



## Town of Georgetown

## MINUTES

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Committee: Planning Board  
Date: June 14, 2023  
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](http://www.georgetownma.gov) and by choosing the Community TV option.

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

### **Minutes:**

J. Laut: I move to approve the draft minutes from May 10, 2023 meeting as cited in our packets and on this meeting's agenda.

B. Watts: Second.  
Motion carries 5-0; via roll call vote.

### **Vouchers:**

J. Laut: I make a motion to pay the vouchers for BMO/Zoom for May 2023 in the amount of \$15.99; Admin Assistant reimbursement for certified mail to abutters \$73.17; Staples office supplies \$137.42; as cited in our packets and on this meeting's agenda.

B. Fried: Second.  
Motion carries 5-0; via roll call vote.

### **Public Hearing: Major Development Review for G. Mello Disposal 20 Carleton Drive.**

J. Cashell: {reads the public hearing notice into the record.}

H. LaCortiglia: Is there a motion to accept the application as complete?

B. Fried: So moved.  
J. Laut: Second.

Motion carries 5-0; via roll call vote.

Attorney McCann, Attorney for the applicant: We filed an appeal of the denial of Site Plan Review by the Planning Board. Land Court determined that a Major Development Review Special Permit is required if the development area, as defined by the Court, exceeds 30,000 sq feet.

The project engineer has determined that the project exceeds 30,000 sq. feet. The applicant has appealed this determination of Major Development Review by Land Court.

In the meantime, Mr. Mello is here in a good faith effort to work with the town, and in order to move this project forward. We are not waiving any rights we have under the appeal relative to the applicability of major development review.

Project Narrative: The site is 14.6 acres, in the CC zoning district at 20 Carleton Drive. The applicant operates an existing facility at 203 East Main Street. The old facility is now not compliant with DEP. It has an open drop off and open sorting facility.

The applicant would like to construct a new transfer station on Carleton Drive. This will be fully compliant with all DEP regulations, fully compliant under the Georgetown bylaw and Stormwater Bylaw and the Site Assignment for the operation of the transfer station issued by the Georgetown Board of Health.

A transfer station is not a landfill or a dump. It is where materials are accepted, sorted, processed, and loaded offsite to the appropriate landfill or recycling facility. All waste is removed offsite for final disposal within 72 hours of its arrival.

A transfer station provides a critical infrastructure component for the Commonwealth and for the Town. All of the sorting as required by DEP will be done inside the new waste handling building. This is a vast improving over the existing transfer station.

It will consist of the access driveway, a residential waste and recycling drop off center, 15,000 sq. foot waste handling building, scales, scale house and the necessary vehicle circulation area.

The applicant proposes a capacity of 500-tons a day of solid waste that are phased in over a 5-year period. The phasing in is as follows: years 1-2 is 150 tons per day; year 3 is 350-tons per day; year 4 is 450-tons per day, year 5 is- 550 tons per day as the maximum daily tonnage. That is in accordance with the Georgetown Board of Health Site Assignment.

It will operate 7 days a week. Monday – Thursday 6:30am until 5pm. 7:30am and 3pm for receipt of materials. Friday through Sunday hours will be 7:30am to 3pm. Receipt of materials 7:30am to noon.

The transfer station will operate in full compliance with DEP and the Site Assignment and the extensive conditions by Georgetown Board of Health.

Land Court stated that the action of the Planning Board shall be granting the permit with conditions on operations and construction. Land Court determined that the Planning Board may not use the MDR in order to deny the project.

The scope is limited to the following standards of review.

Standards for review:

1. Legal conformance
2. Traffic
3. Parking
4. Town Services
5. Pollution Control
6. Nuisance
7. Landscaping and Screening and Buffering
8. Town Character
9. Existing vegetation
10. Drainage and Watershed Protection

H. LaCortiglia: We are familiar with the materials that have been submitted. I would like to open this to the Board.

H. LaCortiglia: I will accept a motion to have John establish a 53G 8000 account peer review account.

B. Fried: So moved.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

H. LaCortiglia: I will accept a motion to have Larry Graham to receive the new updated stormwater plan.

B. Fried: So moved.

B. Watts: Second.

Motion carries 5-0; via roll call vote.

G. Comiskey: The Board of Health report itemized a lot of things to be done for Carleton Drive. Should we have Larry look at Carlton Drive, signage, improvement to intersection at 133, drainage improvements. Should Larry review those?

These conditions and road specifications highlighted by the Board of Health and previous road consultants for Carlton Drive should be submitted in a plan to be approved by the Planning Board.

*{Planning Board agrees.}*

B. Fried: I would like to modify my previous motion and motion to have Larry Graham review the stormwater reports, signage, line placement and intersection work and anything else delegated by the Board of Health.

143  
144 G. Comiskey: Second.  
145 Motion carries 5-0; via roll call vote.  
146

147 G. Comiskey: Some of the things I was reading lacked a lot of specificity for how odor and noise is  
148 going to be contained. Mike Lannan might have some thoughts on the equipment being used,  
149 operation, where will there be screening? Firing pistols to disperse birds from the operations and  
150 maintenance plan?  
151  
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153

154 B. Fried: Motion for Mike Lannan to conduct an odor and noise review, review all the  
155 documentation and submittals.  
156

157 G. Comiskey: Second  
158 Motion carries 5-0; via roll call vote.  
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161 B. Fried: I would like to get a price to rebuild Carleton Drive to the standards that were outlined by  
162 the Mueller report. Everybody needs to know what that cost would be. We need that on the table.  
163 Who would we hire to get that cost?  
164

165 J. Cashell: We could start with Pete Durkee and go from there. Get his recommendation first.  
166

167 B. Fried: I would like an outside source as well.  
168

169 B. Fried: Motion for Muller Engineering to provide the cost analysis of rebuilding the road.  
170

171 J. Laut: Second.  
172 Motion carries 5-0; via roll call.  
173

174 G. Comiskey: For the traffic peer review, I would defer to John for either Jason Ploude or John  
175 Hendrickson.  
176

177 J. Cashell: Jason Plourde is excellent. John Hendrickson is at Stantec. It is a massive national  
178 engineering firm; they would assign the traffic consulting to someone else.  
179  
180

181 G. Comiskey: Motion to have a Jason Plourde, a traffic consultant to review and come up  
182 with conditions based on reports we have been given.  
183

184 B. Fried: Second.  
185 Motion carries 5-0; via roll call vote.  
186

187 J. Cashell: I would suggest to broaden Larry's review to be sure that he is reviewing all the engineering  
188 aspects of the entirety of the Site Plan.  
189

190 H. LaCortiglia: I will accept a motion for Larry to expand his review to the overall Site Plan  
191 itself.

192  
193 B. Fried: So moved.

194 B. Watts: Second.

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196 Motion carries 5-0; via roll call vote.  
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199 B. Fried: This is a question for Attorney Eichman. Is this considered a new application? It has gone  
200 through the Court system.

201  
202 Jon Eichman, Town Counsel: Yes. It is a new application. The applicant has not filed for major  
203 development review before.

204  
205 The Court has determined that Site Plan review criteria will be applied to this application.  
206

207 B. Fried: The town at Town Meeting a year or two ago, voted in a 50-ton maximum bylaw. How  
208 does this apply or not apply?  
209

210 J. Eichman: The 50-ton limit general bylaw. It is not an easy question. It was approved by the  
211 Attorney General. It is in place and therefore it applied. Transfer Facilities that have received a Site  
212 Assignment and have been approved, must be approved but with conditions.  
213

214 The Board must apply the bylaw to the facility that was approved under Site Assignment. I think the  
215 Board would be best served by applying the zoning bylaw as the Land Court directed.  
216

217 B. Fried: I would like to clarify the zoning. Will you clarify the allowance of industrial in the  
218 commercial zone?  
219

220 J. Eichman: Zoning Board of Appeals approved under the use table, classified this use as essentially  
221 similar to light industrial use, even though not expressly light industrial.  
222

223 You have an industrial use approved in the commercial zone, which would be consistent with the  
224 bylaw. That is how we are applying the zoning bylaw now.  
225

226 G. Comiskey: What remedy will the town have under phasing in if there are noncompliance issues? Is  
227 this under the Board of Health jurisdiction?  
228

229 How do we enforce our conditions? Are any of our Planning Board conditions enforceable?  
230

231 J. Eichman: Whether Planning Board conditions are enforceable depends on what those conditions  
232 are. They must be determined reasonable in which case they would be enforced by the zoning  
233 enforcement officer. This Board will be enforcing zoning conditions.  
234

235 G. Comiskey: Can any recent zoning decision passed at Town Meeting in May be applied to this  
236 project?  
237

J. Eichman: That is a difficult question. This property may be subject to a zoning freeze based on a prior filing of a subdivision or ANR Plan. The Special Permit is in effect, so that would hold. There is protection for permits already issued.

G. Comiskey: Prior to Town Meeting, we had a 40% landscape requirement under intensity of use schedule – does that requirement have to be met? Which one is the applicant required to follow?

H. LaCortiglia: When the application was first applied for, 40% of landscaping had to be in front yard. That was changed at town meeting. Which one is the applicant required to follow?

J. Eichman: It will depend on the dates, but we may be talking about a zoning freeze. I would need the history and the timing for a legal opinion.

G. Comiskey: The applicant received a subdivision approval from the Board last year. I had some hesitation about an Old Road from Rowley, described as a public way.

Does that Old Road have to show on the current plan? Mr. Eichman is listed as a party of interest in the Court case with the Town for B and R Realty Trust. It has been going on since 2008.

J. Eichman: I am somewhat familiar with that litigation. The potential existence of the old road has been accounted for; it has not been ruled out. I do not know if that applies to this property as it is still a live issue in the other case, and it is still pending.

B. Watts: Regarding the traffic analysis, I am very disappointed in this report. It is poorly organized, there is no table of contents. There is over 700 pages of addendum and I do not see the conclusions in the summary supported in the document.

They refer to the authorities, but who are those authorities. There are issues that were brought up in the previous hearings that were not addressed then and certainly not addressed in this report.

H. LaCortiglia: That would be best handled with the Board's peer reviewer.

I would like to limit the duration of this hearing to another 30 minutes. Does the Board agree?

*{Planning Board agrees.}*

H. LaCortiglia: I would like to read the correspondence received by the Planning Office.

*{reads residents of 50-ton requested conditions}*

Conor Powers Smith 3 Spaulding Road: I would like to add the condition that this project is approved by the majority of the town at a referendum.

Emma Driskill 3 Spauling Road: I would request that the windows be replaced by Mello for abutters. That residents submit a quote and have 50% of funding provided up front and 50% provided on completion. State of the art noise barrier, odor mitigation.

Is it chemical scrubbing or misting system? I would like more information on that.

I want to clarify hours of operation that trucks will be coming and going from the facility. I would like to request no motion sensor lights and minimal lighting, no LED lights. Instead of a meadow on the north side, I would like trees and native plants and evergreens to help with sound buffer.

Free trash and recycling pickup for residents less than 200 feet. Prevention and penalty for trucks lining up before hours.

G. Comiskey: Did we receive a photometric plan?

B. Watts: Could I ask Ms. Driskill to send us those in writing?

E. Driskill: Yes.

H. LaCortiglia: If we do not have a photometric plan, we can certainly get one. They will need security as well as operational lighting and we should make sure there is no light escape.

N. McCann: If we did not have a photometric plan, we will provide that.

Scott Cameron, Engineer: Sheet L-3 is the photometric plan.

Patrick Canney, 4 True Lane: Sound frequency vs. decibel level, I would like sound frequency also to be looked into.

Steve Sadler 7 Hillside Drive: The existing transfer station at 203 E. Main Street was for residents only. In 1994 there are meeting minutes that indicate this was a resident only facility.

To Mr. Greg Mello, how did this transfer station become a regional transfer station without a town meeting vote?

N. McCann: That is not relevant to this case.

S. Sadler: At the current transfer station there was an accident with a car versus an employee. How will they prevent this from occurring at the new station.

N. McCann: Again, not relevant. I would like to discuss with my client before we respond.

Jon Samel, 16 Carleton Drive: I understood from the presentation tonight that the applicant has proposed to shooting pistols to keep away the birds.

Is this now a gun range? To say nothing of the inappropriateness of using guns to scare birds.

N. McCann: We can defer that to your noise consultant.

Ken Lafferty: There is guidance from the MA DEP, and they require you to include that in the plan.

S. Sadler: It looks like the proposed queuing lane at the new station is half the size of the current facility. How is that not a problem, when the current line is spilling out onto route 133?

G. Comiskey: What do we have for a timeline on this hearing John?

J. Cashell: Attorney Eichman was knocked off due to the storm. The applicant has said that the judge has determined that we have a limited time. Jon Eichman does not agree.

When the Board concludes with the public hearing, then the Board has 90 to issue a decision. We do have time to work on a thorough public hearing process.

N. McCann: The judge has asked us to do this as expeditiously as possible. I think there is a more pressing timeframe that we have not discussed yet. The hearing itself, we are not in agreement that it is open ended.

Our position is that you do not have until August 9, 2023. We will have to agree for an extension, but we want on the record that the Board has until July 13 to close the public hearing, unless we agree to that extension.

H. LaCortiglia: Would you agree to that?

N. McCann: Yes, we would agree to extend the time until August 9, to allow time for the Board to complete its peer review. If the Board wanted to continue past that night, the applicant would have to agree.

H. LaCortiglia: Is there a motion to continue the public hearing to August 9, 2023.

B. Fried: So moved.

J. Laut: Second.

Motion carries 5-0; via roll call vote.

J. Laut: What happens if we cannot secure the peer reviewer and the report by August 9?

H. LaCortiglia: We will find another peer reviewer.

J. Cashell: Realistically, it makes sense for the peer reviewer to get an initial report completed for August 9<sup>th</sup> and then just go from there. I would like to get some input from Board members and from the applicant. I think the peer review account should be established at \$20,000.00.

*{5-minute break}*

### **Planning Office:**

1. Reynard Lane.

J. Cashell: Gary Evans is the attorney. He is not here.

2. As-built plans for 196 W. Main Street.



382  
383 J. Cashell: This is an ongoing project relative to the applicant submitting their as-built plan and having  
384 that reviewed by David Varga.

385  
386 3. Barry Way.

387  
388 J. Cashell: There is one outstanding issue having to do with a few trees that were supposed to be  
389 planted.

390  
391 The applicant would like a waiver since these trees would be placed inside a forested area and  
392 realistically does not make sense as it was not disturbed. The other issue is granite markers. They  
393 will be here at the next Planning Board meeting.

394  
395 4. Review Status of Open Space Deed for Parish Common.

396  
397 J. Cashell: We received the deed this afternoon and Jon Eichman is reviewing it.

398  
399 5. CIP Appointment.

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401 H. LaCortiglia: My CIP appointment is now up. Would anyone else like to be on the capital  
402 improvement committee? Otherwise, I will continue if appointed.

403  
404 G. Comiskey: I move to appoint as Harry LaCortiglia as the CIP representative from the  
405 Planning Board through June 30, 2026.

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407 B. Watts: Second.

408 Motion carries 4-0; via roll call vote. 1 abstain. H. LaCortiglia.

409  
410 {Planning Board and Town Planner discuss potential upcoming projects and summer schedule.}

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413 G. Comiskey: It is necessary to meet the first meeting in July?

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415 G. Comiskey: I move that our next meeting be on June 28, and that we contingently cancel the  
416 July 12 meeting.

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418 B. Fried: Second.

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

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422 B. Fried: Motion to adjourn.

423 J. Laut: Second.

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

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428 Meeting adjourned at 9:28 pm.