCortiglia: You are essentially planning 2,500 gallons a day usage.
230
231 J. Mann: Yes. We need to finalize our plans on the landscaping and irrigation. I will provide the
232 narrative and renderings also.
233
234 H. LaCortiglia: Drought resistant, non-irrigated plants are my preference.

235
236 G. Comiskey: My preference also.

237
238 H. LaCortiglia: Is there a motion to continue the public hearing for 2 Norino Way to April 13, 2022
239 at 7pm.

240
241 G. Comiskey: So moved.

242 B. Fried: Second.

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

244
245
246 J. Mann: I will have the renderings for you.

247
248
249
250
251 **Public Hearing: G. Mello Disposal, 20 Carleton Drive Definitive Subdivision application.**

252
253 H. LaCortiglia: This was supposed to start at our last meeting, but there was a notification problem. I
254 just want to make it clear that tonight is the opening of the public hearing.

255
256 J. Cashell: *{Reads the public hearing notice into the record.}*

257
258 Nancy McCann, attorney

259 Jason Mello, applicant

260 Scott Cameron, engineer

261
262 N. McCann: This is new subdivision that consists of a subdivision roadway with two lots off of that
263 roadway. It is pretty straightforward.

264
265 S. Cameron: These plans are dated January 6, 2022. There is frontage on Carleton Drive.

266
267 The proposal is to extend a roadway into the site, with a turnaround providing access to two new lots
268 fronting on the new road. It will also create two unbuildable parcels. Parcel A will be allocated to
269 drainage. Parcel B is primarily open land and wetlands. The property abuts Rt. 95.

270
271 Wetland cut across the property. The property is 14.75 acres. Void of mature trees. The wetlands
272 were reviewed and approved by the Georgetown Conservation Commission under an order of
273 resource delineation.

274
275 For the curbing; underground water; electric; gas; sidewalk, turnaround; pavement; stormwater
276 management; catch basins; stormwater treatment; retention basin – these will all meet subdivision
277 regulations.

278
279 *{Mr. Cameron also reviews the plan for catch basins; hydrodynamic separator treatment structure that polishes the*
280 *stormwater; gas traps and sumps in the system; detention surface pond; underground utilities; retaining wall along the*
281 *edge of roadway; property is a flat site – no steep grades; hydrant spacing; drainage; access easement.}*

The water resource district does cut across the property. We designed the stormwater system outside of the district.

H. LaCortiglia: Do you have fire hydrant on site? How much fill are you bringing in with respect to the soil importation permit.

S. Cameron: Yes, we have a hydrant, and the spacing is per regulations. I can provide you a more exact number for the volume of fill. We are filling three feet.

H. LaCortiglia: Is that part of the peer review, with Larry Graham, would you normally discuss?

S. Cameron: Yes.

H. LaCortiglia: You said there were two easements. Where is the second easement?

S. Cameron: Number one is the frontage. Number two is the underground drainage management system. These are the concrete pipes and the small easement goes just outside the right of way.

H. LaCortiglia: Who is granting the easement to whom?

S. Cameron: The easement stays with who owns the road, to ensure that outflow would be maintained. It belongs to whoever owns the road. If it is a private road, the owner would own the easement.

If the road was transferred to the town, through road acceptance at town meeting, then the town would own the easement.

G. Comiskey: My understanding is that there is an approved use with a plan of file with the ZBA. About a year ago, there was an ANR filed on this property. And, now we have a subdivision road.

Would this new plan invalidate the use plan that you have with the ZBA?

N. McCann: Those are three separate processes. There is a special permit plan that you referenced, there is also the ANR plan, and this is the definitive subdivision plan. They are separate. One does not invalidate the other.

G. Comiskey: If we approve this subdivision road, at some point if you came back to do some construction would that require Site Plan Review and Approval?

N. McCann: It would depend on what the construction is that you are referring to.

If it were construction of a building on one of these lots and site plan approval is required under the zoning bylaw, if the construction is the roadway....

G. Comiskey: Construction on one of the lots.

N. McCann: If there were construction on one or both of the created lots, and the zoning bylaw requires site plan approval, then we would apply for site plan approval.

G. Comiskey: Third legal question. I was looking at the deed. The deed references an old road coming through the property. Is it required to be shown on the plan?

N. McCann: No, it is not required to be shown on this plan.

G. Comiskey: And, even if it were deemed a public way?

N. McCann: If it were a public way, it would typically be shown on the plan.

We do not believe that is the case. A right of way does not make it a public way. If there is a public way, we would typically show on the plan. The title on this property is complicated. That is part of what the ANR was about.

H. LaCortiglia: As part of the subdivision requirements, we show rock walls, natural features. Should this road be on the plan Scott?

S. Cameron: There is a lot of history with the title of this property. For example, it used to extend further to the east until they built I-95.

To my knowledge, but I will check with the surveyor, there are not right of ways on this property. I will double check that.

N. McCann: Mike Surgey did a lot of work on this title and this property when we did the ANR plan.

H. LaCortiglia: Please look into this and put it on the plan.

G. Comiskey: Your wetland impact statement says minor filling is to take place. Adding up the two places of fill it adds up to 8,500 sq. feet of fill. Will that require a MEPA filing?

S. Cameron: We are proposing to replicate about 8,000 sq. feet for the road. You are correct. It would require some Army Corp. permitting. There would be some work to do on that end of it.

I haven't gone through full MEPA. I would have to double check on MEPA.

G. Comiskey: I said there would be some increased encroachment. You responded previously that you would need less than 5,000 sq. feet. At 5000 sq. feet --it triggers an ENF.

Can you get a MEPA advisory and get back to us? Send any correspondence to us saying if it does and it doesn't. Would you be willing to do it?

S. Cameron: Yes. I will to the extent it is in my control.

G. Comiskey: MEPA supposed to get back to you within 20 days with their opinion.

378 Going back through old meeting minutes for June 23rd, 2021 with the preliminary plan. I asked
379 regarding the plan for the basin – retention instead of infiltration basin. Scott said water is too high
380 for infiltration basin. It looks like the current plan is different. Can you explain that?

381
382 S. Cameron: This is a detention basin so we are not accounting from any groundwater recharge. We
383 are doing 90% of the cleaning on the water before it gets to there.

384
385
386 H. LaCortiglia: How high does the water get before it exits the retention pond?

387
388 S. Cameron: The outlet control structure manages it. This will fill up. The bottom is at 84. It is only
389 intended to get about a foot in a peak storm event.

390
391 G. Comiskey: From the stormwater report, you are using 100-year rainfall. 8.95.

392
393 The last applicant uses the NRCC numbers and came up with 9. What table are you looking at?
394 What rainfall gauges did you use?

395
396 S. Cameron: I used NRCC tables for the town. I'm happy to make an adjustment.

397
398 G. Comiskey: I see you've indicated a lot of seeding. Are there supposed to be landscaped trees along
399 the roadway?

400
401 S. Cameron: We could certainly add those. I thought we had those on there.

402
403
404 G. Comiskey: Is there a schematic for the retaining wall? How it will be constructed?

405
406 S. Cameron: I'll get that for you. It will be a modular wall.

407
408 H. LaCortiglia: I'll accept a motion for Larry Graham to review the plans for a peer review.

409
410 G. Comiskey: So moved.

411 J. Laut: Second.

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

413
414
415 B. Fried: What is the purpose of splitting off Parcel B, with all the wetlands? Will you be donating
416 that as conservation land?

417
418 S. Cameron: There are some interesting conditions in the zoning bylaw regarding landscaping. It
419 makes us not want to have a bunch of land we can't use.

420
421 So, we would want to get rid of it. Who it goes to remains to be seen?

422
423 J. Samul, 16 Carleton Dr.: Currently, along the edge of our land, there is an existing concrete wall that
424 acts as a water catch basin and water retention area. It is lower than our driveway by 3-4 feet. What is
425 the plan for that?

426
427 S. Cameron: We are including a pipe under the road to maintain the flow coming off of that. This is
428 just wall where trash and debris has accumulated over the years.

429
430 G. Comiskey: Does that show on your plan?

431
432 S. Cameron: Yes. It says proposed HW, that is head wall.

433
434 G. Comiskey: Will there be any treatment?

435
436 S. Cameron: No. We are not obligated to treat that.

437
438 J. Samul: How do you approve a subdivision, with no knowledge of what is going to be in the
439 subdivision? Because that could impact the abutters.

440
441 H. LaCortiglia: The bottom line is that we are approving the subdivision roadway. The roadway
442 itself.

443
444 If this applicant meets or exceed all of those specifications then they are allowed to build a subdivision
445 roadway on the land that they own.

446
447 The use is only important in that an industrial/commercial roadway has slightly different specifications
448 than a residential roadway. Commercial and industrial roadways are the same standard.

449
450
451 J. Cashell: We need to hear from Larry Graham. Larry, how long will your initial peer review take, so
452 we can plan for when to continue the next hearing?

453
454 L. Graham: I need to peruse the application. I'd like to have at least 30 days.

455
456 J. Cashell: That puts us into the April 27th date for a continuation.

457
458 Kathy Birmingham, 12 True Lane: The plan for the transfer station was denied by the Planning
459 Board. I believe that Mr. Mello has filed a lawsuit.

460
461 How does this work? Can you explain what this application is about?

462
463 N. McCann: This is a separate matter. This is unrelated to anything that has happened with regard to
464 the transfer station.

465
466 This is simply a subdivision plan done under the subdivision control law. It provides some protection
467 going forward with the development of this property for a period of time.

468
469 It establishes the zoning from a period of time, and for a period of time. It has no relation to the
470 lawsuit.

471
472 K. Birmingham: It is a concern when there is no use.

N. McCann: This is a process under 40A section 6, that allows certainty for zoning.

Theodora Capulto, 111 West St.: If this is subdivision approved, will that land continue to be commercial? Or, is it also an application to change the zoning to industrial?

H. LaCortiglia: It exists as commercial; this application does not change the zoning.

T. Capulto: So, this would remain commercially zoned. The application was submitted by Mello and Mirra. Is this a joint project? Who has applied?

H. LaCortiglia: If town meeting wanted to change it to another use, it would have to be at town meeting to change the zoning with a 2/3 majority in most cases.

N. McCann: The applicant is G. Mello Disposal Corp., who is the contract purchaser of the property. The landowner is Mirra. G. Mello is the contracted purchaser and the applicant. That means that they are under agreement to purchase the property.

Ritchie Kopacinski, 5 Spaulding Rd: Would the two abutters on Spaulding Road - are they still considered abutters?

N. McCann: It would depend on how the tax assessor treats the parcels and whether they are treated as separate assessed lots.

That varies from municipality and municipality for how that is done. The Assessor's records are usually updated once a year.

H. LaCortiglia: I will hear a motion to continue to April 27, 2022.

G. Comiskey: So moved.

B. Fried: Second.

Motion carries 5-0; via roll call vote.

Planning Office:

1. Community Preservation Committee.

H. LaCortiglia: I am the Planning Board's representee on the Community Preservation Committee. The Committee has reviewed the proposals submitted. Please go to the town website for the public information meeting on April 5, 2022 via Zoom.

2. MBTA Communities.

{Planning Board requests that the Town Planner write a comment letter re: Planning Board's review of the MBTA Community Zoning mandate.}

J. Cashell: Recognizing how much the town does support affordable housing, I gave some good examples. I think the problem with this new statute is that the statute calls for high density more suitable to urban core communities that have sewer and water systems.

We support multifamily and equitable housing; it just has to be considered by the state to be in scale and character to the infrastructure of the community. We have environmental and utility constraints. Do the Board members want to edit those comments?

H. LaCortiglia: What you wrote looks fine to me. The Chairman of the Select Board sent some comments. Will you incorporate his comments into your letter?

J. Cashell: Yes. The deadline is March 31.

G. Comiskey: I like the comments, I would like to add the Planning Department's mission statement. And, saying that this does not support the mission statement, and it does not support the master plan. It goes against our mission and master plan.

J. Cashell: Yes, I will add that.

J. Laut: This is a very good response, and sums up all our thoughts on the process.

H. LaCortiglia: Please send our response and: cc to the Board.

J. Cashell: There was a meeting conflict tonight with the Finance Committee. FY23 budget meeting was tonight for the Planning Board budget at the same time as this meeting. There is not much proposed to change. In past years, when there was a conflict, Mike Farrell would handle it. The new town administrator will handle it tonight.

Motion to adjourn: B. Fried.

Second: J. Laut.

Motion carries 5-0; via roll call vote.

Meeting adjourned at 9:35pm.