



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

Phone (978) 352-5742 ♦ Fax (978) 352-5725

MINUTES OF A PUBLIC HEARING
203 East Main Street, Georgetown MA
Applicant: G. Mello Disposal Corp
Owner: Town of Georgetown
ZBA File #18-02

Continued from Nov. 7, 2017, requested continued
(12/5/17 to 1/9/18 then to 2/6/18)
February 6, 2018

Note: Board members are referenced by their initials

Board Members Present: Jeff Moore Chairman, regular member
Paul Shilhan, regular member
Dave Kapnis, regular member
Shawn Deane, regular member- Absent
Gina Thibeault, regular member - Absent
Sharon Freeman, associate member
David Twiss, associate member – Voting named 11/7/17

Applicant present – Jason Mello, VP of Operations
Engineer – Richard Barthelmes of Lynnfield Engineering Inc.
Attorney: Nancy McCann of McCann & McCann, 89 Newbury St, Danvers, MA 01923
Ken Cramm, Traffic Engineer, Bayside Engineering
Ryan T. Callahan, INCE, Noise Engineer & Consultant from Epsilon Associates Inc., Maynard MA

**Note Board Members are referred to by their Initials*

Chairman JM opened the Continued Hearing at 7:32pm, and introduced the Board members.
And asked for a motion to waive the reading of the legal ad.

Motion by PS/DK no discussion all in favor yes, 5-0.

Note* Attorney McCann sent a letter dated December 18, 2017 to Continue to tonight (instead of 1/9/18), to allow more time for supplemental information (see attached or in file).

Exhibits Read into record by S. Freeman

S. Freeman read Exhibits in into the record from 11-70

Exhibit 1 marked as sheet EX-1 = Floodplain Plan dated 10/6/17 by Richard Barthelmes, Registered Professional Engineer, of Lynnfield Engineering Inc., 2 Electronics Ave, Suite 41, Danvers, MA 01923

Exhibit 2 market as sheet Ex-2 = Town of Georgetown Floodplain Zoning Map dated May 1, 1980

Exhibit 3, marked as sheet EX-3 – Firm flood insurance rate map, Essex County dated, July 2, 2012

Exhibit 4, marked as sheet EX-4 = Compensatory storage plan dated 10/6/17, by Richard Barthelmes, Registered Professional Engineer, of Lynnfield Engineering Inc.,

Exhibit 5 marked as sheet C-1 – Boundary retracement Plan, Georgetown Landfill signed and dated 4/14/98 by PLS, John W. McEachern.

Exhibit 6 marked as sheet C-2 – Existing conditions Plan dated 10/6/17, stamped & signed Richard Barthelmes, Registered Professional Engineer, of Lynnfield Engineering Inc.,

Exhibit 7 marked as sheet C-3 Site Layout Plan, dated 10/6/17 stamped & signed by Richard Barthelmes, Registered Professional Engineer, of Lynnfield Engineering Inc.,

Exhibit 8 - Proposed floor plan (building area 7,650 sq. ft.) dated 7/17/17 drawn by RKB Architects, Zero Campanelli Drive Braintree, Massachusetts 02184

Exhibit 9 – Proposed front & side elevations dated 7/17/17, drawn by RKB Architects, Zero Campanelli Drive Braintree, Massachusetts 02184

Exhibit 10 – Proposed rear and side elevations, dated 7/17/17 by RKB Architects, Zero Campanelli Drive Braintree, Massachusetts 02184

Exhibits after 11/7/17 HEARING– Traffic Information & MEMA received 11/20/17 to ZBA Office

Exhibit 11 - Traffic Report prepared by Bayside Engineering dated 3/29/17

Exhibit 12 - Traffic Report Supplement prepared by Bayside Engineering dated 8/14/17

Exhibit 13 - State MEMA Environmental Notification Form dated 6/9/17

Exhibit 14 – Letter to Building Inspector nonconforming status dated 12/14/17

Exhibits received 1/22/18

Exhibit 15 – Epsilon Associates Inc. Sound Study – to Lynnfield Engineering dated 1-17-18 (done on 11/17/17)

Exhibit 16 -1 – Brigade Electronics Inc. back-up Alarm system (2 items)

Exhibit 17 –NCM Odor Control dated November 13, 2017 to Lynnfield Engineering

Exhibit 18 - Letter from Building Inspector dated 1/23/18 response to nonconforming status

Exhibit 19 - Letter received 9/18/17 from Mr. Philip Ogren of 223 E. Main St. voicing concerns of adverse effects of his property values, and asked about restrictions on operating hours, heard trucks at 6:30am.

Exhibit 20 -Letter received 9/7/17 from Mr. Don Soini of 123 E. Main St. voiced concerns about odor, noise, trucks, traffic, and not in favor of expanding the existing transfer station.

Exhibit 21 - Letter from Board of Health dated 10/10/17 regarding BOH hearing for transfer station minor site modification Decision, approved with the conditions of ventilation in the building, odor control and policing the area for trash debris.

Exhibit 22 - Letter from Water Dept., dated 11/1/17 in regard to adding a hydrant at site near northwest corner of existing building, which would be handled during site plan approval with Planning Board.

Exhibit 23 - Letter from Fire Chief, Fred Mitchell, dated 10/31/17 – in support as long as meets with all Mass Dep regulations etc. for any hazardous materials, storage, all MGL fire codes. (see file).

Exhibit 24 - Letter from Planning, dated 11/1/17 advising applicant will need Site Plan Approval

Exhibit 25 - Email from Conservation Agent with and update and comment on the project at 203 East Main Street, plan dated 10/6/2017. The applicant has also filed an ANRAD with the Conservation. As they have missed the review window for the season, the project will get continued to May 2018, when the season opens up again. This means that the Conservation Commission will not be able to verify the accuracy of the resources on property till May 2018.

Exhibit 26 – A Petition Presented and read by Mrs. Lisa Bessaoud of 144 E. Main St. at 11-7-17 Hearing in Opposition with 24 Names with signatures stating

Exhibit 27 - Letter from Croce Family of 4 Reynard Lane– Read by Lisa Bessaoud in opposition of the expansion.

End Exhibits

J. Moore explained we last met 11/7/17, the audience will have a chance to speak and will hear from applicant with new information submitted.

Applicants Presentation:

McCann -We have submitted a traffic study and report, noise and odor control report and the MEPA Certificate dated 6/9/17.

McCann – I met with Building Inspector to research the pre-existing nonconforming use, and did a letter dated 12/14/17 Re: nonconforming status gives a history stating Operation of a dump was commenced on the property in 1952, Zoning Bylaw was adopted 10/7/54 with the property listed in the RB zone., the use of the premises as commenced in 1952, falls clearly under the definition of a Dump under 1954 Zoning bylaw, also a dump was not permitted in any zoning district, so it rendered the dump use a “grandfathered” pre-existing non-conforming use. In 1979 Mello took over the landfill operations and continues the use of the land as a dump. In 1984 the property is rezoned to RC District, and does not permit the use of the premises as a dump, therefore it remained a “grandfathered: pre-existing non-conforming use. 1952 – Present - The premises has been used at all times as a dump has not changed since adoption of zoning bylaw in 1954. The letter also listed Building permits issued from 2003 – 2015.

The Letter from Building Inspector dated 1/23/18 in response to Attorney McCann's 12/14/17 letter regarding non-conforming status, stating he concurs the property was used as a dump in 1952 with the determination that the current use is pre-existing non-conforming.

JM – I know that was very hard to research and you did a great job.

McCann - We would like to focus primary on Traffic tonight, and we also have our noise consultant.

JM – At this point, if someone would like to make a motion to find..... interrupted by Mr. Ogren

Mr. Peter Ogren, Hayes engineering. I represent Philip Ogren - I looked at the letters to and from the Building Inspector, and I don't come up with the same conclusion, we don't disagree that what was out there was not a dump back under the 1952 zoning, that was described as a lot of land or a part thereof used for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, garbage, sewage, trash, refuse, junk, discarded machinery, vehicles and parts thereof or waste material of any kind, that was the definition of a municipal dump that existed at the time, that is not the use of what is there today, the attorney said it's a transfer station not a dump. What was there was a municipal use, it was a small dump, it's now a commercial operation it's a substantially different use than in 1952.

McCann – I believe under the bylaw it's exactly the same thing, under the definition.

JM – The Building Inspector did approach that (already addressed this), I appreciate your comment, in his definition for the use in the Zoning bylaw is in fact one in the same. In his definition of what the use is today he referred to the bylaw.

McCann – The bylaw says disposal, by abandonment etc. or any other means and for whatever purpose.

JM- I know Les looked at this carefully and concurred that the use of a transfer station constitutes the continuation of a dump.

McCann and the state also recognizes that a transfer station is a continuation of a dump facility, and spoke with Les, and the definition is broad under your bylaw and it encompasses this use and it is the same use.

PS – I think it is common around the state where the definition of dump are not transfer stations.

McCann – Yes and that is also reflected in the cases that fall under 40A section 6 as far as what a nonconforming use is and an evolution of that use, and is not considered an alteration.

JM stated to Mr. Ogren, your thoughtful comment is taken for the record, we need to move on, and I think it's important to make a finding, as it is the basis for the other special permits. Any discussion, or motion?

FINDING

Motion made by D. Twiss that the board find that the 203 E. Main Street Property (Mello disposal), falls in with the determination that the current use is pre-existing non-conforming. JM – is there any further discussion?, Chairman states I agree that the history is not perfectly clear and clean, it was a lot of work that had to go into this to get to this determination, but clearly it has been used a dump/very similar progression continuous, so we will take a roll call vote, DT- yes, SF – yes, PS – yes, DK- yes, JM – yes, all in favor 5-0. Motion Carried.

McCann – I would like to move to Traffic with our Engineer with his report that was submitted.

Mr. Ken Cramm, Bayside Engineering, Traffic Engineer - We were brought on almost 1 year ago to look at the traffic impacts from the expansion of the facility. He showed an Aerial of the site, and multiple charts, included in the traffic study and report. He explains the vehicles come in and out and the circulation on the site. Original

traffic study from March of 2017, the intersection of 133 and E. Main St., all these numbers I will be presenting in one or two of the reports submitted.

Originally the traffic counts were done in January of 2017 for the Board of Health report, from 7-9am in the morning, 3- 6:30pm, and then we did counts on Saturday, we found the morning peak hour generally occurred from 7-8am, the evening peak hour, when volumes where heaviest was around 5-6, and on Saturday was around 10:15 – 11:15am peak hours, as part of the Board of Health process, at that time they suggested we do summer time, in July 2017 the same periods, we found during evening peak when closed at 3pm on week day, inn summer the counts on East Main were lower than in January. We put out an automatic traffic recorder in January volumes are typically lower in and we had about 21,000 cars per day on this part of East Main St., and 1650 in the morning peak hour, and about 1,510 cars on E. Main St during evening commuter peak hour.

He reviewed site distances, the auto traffic recorder showed the average speed is 38 MGH, it's posted at 35 MPH, and the 85th percentile was 42 mph. We looked at last 5 years of Mass DOT data, they had only 1 crash, and Chief Cudmore only had 2 crashes near the property driveway in last 5 years.

Mr. Cramm went into great detail for about 1 ½ hours with the information in the report/s that were submitted to the board.

Please see the report for detailed information.

Mr. Cramm stated all this material and graphics I am presenting are in the reports you have.

Presented also in traffic study submitted. Some topics presented:

The material coming on site, are Roll of containers, small commercial vehicles and packer trucks (garbage trucks, for the 250 ton per day increase these vehicles have a certain capacity you break that capacity down, you divide that into what is possibly going to be processed on a day, and that gives you the number of trucks coming to and from the site. We then have the Transfer trailer, the big truck that takes everything once it's sorted and classified off of the site.

Mr. Cramm Presented, Daily Trip-Generation Estimates, Site Trip-Generation Summary with proposed expansion, Trip-Distribution summary pg. 11 of report, with graphics of weekday am peak, weekday evening peak hour and Saturday midday peak.

Enough though the calculated level of service delay number (the ???????inaudible taking too fast), I have done numerous studies, we measure the delays, the measured delays are lower than the actual calculated delays.

JM – Did you study entrance delay?

Cramm- That was one of the questions asked by the Board of Health and we did put it in with the Board of Health findings and that calculated delay on average (these are averages over the course of 1 hour) was in January, these are existing numbers, the left turn in was average delay was 11 seconds or less.

JM – What about week day morning peak?

Cramm- Weekday evening and Saturday mid-day, correct.

JM – I said Weekday morning?

Cramm- Weekday morning the calculated delay left turn movement from East Main St. during the commuter peak hour is 9.2 seconds.

DT – That means that car had stopped for 9.2 seconds.

Cramm- right, that an average, you can have 3 cars with zero delay, or a car with 30 second delay.

Cramm – The Board of Health asked us to look at intersection sight distance exiting the facility for vehicles exiting facility. He explained how they calculated (see Site Distance Summary) in traffic study. Mr. Cramm – Shows a plan with the circulation of the site.
He concluded his presentation. McCann – There is a presentation exhibit that was not in the study.

JM- Does anyone have any questions about the data?

SF – It would be helpful for me if you could, when you were showing the bar graph of existing and buildout, I would like to know a side by side, existing vs. the buildout for trucks/cars, I didn't quite capture that and spoken please, like trucks today, trucks build out, cars today, cars buildout.

Mr. Cramm – I will try to show also. I have the July it shows pickup trucks, pickup trucks with trailer, oversized pickup truck, oversized pickup with trailer, oversized panel truck, roll off, dump truck and with trailer, fuel truck, semi-truck, trash truck, front end loader, automobiles (existing in July)

Cramm – On far left, 14, and 19 (SF the larger bar graph only) Cramm 14 and 19 are larger bar, but the total is 47, July morning in 1 hour.

SF -14 are regular pickup trucks, 19 was cars, and buildout was?

Cramm – We predict 14 more pickup trucks, same number of automobiles in am, what's different are our panel trucks or commercial trucks go up by 3, the roll off trucks go up by 3, and 1 tracker trailer and 1 packer truck.

SF asks and 7 years out is your buildout right?

Cramm – Correct. SF – You're assuming no increase in pickup trucks and cars over the 7 years in 1 hour?

Cramm – Because we did counts in January and July, the volume of traffic turning left, right into the site, left/right out of the site, in January was almost the exact same, as it was in July.

SF – I understand that but, isn't the one on the right 7 years from now?

Cramm - No this is just a comparison to show you...the volume of traffic coming in and out of the site is not really going to change over time, what will change is on RT. 133, that traffic going in and out of town will probably change over time.

SF – So you're saying in 7 years you don't see increase in pickup trucks with the buildout?

SF – I am surprised. That you're saying in 7 years you don't see any increase.

DT asks about charts, so we are about 1 minute ¼, and 1 minute 50, and over that increase, that's all we are going to see in the increase?

Cramm – Yes. What you have now is a lot of small trucks to be transferred that could actually go down. It's not an exact science.

PS – I think the difference is the increase in the commercial activity, the increase in the roll offs, increase on the dump trucks is where the tonnage is going to be occurring, not with each little pickup truck, so that shows right there, the roll offs that's going to double in quantity in the 7 years out, that's where the tonnage is increasing, the type of vehicles going in will change.

JM – The data that was collected for January, was there a police officer on detail at the corner of Elm Street and Rt. 133 E. Main St at the time the data was collected?

Cramm – I do not know.

JM – Elm street is the middle school, the traffic is so bad they need an officer there, I asked because it dramatically impacts the flow of traffic coming by that site, it comes in large chunks, and it backs up to Dunkin donuts, even to the lights of the high school. I wanted to know if the data included this.

Cramm – If it's a normal occurrence, it would have been included.

JM - What was the date of the January study, what year and period of time did you collect it?

Cramm - It was January 12, 2017 probably a Wed or Thursday, 7-9am, and I believe 2-6pm and Sat 9-12 noon.

JM and data collected between January 12 and July 27th, 2017 (Thurs), for one day.

Cramm – Yes for 1 day.

JM - How long does it take for a fully loaded large vehicle roll off dumpster/large trash truck that wants to turn left how long does it take in time to accelerate and clear that lane and safely enter that road, heading west.

Cramm – Not sure I never measured it. I would say 5-7. JM – so you're not sure. Cramm – No.

JM-What was average speed of the vehicles headed west bound on 133.

Cramm – It was 38 MPH average speed, headed both directions.

SF – The key is the 85 percentile.

JM – And this is peak?

Cramm – No this was a total combined total over 2 days.

JM – So for a large fully loaded vehicle trying to turn left into the facility, the average speed is 38 mph, you have a 1,000 vehicles an hour, roughly at the peak morning time. My question is how much distance do you need between those vehicles to safely make that turn and how long is that wait time for those vehicles for them to turn left?, the reason I ask is, I was there other morning, I waited , and waited at Dunkin donuts, and I through Elm St, and I see a truck fully loaded, it could have been empty waiting to turn left, and I went by and I don't know how many cars where lined up behind waiting for him to make his left hand turn and it went all the way back to Tenney St., waiting for that one vehicle to make that turn. It may have had something to do with the officer letting chunks of vehicles go, because they are all backup up, because there is no opportunity there during the peak morning for them to get that gap, whatever that safe gap is, and then if you have more than one vehicle in that lane when you turn left, what I am getting at is, what is the inconvenience, for people trying to get into town, and into Elm St?

JM - What is the average wait time, during the morning, you have 16 vehicles trying to turn left during the peak hour, did you study that?

Cramm- There are outside influences, and queues do build up. The volume of traffic that we are adding, the big delays would be on our driveway, those delays will probably only increase marginally.

JM- A lot of the delay, from a town impact I am concerned about the backups on 133 specifically in the morning peak hours, in afternoon or rush hour that backs up regardless. In the morning there is a lot going on in a small area, I am trying to understand the relevance of adding , you're projecting 16 left hand turns at peak vs. say 12, that an increase of only 4, but that's at 33% increase. That's why I want to know what the delay time would be. To me 33% more vehicles are a lot, and the backups are real.

Cramm – But they are created by something we don't create.

JM – Ok, a trash truck turning left on 133 at 8:30 in the morning, is not creating all that traffic behind it, waiting to get to school.

Cramm- Well the volume of traffic that is causing that is traffic that is the traffic that is cutting through Georgetown to get to Rt 95.

JM – Maybe, but they are still stuck behind a trash truck. I only focusing on a small part of this, as a resident that travels his section quite frequently, I am very well aware, there is no doubt the west bound traffic is heavily impacted because of the single lane road. If it was a 2 lane road it would be different story.

Cramm – The volume of traffic does not warrant a signal, road is not wide enough.

SF – Nor would I recommend as a lane increases the speed.

DT - Your study was 7-9am, peak, I am looking at original data, and questions how much impact the drop off times at 12 noon, and where it reads wait time of 9 seconds. Maybe put a restriction on vehicles coming in 7-9?

Cramm – It's not a straight line relationship.

Discussion on wait times, and how the traffic bottlenecks continues.

DK- When you came up an average time to make that left hand turn, was it a Wed. and Saturday combined and what hours of day was it?

Cramm - We looked at the peak hour, and we used that data to say whatever the volume was, whatever the percentage of trucks was in that volume, that goes into the model. Etc.... spoke too fast?

DK – Did you average include Saturday?

Cramm- Yes.

DK – I think Saturday decreases it, we don't have a lot of traffic on Saturdays. I didn't see them broken out individually.

PS – Saturdays it's the small vehicles.

Cramm – It's in board of health section, the August letter to BOH.

DK – I just know it a nightmare in the morning. I think it's skewed, I think Saturday decreases it.

PS – Can we expand the road what can we do with the road. Ultimately do we want to keep this dump where it is, with the expansion, can we address with a left hand turn lane. Do we want to increase this usage, and the traffic is a stalemate.

SF – I live on 133, people go faster when the lanes are expanded, it's a safety issue. It's a throughway. I would not be in favor of that at all.

SF – I saw you recommended better signage, what do you recommend beyond signage.

Cramm- If someone can show me a layout plan for Rt. 133, I will tell you what we can and cannot do, can increase the width of 133 you are right, the traffic to bypass and speed.

Discussion follows on turning lanes and RT. 133.

JM interrupts stated he would like to move to audience.

Audience

Joe Bonavita, 7 Bernay way – To David's point, I think it is obvious in the morning that that is probably the big problem, what if we ask the question, that these hours would have to shift from 7—3pm to 9-3pm?, because the 9am hour pretty much most traffic is subsiding, the cop is gone, he is there 8:15 to 8:45am, what if we proposed going from 9-3pm for larger trucks. I think it's a good fix. The question though is to Mr. Mello; that still leaves a good 6 hours for trucks to come in and out.

Don Soini, 123 E. Main St – I more concerned that is inside coming out, the plan says 323 cars on Thursday, 260 on Friday, and 399 vehicles leaving the transfer station in your July showings. Some is highway but not 300 on Saturday. You say nothing is going to increase, if he increases tonnage the basically the same amount of vehicles? I am confused. How do you increasing from 50 tons a day to 300 tons a day? I have pictures of the backups. Has anyone talked to highway? If a winter day snowy if we can't get our plows, sanders etc. out with an increase to 300 tons a day. I have picture of tracker trailer pulling out, I pulled over and sat there for at least 1 minute then got my camera out, then at least 15 seconds went by and finally, I am sure 2 a day are leaving there, if you're telling me that expanding 6 fold, only 2 or 3 a day more, doesn't make sense and this was about noon time. The math does not work. A business that is creating these troubles now, should not be able to expand.

McCann states they never heard any complaints from Peter Durkee and they have a good relationship.

JM – I did speak to Peter Durkee, good relationship, it's very crowded they are kind on top of each other, and the litter. I did reach out to him, the relationship is strong.

Philip Ogren, 223 E. Main St - I understand the state closed the dump in 1981 and ordered it be capped, was there any space in time when it a dump and when it was a transfer station? I didn't hear any information on Sunday when it is open? I like to know where the small trucks go, when you want to increase by 6 times and there are bigger trucks coming in, there has to be an increase in trucks, this doesn't make any sense, how do you accept 6 times more trash with virtually no increase in traffic, a count was done in July when there is not much traffic the count was done in January.

Cramm – The count was lower on 133 yes. The volume of traffic was comparable to January counts.

Cramm reviewed counts.

JM – The capping of the facility, I looked at some documents from town meeting, the town was ordered to cap the facility and at that point Mello was brought in (managing the landfill).

J. Mello – We took over at that point, yes we were managing as a landfill.

McCann – That whole contract was there would be no discontinuation of service it would be continuance.

JM – The history is Mello was involved.

PS – Could you clarify, your request for max tonnage daily vs. what is actually going to happen, but the average tonnage per day will increase, how many addition trailers, how does it work, it's not 300 tons a day, so what is it really.

Cramm stated the small trucks will come in and out same way. He shows on plan.

J. Mello – For easy math, every 24 ton is a tractor trailer.

PS in seven years of the 5 work days, in 7 years, how many additional are going out, what is your business plan? The townspeople think there will be 300 tons leaving every day, that's not the case, but you will reach out to other companies. So 2-3 trucks now, so 4, 5 6 in seven years.

J. Mello – I don't know if the economy will ever hold the 300 tons, my anticipation we may be at 100-150 ton, maybe 200.

DT – If you cut back from 7-9 to 9 to whenever, its 20 minutes to load, take 5-10 minutes to set up, 20 minutes to get filled, and 5-10 minutes to get out, so you can probably in a 5 hour window do 5 trucks, (one per hour). J. Mello – Yes. DT - And your saying at 150 tons that's about 6 trailers.

J. Mello – Yes, about 45 minutes.

PS – Is that even possible to change to 9am? How could you limit that?

J Mello – If I could limit the hours the tracker trailers come in and out, they work for me.

JM – At 150 tons, 5, 6 a day, at 300 so around 12 trailer trucks a day.

JM – I have more audience question.

Audience

Robert Croce, 4 Reynard Lane, - Have an issue in the morning there is pounding, banging beeping, and with an increase and more trash, it will get worse, not just my house, it's the area, is it going to happen more through this expansion. Even houses further away, the sound travels. Someone else didn't get a notice on my street. I think the whole town should get a notice. I move here for more quiet.

JM explain the legal notification process. Patty explained the 300 ft. radius of and abutter list.

Stutz Plaisted, 107 Baldpate Rd. - Seems trouble is trucks turning left on 133, what if truck made right hand turn, getting off at RT 97?

JM – Put a no left turn sign up there.

Danielle Herda, 15 Mohawk Circle – Question for traffic, asks about wait time to traffic consultant, the school hours are bad. The chart site trip you said used the site distances if that 42 per hr. do you have calculation for turning radius for tractor trailers.

Cramm explains more average delay, the numbers I quoted earlier in the report. I may have miss-spoke.

Cramm answers about turning radius, a tracker trailer turns right, we are trying to find a solution to that.

John Burne, 6 Reynard Lane – Noise yes big concern, dust, has there been any consideration of location of new school with the noise, and the church and state forest. Is it possible instead of backup beacons, could there be a signal operator, is that an option, that noise that comes out of there is bad. This will not help our property values. Is there an OSHA standard. To provide a lot to ask for this large from the home owners to provide a private entity to make a lot of money on something that the town owns, it's a residential area and it's a lot to ask when you make your decision for this town. People are associating Georgetown with a dump and coming from all communities.

J. Mello – Back up alarms will be addresses in noise study.

JM – We can open back up to audience if anyone has anything new to say.

Audience; Joe Bonavita – Has there been any discussion with the heavier trucks coming onto our roads, or any study done on the effect of what it is going to do to our roads, who is responsible, things of that nature, I will tell you from the Selectmen side that if this does move forward, as it is town land and it is leased from us, we will be renegotiating the lease, and that is an area we will discuss with the business owner, we haven't gotten that far but wanted to see if you have done an examination of what this may or may not do to the roads.

SF – My understanding is because it's a state road, we can't limit it.

JM – We do maintain it, No we have not done any specific study, or anything on the wear and tear, I am concerned as well. We need to discuss is this good for the town, not just wear and tear on the roads, and the impact on East Main Street, do we want these vehicles coming through our main streets in this location, as Paul said this use in this location, does this make sense. Is that something that you (Jeff to engineer) as part of this?

Cramm- We do pavement design, but we have not looked at impact on the road (E. Main St.)

SF – If you look at the number of trucks going thru 133, this is about having a town road being a state highway, if you expand Mello or not, I don't think it is in our purview, I would love the Selectmen to look at it.

DT – I agree with Sharon, and the roads do need an overhaul.

Phil Ogren, 223 E. Main St. – I mentioned the noise at last meeting, I was told there were no complaints, I never complained because I am retired, and before that I wasn't home all day. I hear there is another piece of land the town owns, out off Rt. 95, that may be a better location for this what about that?

JM – There is a location, did you have any discussions in relocating?

McCann – We did actually, Jason and I met with town administrator, and Jason has had some communication with him as well, and most recently as of today, Jason got a response, saying the National Ave. property is undergoing a feasibility study, nothing is ruled out, and it stated (reading an email) we are probably a long way out, till any decisions are made about that future use.

JM to J. Mello, is that something you are interested in?

J. Mello – I would be interested in talking about it.

PS – You have to upgrade what you have anyway, no matter how many tons, and asks for applicant to explain permit again. I assume your increasing to pay for facility?

Richard B. (engineer), - The existing permit 5 year operating permit, expires in April, but were told we need to upgrade enclosed building.

JM. – This isn't going to be done by April, you need an extension.

Richard B. – We could get extension, we have meeting coming up with the state with revised timeframe, and we keep them in the loop, they know we are in front of BOH, they know we have many permits to get.

Discussion on extension of permits

PS – The facility has to be to new standard weather it's expanded or not.

Discussion on permits needed from ZBA and other Boards,

PS - We need to consider that you may move this in say 5 years to move somewhere else.

McCann if there is another location, it's a long way off, and explains the grandfathered use.

JM asks Joe Bonavita about National Ave. Mr. Bonavita, I haven't had direct conversation with Town Administrator, I know it has to go to land court we need frontage, its land locked, so probably summer. There is piece of it that is wetlands. We have not had active conversations with my board.

Patty stated to JM she received an email from conservation agent coming back in May of 2018, as they missed the fall timeline for wetlands.

Don Soini abutter – I look at the plans and they seem vague to me, tell me why the noise is not going to be there, these engineers and lawyer here are hired by Mello Disposal, some of this doesn't make sense. They say don't go by 300 tons, use 150 tons so don't go by 300 what happens then if it does. This is a reputation for the town of Georgetown, North Andover just turned down marijuana they don't want their reputation hurt.

Motion to go beyond the 10pm Rule DT/PS, discussion, SF just to hear noise expert, all in favor, motion carried.

Noise Engineer

Ryan T. Callahan, INCE, Noise Engineer & Consultant from Epsilon Associates Inc.,

Ryan checks that all board members have a copy of Epsilon report. (Report in File) and was emailed to board.

Ryan, Noise Engineer – I am an engineer with the acoustics groups and I performed the sound study for the transfer station, the study is in 3 parts, one, is sound monitoring of existing facility and equipment, 2nd part is sound modeling to predicts sound levels both existing and future and finally the Epsilon report dated 1/17/18. The report includes 4 tables with abutting addresses with existing, future and change in sound level. It was done with sound meters at all different locations. He discussed perhaps a sound barrier wall along one side, but found it would not be very effective, it will reflect sound off building.

He explains report to the board.

Board Questions

JM – Table 2 is the only difference being a different alarm.

Ryan – The future column is assuming its put in a building with an upgraded alarm, with a broadband alarm.

JM – Table 3 – what is difference?

Ryan – With table 3 is trying to do is strictly compare the current backup beeper alarm with the future broadband alarm, its disregarding all other sounds.

JM asked when you collected data, you can pin point that noise as a backup alarm I assume.

Ryan – Yes that is what the majority of the surrounding neighborhood, especially early morning hours, is very likely to hear that quite clearly.

JM – So you identify that in your data, and is there any way to identify weather that is alarm is an owner owned alarm or a customer owned alarm, and are you making an assumption that every time one of these things beeps that in this table, in other words, your applying this alarm but every dump truck I have seen that puts it in reverse in the facility to back up, has one of these alarms on it, so these alarms aren't all the owners. How much of the alarm noise from the data you collected was his vs. customer?

Ryan – The difference is based upon the difference between the transfer stations, owned and controlled sound sources and equipment, so we would refer to on-site equipment, those are the sound sources that are regulated and talked about in sound studies, if you mean a different vendor coming in, we don't typically analysis those levels as they are outside the scope of a sound study.

Discussion follows on back up noise.

JM – Customers come in they back up facing I believe East, into that wooded area, would the new location of the enclosed building, they still have to pull out of building, would there be any difference in the noise the neighbors would here that live in that direction by relocating the direction when they pull the vehicles in.

Richard B, Lynnfield Engineering – The building is going to have an open garage door, and the study assumes that the garage door is open.

JM – The noise level will not be mitigated by the fact that there is an enclosed building.

SF – Would it benefit neighborhood if the opening was other side? JM – They still are backing up one way and the new conditions there is a building there and they are still backing up, and it seems there are more neighbors in those locations.

PS - Where do the tractor trailers where back in again?

Richard B, Lynnfield Engineering - North West side of building.

DT – So the loading of the trucks will be done inside. Richard – Yes.

JM– But early morning noise carries, is there any difference in sound that you observed early morning vs. afternoon vs. evening?

Ryan – The noise level produced by the facility that stays same during time of day.

The front end loader is by far, the most loudest piece of equipment on the site, so what the model is looking at is actually a snapshot in time of that loudest moment, so there are many measurements and I took the highest ones, and added them together, to produce this sort of worst case sound level, so it is kind of the banging being heard is probably the bucket being dropped on pavement, and then its dragged across the pavement, which is also load, and then backs up with beeper, I combined all those sources into one super source; if you will; and that is the level we are predicting, so in the morning, yes its more noticeable because the ambient is lower, but the number your seeing is the same at noon. Its's blind as to time of day.

Ryan, the locations 1-5 that were we measured with a sound meter on a tripod and measured sound levels, and took notes, and I could see the front end loader at all times. They are prediction points.

DT – How accurate is your model? Ryan – The model at locations, 1-5 was within 2 decibels of what I measured.

DT – I mean your predictive model receiver.

Ryan – How accurate? That's subjective, I would say the model is very conservative in that it operates using an iso standard, a set of algebra rhythms to predict how sound travels outdoors and part of that is assuming every direction is down wind simultaneously so when you put a front end loader.....

DT – So again it's a worst case scenario. Ryan – Yes.

JM – Audience

Phil Ogren, abutter – I question if the board is aware that larger trucks also have an alarm, now you bring in 6 times the amount of trash, and the trucks are bigger, like a six wheeler, they have back up and bed up alarms, there are twice as many alarms on the trucks.

John Burne, abutter - What is frequency band of the swisher sound? What is the approximate decibel delta between the loader and typical truck?

Ryan – It's essentially all of them, but it concentrated at 1,000 and below, it more of a white noise. As far as delta, on loader to a truck, it probably 3.

END Noise Engineer

McCann – Based on what you heard tonight, is there any particular issues we need to focus on for next meeting?

SF – For next meeting the residential part, is it large enough? McCann asked onsite residential area?

SF – yes.

PS – I thing property value issues next time, are there other amenities you can provide for the town, if your granted this and one important is composting is there any possible way, that Mello can do things like composting, or free trash pickup, or other things that the town would benefit from, because at this point, we don't benefit from anything aside from having a dump in our town, but to expand its use what is in it for the town? What does Mello have to offer us?

Motion by DT/PS to continue to March 6, 2018 immediately following the first scheduled hearing, all in favor, motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved at 3/6/18 Business Meeting

MCCANN & MCCANN, P.C.

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December 18, 2017

Georgetown Board of Appeals
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1 Library Street
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Re: 203 E. Main Street - Continuance Request
G. Mello Disposal Corp.
Special Permit Applications C. 165 Sections 94, 81, 20-28 and 29-38.

Dear Board Members:

On behalf of the Applicant, G. Mello Disposal Corp., I hereby request a continuance of this matter to the Board's meeting of February 6, 2018, to allow us time to submit supplemental information in response to the comments received at the last meeting.

Thank you for your consideration.

Very truly yours,


Nancy A.S. McCann

NASM/kjl