



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
Map 15, Lot 46 Carleton Drive, Georgetown MA
Applicant: G. Mello Disposal Corp
Owner: East West Mirra Realty LLC
ZBA File #19-07
May 7, 2019

Board Members Present: Jeff Moore Acting Chairman, regular member
Paul Shilhan, regular member
Dave Kapnis, regular member
Shawn Deane, regular member – did Mullen for 4/2/19
Gina Thibeault, regular member
Sharon Freeman, associate member

Applicant present – Jason Mello, VP of Operations
Attorney: Nancy McCann of McCann & McCann, 89 Newbury St, Danvers, MA 01923
Scott Cameron, P Engineer – Morin-Cameron Group, 66 Elm St. Danvers Ma
Rebecca Brown of Greenman-Pedersen GPI Traffic Consultants.
Georgetown Town Counsel – Attorney Tom Lane of Kopelman & Paige

**Note Board Members are referred to by their Initials, (NM) Nancy McCann, and Scott Cameron SC)
Attorney Tom Lane, Town Counsel K & P (TL), Rebecca Brown, traffic (RB)*

Chairman Shawn Deanne opened the Hearing at 7:34pm, and introduced the board members, and Counsel for the Town, Attorney Tom Lane.

Jeff Moore read into the record

Plans

Exhibit 1 – Context Plan sheet 1, dated 2/21/2019, by Morin- Cameron
Exhibit 2 – Existing conditions Plan, Parcels 46 & 63 dated 8/11/2004
(stamped by Matthew Brassard, PE, of Brassard Design
Exhibit 3 - Schematic Site Plan Layout Plan dated 2/21/19
Exb. 4 - Schematic Grading and Utility Plan, dated 2/21/19
Exhibit 5 – Schematic Erosion & sediment Control plan, dated 2/21/19

Building Elevation and Floor plans

Exhibit 6 – Proposed Floor Plan, dated 2/14/19 CM Builders, done by RKB Architects of Braintree, MA
Exhibit 7 – Proposed Elevations (Side & Front) CM Builders, 2/14/19 RKB Architects of Braintree, MA
Exhibit 8 – Proposed Elevations (Side & Rear) CM Builders, 2/14/19 RKB Architects of Braintree, MA
Exhibit 9 - Traffic Study by GPA (Greenman-Pedersen)
Submitted April 29 via email & hard copies **For May 7, 2019 Hearing**
Exhibit 10 – Supplemental Traffic Study by GPA (Greenman-Pedersen)
(Dated 4-26-19)

Applicants Presentation:

Attorney Nancy McCann – NM - I am here on behalf of the applicant G. Mello Disposal Corp., with me tonight is Gregg & Jason Mello as well as project engineer, Scott Cameron and, Rebecca Brown, Traffic Consultant of GPI.

NM – Since last hearing we have provided a supplemental Traffic Report and Response dated 4/26/19, to respond to comments and the discussed at the April 2, 2019 hearing.

We are seeking a Special Permit for Light Industry Use, 165-8 and 9, or a Special Permit per 165-9 for a use not specifically listed in the Schedule of Uses, for a transfer station to be constructed and operated on the property. The Applicant also requests a Special Permit for construction and operation of a transfer station in a Water Resource District, it meets all designs under 165-34 and there will be no degradation to the water supply, and more info in that application you have.

NM – Our traffic consultant GPI has conducted additional traffic counts at the existing Mello Disposal location (203 E. Main) to provide an accurate new trip generation count for the proposed facility. In addition GPI has addresses questions regarding truck turning movements at the Carleton Drive and RT. 133 Intersection

We will also be seeking permits from Conservation and Planning Board for Site Plan Approval.

NM – Explains transfer in and out of facility, it falls within light industry, we take it in sort it separate in and take it out. It also has a municipal benefit to the town. The Carleton drive location has not been developed, we can start from scratch with an industrial zone, appropriate location and for a better experience and address issues at the current location with traffic.

NM – for Water resource is allowed by special permit it has been designed under 165-34, no degradation, it does meet the criteria. We have favorable recommendations from Fire and Planning Board. Traffic falls under Site plan approval so we provided some supplemental traffic information, you asked us to look at traffic movements that is what we provided in the supplement you have.

JM – I was speaking with T. Counsel after last hearing, I want to go over what we need to do, Nancy I know you did it but just to review, so this use is not listed in schedule of uses, so unless we consider it light industry and as I read through it, it has to be similar to light industry; Nancy unless you have another interpretation of that, but light industry would be the most similar, we either find that it is light industry or similar to light industry in any case we need to make the appropriate finding and special permit.

JM read the definition of Light Industry

Fabrication, assembly, processing, finishing work or packaging in such a manner that noise, dust, odor, vibration and similar objectionable feature are confined to the premises. So the real question is we need to find that it is light industry or similar and then we need special permit and the findings that we need to do with special permit.

N.M – Agreed with Jeff's summary.

Traffic

Rebecca Brown, Traffic Consultant (RB) – A couple of comments that we did hear at the last meeting, talking about the turning movements into and out of Carleton Drive, we were asked was how much traffic is being generated at existing facility to count that, included in your supplement.

RB shows on plan and states, goes through the turning movements and shows on plans on the board, we were asked about the swing, Carleton varies but at narrowest is about 26 ft. wide, which gives about 13 ft. for a truck to pass in each lane, typical travel lanes are 11- 12 Ft., so it is more than adequate, we looked at tightening the turn, she show on plan difference from last hearing plan in the supplement, for about 88 ft. back from where the edge of the travel way is the vehicle could sweep out, this is the worst case scenario for the largest truck, we anticipate about 20 of these trucks would come in and out on a weekday.

PS – So 20 in and 20 out. RB – Yes.

SD – These would be your trucks. RB – Yes. SD – Would you be able to control the schedule and when they come in?

J. Mello – They are always staggered.

DK – You mentioned last time you can stagger the times for example during school buses are traveling.

JM can you control them to go left; can we stop them from going thru downtown?

Jason Mello – The majority goes left most go to RT 95. I can't guarantee that.

NM – Jason can control what time they come thru out the day. They are his trucks and he can control the time, he is able to change the time.

RB – About 70% are headed toward the highway, the smaller 30% go thru downtown. It was mentioned last time the school bus comes by here, that can be controlled by G. Mello so the trucks coming in don't conflict with the school bus.

JM speaks to resident Joe Tirone, 2 Carleton, your driveway is further down Carleton, Mr. Tirone show on plan his bus stop, I think it would be worth talking with Carol Jacobs at the school and police in changing your bus stop to come right to your driveway. I would be happy to help. It might be an alternative.

J. Tirone – I still am concern, there is no light there or anything.

DK – The point is like Jeff said why can't the bus turn around at the cul de sac and turn around to that side of the street. J. Moore offered to help contacting the school or police chief.

RB continues for some time to explain the supplement traffic response (see attached)

JM – So the larger truck would have to wait for other to make turn, and left side traffic would wait, how many in queue...RB about 4 vehicles would queue to wait for it to make turn. RB – The truck can also pull on to the very wide shoulder, for the sweeping turn so you can go around.

Discussion follows for some time with traffic consultant and PS, SD and JM, GT regarding traffic, which it is ultimately mentioned by JM & NM that traffic will be handled by a 3rd party review when they go to Planning for Site Plan Approval they hire their own traffic engineer.

RB - We conducted manual turning movement counts called (TCMs) and vehicle classification counts at the existing driveway to the transfer station at 203 E. Main St. location during the weekday AM peak period (7am to 9am) and the weekday PM peak period (3pm – 6pm) on Monday, April 8, 2019, and during the Saturday midday peak period (11AM TO 1PM) On Saturday April 6, 2019. ATRs were used to obtain daily traffic volumes and vehicle classification on the 203 E. Main St. driveway for a 72-hour period from Saturday April 6, 2019 to Monday April 8, 2019. This was used to estimate the existing trips at the existing site on E. Main St. and you can find existing site-generated trips summary in Table 1.

JM – This traffic study was very well done and easy to understand.

NM – So we are able to make the swing in with exception of tractor trailer trucks, it is common again to any intersection in town. This will go before planning for traffic also.

Audience

J. Tyrone, 2 Carleton Drive – I feel like it's not wide enough, I can't see like Massachusetts can approve something like that, you will regret it.

NM – when people are coming home the business is closed

Steve Saddler, 7 Hillside drive – I am speaking as a resident, not a Selectman, in which my term ends in a week. Since my time in town Mello has been a great neighbor, we have not had any issues, from what I read in their contract and all the things they do for the Town is great, one concern is traffic considering it is an expansion, is there plans to continue that relationship with the town and services, since it is not going to be on town land anymore, and can we get a count of recycle stickers.

J. Moore asks Jason Mello if there are plans to continue that relationship with the town with municipal services and can we get a count of recycle stickers for the facility so we can see how many are residents?

SD asks can the applicant answer the question relative to the service for the town.

J. Mello states the services I provide for the town go far beyond our contract; and I have no intentions in stopping that, we work closely with Highway Supervisor Peter Durkee and we provide a lot of labor, throughout town to help cleanup and what we do now for the Town for all the municipal buildings will continue that will not change.

JM will you enter into an agreement with the town to continue with the town buildings.

J. Mello – Yes we will continue, I would have no problem with that, we collect for town hall, schools get a huge discount and free recycling, we issue residential recycling stickers to the town, only Georgetown residents by ID drop off free. Were other towns are not free, I don't know the number of stickers at this moment. We also do a lot of donations in town also.

SF how much is recyclables bin? J. Mello - \$1 a bin.

Roland Spofford, 29 Library St. - I work for company a couple days a week; we have issued over 600 stickers.

JM – Question about layout, do you have a graphic that shows a layout of facility, in the building, can you describe inside building, specifically odor control.

NM – This will meet DEP regulation, and will be fully enclosed.

JM – The new design has odor control?

S. Cameron (SC) – The building will have ventilation per DEP and building and the best way is getting it out within 48 to 72 hours, the residential is also in closed bins everything is contained.

J. Mello – Once we do this we go to DEP, for Odor and Dust control have to be in there and it has to be approved.

Discussion follows on things are going to work inside building, like compactors, cost of leaves 50cents per bag, compost, liquid leaking out asked by DK. J. Mello stating they will have tanks underground, and DEP will regulate.

SC – This building has drains the goes to a holding tank, DEP regulated

SD – asked how often DEP comes, JM quarterly, or whenever they wish.

GT asked about other site closing. NM – They will have to work to clean up and work with Selectmen.

When asked about construction start timeline.

SC –We have conservation, planning, DEP – perhaps sometime end of 2020. The building will go up quick; a lot is getting the site ready.

J. Moore I think the design of facility is great and everything is indoors, I think if light industry typically of something being inside, I do have a concern about the whole drop off area and what it is really attracting to this site, I look at this site as really now becoming a commercial industrial, I mean it's all municipal waste processing and transfer facility, and going from 50 tons to 500 a day with zero increase in any passenger vehicles, obviously that is all industrial, so you have in the order of 30% of vehicles potentially coming down Carleton Dr. generating 95% of the tonnage in the future, if you say 50 tons a day half might be the residential drop off, now when they get 500 tons a day you may have 25% residential. From a light industry use, I would like to see this being industrial and not retail or municipal, I also have concerns about not so much about the traffic on 133, that is not on them, something is going down there eventually, the easy solution is get rid of the drop off area completely, I don't think the intersection is great, but 600 vehicles trips a day during the week and 812 on weekends, I don't need a traffic expert to tell us that that would be an improvement. If you eliminate that part, and he going up and down the street collecting trash, just provide curbside pickup for the entire town, for trash and recycling, and eliminate all the extra traffic going down there, the site would be more efficient, we are all being attracted to this site as resident to drop our \$3 bags off, people don't want to sign up for curbside because its \$3 a bag, it too cheap, and it's not just Georgetown, its other towns, probably ½ are coming from somewhere else. They provide curbside and recycle already. Do complimentary pickup to everyone in Georgetown.

NM – I am puzzled, we have the pending application and this new site and this is the first I am hearing about the suggestion that maybe get rid of residential drop off which has been a big component and seemed to be favorable, and to great expense to configure this new plan with an redesigned drop off area, to meet the need, I am very surprised, I have not spoken to Jason about what that would do to his business.

NM -The only time we have the traffic Mon- Fri commercial and residential Saturday and Sunday and the 2 for the most part don't mix.

JM – 68% of vehicles on a weekday are passenger, and most are dropping those bags off, 96 trucks and 606 vehicles.

J. Mello – We average 120-150 on weekdays, so 240 trips.
SD – So still 400.

JM – Why are we attracting residents to drop off, when you can get pickup.

SD what is breakdown of curbside

J. Mello – We have roughly 1,700 houses that we pick up curbside.

Discussion follows on removing the residential drop off.

PS to J. Mello - You know what you want, does it matter to you.

J. Mello – It does, I can't afford to pick up the entire town for free.

DK – I know some elderly neighbors that just can't afford it.

SF –The town has the obligation to fix that intersection. It's not a good intersection, we have forced them out of where they are, to ask them to pick up trash for free it's absurd, the town signed a 10 year lease. The town should fix that intersection.

JM – Then keep it at 50 tons not 500. It would reduce the detriment.

GT – You can't tell people they can't drive on a street, in other towns where trash is free, they pay for it in taxes. Where people can't afford it, maybe it's a discount; I don't know how you can expect Mello to do that all for free. It is not increasing traffic, a passenger going in and out of that street it's not complicated.

Discussion follows on drop off, traffic and road.

PS – It is possible, to leave it industrial is not a terrible idea.

PS – I rather drop off my trash off myself, as one member that lives on East Main Street the traffic is crazy no matter, it's not because of G. Mello.

J. Mello –We feel we are doing a service to the town; some people want to drop off furniture, where else are they going to go.

SF – I still think the town is obligated.

GT – I think if you expect them to pick up trash, the town should pay for it. That is not what is in front of us.

Discussion follows on type of drop off pick up and residents and nonresidents follows for some time, and other streets being overloaded, can't tell people not to drive down a street.

NM – They have 5 employees, if there is no drop off they could have 200 employees that is more vehicles trips. Mon- Friday is commercial, if you eliminate drop off it's not going to change that.

SD – What is breakdown of resident during week? J. Mello – I would have to look into that.

NM – You could have another business with 250 employees on this property.

SC - Also it would be during rush hour times, this is not. This is only an 8 hour span

SC – On personal experience, I am in Middleton we have a facility, it kind of a wonky entrance, but when you're in there its quick, I have been there 11 years. It's an industrial park/road.

PS – It's up to the Planning Board they handle traffic. SF mentions town responsibility.

NM – I am uncomfortable, to ask the applicant provide something free to the town to get this special permit. I think it's unfair he already gives a lot to the town, and to ask him now pickup for free, we were asked for existing property to upgrade the drop off area, and gone to great expense to upgrade the plans. The traffic is already there it's a slight increase and we provided the number. G. Mello contributions to this town is significant, and he is willing to continue to do that for the town, it's a use and I believe it is an industrial use, taking in processing and removing material.

Don Soini, 123 E. Main St – Asks for stickers for residents and if not a resident pay more money, and different prices for weekdays/weekends. I would love to see out of town people pay \$6 a bag or more may deter other towns.

NM – This is a use and I suggest a special permit.

JM – We have not had a 3 party review planning will do that, I am looking at the 7 dumpsters, I think there is an alternative there, from that standpoint it would be less of a burden on that street.

JM – How did you come up with 500 tons? J. Mello – 500 was what we felt we can handle.

PS – do you want to think about anything else?

NM - These are brand new ideas from when we were here I would like to know what other board members think. Can I poll the board?

GT – I think it's a use similar to light industrial.
DK agrees.

Discussion goes back and forth on industrial, and drop off.

JM – I just thought it was an alternative to remove residential pickup.
JM – How did you come up with 500? Jeff goes on to explain his reasons.

J. Mello – I had to buy the land.

JM – Is there any agreement now with selectmen do what you do,

J. Mello – I agree to have reasonable prices. We do more.

NM – I would like to poll the board, GT – I

JM –That is in the lease for the existing site. So that lease goes away and your intent would be to enter into a new service agreement with the town for trash and recycle, and I am assuming complimentary for the municipal buildings in town, I am suggesting if that is expanded to residential as well, there is no need that whole section of this facility, so can still do large items recycling, just my thought. I don't know what I think about light industry.

S. Saddler – Something else to consider, it is going to improve processing, with efficiency if it is easier to go in and out with new facility, it would be more of an invitation.

SD – To put Table 1 of the supplement into prospective, the proposed trips the 280 and 610, that is 500 tons right? Is that Max?

J. Mello – Correct.

SD – So you talked about some sort of ramp up period, where you get to the 500, you may not ever get to 500 tons, what does that increase in frequency look like in 2020/2021, say 2021 you open doors, how long do you anticipate, it take to get to 500 tons over time 3 years 5 year etc.?

J. Mello – I would guess 10 years. I could see going to 200 within 3 years.

PS – I think the logistics need to be worked out with the town.

JM – I don't need any more traffic information. I don't know if there is a way to reduce the traffic to the site.

SD – I don't know, as a board, it would be a major condition, it going more toward policy, the weight of that type of condition I am struggling with it.

JM – We don't have to agree. GT – I think it is policy.

SD – I think we need to make a Finding if it's light industry or use, I am struggling.

PS – Planning board is going to deal with the traffic.

SD – Could we write a letter to Planning?

JM – Generally when we do a condition for planning for SPA, we really suggest they look at this, and we have a letter from town planner in here, we have to give permission for the use.

Discussion on light industry. SF asks for clarification of finding and special permit. NM –explains.

Attorney T. Lane – I think you can grant it either way and industrial use or similar to industrial use. It reaches the same result. It's more to what you find as a board.

NM – The criteria is listed in application 165-79, not overload any municipal system, we use very low, use will not cause an excess, so this will be relocating and the traffic is already there in this corridor.

NM – Can we get more polling of the board?

SD- So who did we poll

NM – Mr. Kapnis, yourself, Ms. Thibeault.

SD – Paul?

PS believes light industry or similar

PS – yes I do believe it's similar to light industrial.

JM – the motion would be, is similar in character to uses in the district and make the findings for special permit.

PS I would like to propose we find its light industrial use, I need time to write this out.

Board takes a 10 minute recess.

Finding

Motion by PS make a Finding to allow the construction and operation of a transfer station on the property being Map 15 Lot 46, Carleton Drive, as such use is a use not listed in the schedule of uses and being a use similar in character to other light industrial processing uses permitted by special permits in the Commercial C District.

I further move that the board find the requested use is essential and desirable to the public convenience and welfare, a transfer station provides a needed service and convenience to the residences and business of the Town and the community the requested use will not overload any Will not overload any public water or other municipal services so as to unduly subject any area to hazards affecting health, safety or the general welfare; Will not impair the integrity or character of the district or adjoining districts; and the requested use will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Seconded by D, Kapnis

Discussion- None

Vote: DK, PS, GT, SD – All 4 member voted Yes.

JM –Votes No. Motion Carries 4-1 Granted

Special permit

P. Shilhan - I further move to the board grant a Special Permit pursuant to Zoning Bylaw Chapter 165-8 and 9 to allow the construction and operation of a transfer station on the property being Map 15 Lot 46, Carleton Drive.

2nd GT. No discussion

Vote; DK, PS SD GT – all 4 Yes

JM – No. Motion carries 4-1. **S Permit Granted**

SD read **Lapse of Permit** - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than 3 years, which shall not include such time required to pursue or await the determination of an appeal referred to in Section 17, if a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.

JM – The Water Resource does that take place after site plan approval.

NM – It was filed with this as separate application and you opened it I would ask to continue to next meeting to June 4.

JM under 165-35 second to last line states, an after site plan review so on the SPGA
I read that you have to get Site plan first?

T. Lane – It clear in that section that Site Plan goes first.

NM – I am not sure either, why I filed it all at once

JM – What if something changes in SPA, may change things.

NM – And we may not be prepared to go into Water Resource now if we continue to June, if we want to go forward or table it.

GT is it ok to table or it to continue.

T. Lane – That section says SPA goes first. Mention that part of hearing is 165-35 is being continued.

NM – You did open water resource.

NM – I would like to continue on water resource, to June 4 meeting which I will be here on a separate matter, and I will let you know.

SD – I forgot to state; there is 14 days the board has to file the decision with town clerk. Any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days, but does so at their own risk.

SD ask for a motion to close special permit.

Motion by PS/DK to close special permit on G. Mello relative to special permit 165-9.

Motion to continue Water resource application

Motion by GT/DK to can continue the Water Resource part of hearing to June 4, 2019 meeting date, all in favor.

Patty Pitari
Zoning Administrative Assistant

Approved at 6-4-19 Business Meeting