



## Town of Georgetown

## MINUTES

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2 Committee: Planning Board  
3 Date: February 24, 2016  
4 Time: 7:00 pm.  
5 Location: Georgetown Town Hall, 3rd floor conference room.  
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7 Members present: Rob Hoover, Tillie Evangelista, Harry LaCortiglia, Matt Martin, Bob Watts.  
8 Guests: Jon Eichman, Town Council; Larry Graham, Town Engineer.  
9 Staff present: Administrative Assistant Andrea Thibault.  
10 Minutes taken by A. Thibault.  
11 The Meeting was called to order at 7:01pm by R. Hoover.  
12

### Correspondence:

#### **Healthy Pharms, Inc.:**

- 15 1. Attorney John Connelly: Healthy Pharms Special Permit- Proposed Conditions from abuttor.
- 16 2. Town of Georgetown Police Department: Letter re: Marijuana Dispensary dated February 5, 2016
- 17 3. Town of Georgetown Police Department: Letter re: Marijuana Dispensary dated February 12,  
18 2016.
- 19 4. Attorney Valerio Romano, Healthy Pharms, Inc.: Letter re: Resolutions to Comments Expressed  
20 at January 27, 2016 Planning Board Meeting with Exhibits.
- 21 5. Attorney Valerio Romano, Healthy Pharms, Inc.: Draft Planning Board Decision.  
22

#### **Other:**

- 23 6. Massachusetts Historical Commission: Letter regarding #2 Tenney Street.
- 24 7. Town of Georgetown Conservation Commission: Erosion and Stormwater bylaw.
- 25 8. Town of Georgetown Conservation Commission: Email from Conservation Commission Agent  
26 dated February 18, 2016.
- 27 9. Town of Georgetown ZBA: Decision Denied for 1 Industrial Way.
- 28 10. Town of Boxford Zoning Board of Appeals: Special permit for accessory apartment.
- 29 11. Town of Boxford Zoning Board of Appeals: Special permit for proposed addition on non-  
30 conforming lot.
- 31 12. Town Counsel: Email from Attorney Jon Eichman re: National Avenue ANR.  
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### Vouchers:

35  
36 H. LaCortiglia: Motion to approve voucher for Erosion Control and Stormwater Ch. 57  
37 bylaw for Public Hearing Notice North of Boston Media Group \$530.25.

38 T. Evangelista: Second.  
39 Motion carries 5-0; unanimous.  
40

41 T. Evangelista: Motion to approve payment to H.L. Graham to review of #2 Tenney  
42 Street/Palmer Lane \$1320.00.

43 M. Martin: Second.  
44 Motion carries 4-0; H. LaCortiglia recused.  
45

46 H. LaCortiglia: Motion to approve Ch. 57 and 40R Overlay legal ads for \$25.72.

47 B. Watts: Second.  
48 Motion carries 5-0; unanimous.

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50 H. LaCortiglia: Motion to approve voucher for \$215.00 for Land Court Reporter.  
51 B. Watts: Second.  
52 Motion carries 5-0; unanimous.

53  
54 R. Hoover: Approved at the last meeting, but needing signatures is a voucher for \$820.00 to H.L.  
55 Graham for technical review work at Maureen Lane. And, also needing signatures on \$100.00 to US  
56 Post Office for postage meter.

57  
58 **ANR- National Ave.**

59 Planning Board and Town Council discussion regarding:  
60 {*Land and the adequacy of frontage. The frontage of #0 Main Street is not before the Planning Board.*}

61  
62 H. LaCortiglia: Motion to endorse Form A lot entitled Subdivision Plan of Land in  
63 Georgetown, MA prepared by Hayes Engineering, revised 02-24-2016.  
64 T. Evangelista: Second.  
65 Motion carries 5-0; unanimous.

66  
67 **Public Hearing: Healthy Pharms, Inc, continued from January 27, 2016.**

68 H. LaCortiglia: Motion to reopen Healthy Pharms, Inc. Special Permit, continued from  
69 January 27, 2016.

70 M. Martin: Second.  
71 Motion carries 5-0; unanimous.

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73 V. Romano, Attorney for Healthy Pharms, Inc: Discussion with the Planning Board and Town  
74 Engineer regarding:

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76 {*Police Chief Letter, ABZ Storage abuttor concerns, fertilizer and nitrates, security, fencing, regulatory boundaries of the*  
77 *town vs. the state, floor drains, truck bay drains, list of all chemicals used and stored greater than 5 gallons and their*  
78 *usage, condition of the parking lot pavement, bright light on corner of building will be angled down and wattage adjusted,*  
79 *details of proposed signs including stop signs, traffic analysis, how many people will visit the site per day, including*  
80 *employees, patients, caregivers and delivery vehicles, hours of operation, further clarity on water usage, employee showers,*  
81 *septic system impacts, nitrogen calculations, dimensions of rain gardens, photo metrics, legal issues surrounding medical*  
82 *marijuana dispensaries- independent studies attached as Exhibit 1.*}

83  
84 Jean Trillo, Associate Member of Rowley Planning Board: Who is responsible for monitoring the  
85 nitrogen? And where will that report go?

86  
87 Attorney Jay Connolly, Representing abuttors ABZ Storage: What about monitoring and reporting?  
88 Please consider defining applicant as Healthy Pharms, Inc. as one of the special conditions. List of  
89 authorized personnel. Incidence reports provided to Georgetown, and the State of MA. Cease and  
90 desist only has to be reported to state. Request that it also be reported to Georgetown. Request a  
91 full perimeter fence.

92  
93 B. Watts: My concerns regarding nitrogen infiltration and security issues were addressed adequately.  
94

95 H. LaCortiglia: Sodium Hydrochloride. What will you be using it for, in what quantities, and how is it  
96 stored? What about CO2?

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98 T. Evangelista: Will there be a generator?  
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100 V. Romano: We are looking at a generator for the security system. We are not intending to have a  
101 backup lighting plan.

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103 T. Evangelista: What are your proposed hours of operation?  
104

105 V. Romano: We would like permission to be open 7 days, 8am to 8pm.  
106

107 T. Evangelista: What kind of liability insurance will you have? We would like a copy of your  
108 certificate of insurance. Will you have showers, or will your employees be wearing overalls? Will  
109 showers be connected to the septic system? What is the impact on the septic with 50 employees?  
110 Have you included those calculations? Also, have you included that nitrogen impact?  
111

112 R. Hoover: Lighting plan, landscape plan and rain garden detail- request for adjustments to the plans  
113 and revisions outlined. Please comply with the ordinances, 20 foot pole height, all of the existing  
114 spotlights. If there is any lighting you may be adding please consider combining new LED fixtures.  
115 My other comments have already been addressed.  
116

117 H. LaCortiglia: Motion to continue the Public Hearing to March 9, 2016 at 7:15pm.

118 B. Watts: Second.

119 Motion carries 5-0; unanimous.  
120

## 121 RECESS

## 122 **Public Hearing: Ch. 57 Stormwater and Erosion Control, continued from January 27, 2016.**

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125 H. LaCortiglia: Motion to reopen the Public Hearing for Ch. 57 Stormwater and Erosion  
126 control continued from January 27, 2016.

127 B. Watts: Second.

128 Motion carries 5-0; unanimous  
129

130 G. Comiskey, 45 Old Jacobs Road and Parker River Water Assoc.: I agree that changes are  
131 appropriate. Cornell numbers. The status of the watershed is highly stressed. River frequently runs  
132 dry.  
133

134 H. LaCortiglia: Would you recommend this amendment to the bylaw be adopted at Town Meeting?  
135

136 G. Comiskey: Yes.  
137

138 L. Graham: Ipswich has jurisdictional authority set up such that proposal comes before the Planning  
139 Board, they are the jurisdictional authority. Then it goes to DPW.  
140

141 R. Hoover: Larry, can you get a copy of those regulations to us?  
142

143 L. Graham: Yes.

144

145 Planning Board discussion regarding:

146

147 *{Enforcement jurisdiction, Conservation Commission input, preparation for Town Meeting.}*

148

149 M. Martin: Motion to continue the Ch. 57 Stormwater and Erosion Control Public Hearing to  
150 March 23, 2016.

151 H. LaCortiglia: Second.

152 Motion carries 5-0; unanimous.

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154 **Public Hearing: # 2 Tenney Street/Palmer Lane.**

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156 B. Watts: Motion to open the Public Hearing on Palmer Lane.

157 M. Martin: Second.

158 H. LaCortiglia: Recuses himself and leaves the room 9:14pm.

159

160 Dennis Quaid, Project Engineer: Presentation on definitive subdivision plan, signage, landscaping  
161 plan, traffic analysis, waivers, existing conditions, buffers, grading plan, watershed line, drainage, pet  
162 burial area.

163

164 Steve Rando, 200 East Main Street, abuttor: Requesting 60 foot no cut zone.

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166 Ed DeJardines; Georgetown Historical Commission: Historical Commission allowed removal of barn  
167 and garage to facilitate building the roadway. Demolition delay on the house. This is an important  
168 historical home in Georgetown and the Historical Commission strongly advocates for its preservation.

169

170 M. Martin: Motion to continue Public Hearing for Palmer Lane to March 9, 2016.

171 B. Watts: Second.

172 Motion carries 4-0. H. LaCortiglia recused.

173

174 **RECESS**

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176 **Old Business:**

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178 **Turning Leaf: Tripartite Agreement.**

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180 J. Mann, Attorney for Turning Leaf: Presentation re: Tripartite Agreement, bond, release of lots and  
181 fractional payment.

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183 Jon Eichman, Town Counsel: My recommendations have been made to the Tripartite Agreement. I  
184 am just now receiving the signed version from Turning Leaf. I am reviewing it in the moment to  
185 ensure that it is the correct version that includes all my changes.

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187 Planning Board discussion regarding:

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189 *{Tripartite Agreement, related legal issues, bond, types of security, and deposit. Consulting Engineer Larry Graham  
190 agrees that the bond is an appropriate amount.}*

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H. LaCortiglia: Motion to accept the Tripartite Agreement as submitted by the applicant and authorize the Chair to sign on behalf of the Board.

M. Martin: Second.

All in favor. Motion carries 5-0; unanimous.

J. Mann: We need to execute the release of 3 lots. Because 44 Searle Street is not complete, I am only asking for 3 additional. I had to deliver the Tripartite Agreement on the 7<sup>th</sup> lot. Before I can get the 11<sup>th</sup> lot, I have to demonstrate that I transferred the Affordable Unit. I have delivered that deed to Jon Eichman.

J. Eichman: The first Affordable Unit has to be under deed rider, before you can release Lot #11.

J. Mann: I disagree.

J. Eichman: The obligation is on the developer to make sure this is done. And, it doesn't become an Affordable Unit under DHCH until it approves the deed. I cannot recommend to the Board that they release the 11<sup>th</sup> lot if DHCD hasn't signed off yet.

*{Planning Board discussion with Town Counsel regarding the release of lots and conditions per the decision.}*

H. LaCortiglia: Motion to approve the partial release of Covenant for Lot 3 and Lot A (44 Searle Street, the Affordable Unit).

B. Watts: Second.

Motion carries 5-0; unanimous.

J. Mann: That makes a total of 8 lots. The 8 does not include 44 Searle Street the affordable unit. It is very difficult for us to know what the next two lots are. We are entitled to up to 10.

J. Eichman: Are you requesting the Board to release 2 more lots, in addition?

J. Mann: Yes.

T. Evangelista: I object to that.

J. Mann: I have to pay the fractional payment before I can get the 11<sup>th</sup> lot release. It's very difficult to interpret your bylaw that requires the payment be based on the average fair market value of units sold.

H. LaCortiglia: Have any of them been assessed yet?

J. Mann: No.

M. Martin: Would you consider a high/low agreement?

J. Eichman: We discussed an escrow agreement, where payment is depending on what happens when all the lots are done and assessed.

*Planning Board discussion with Town Counsel regarding the fractional payment and the affordable unit.}*

239  
240 R. Hoover: Do we have to resolve this tonight?

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242 J. Mann: No.

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244 **Planning Office:**

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246 R. Hoover: Form D certificate of approval for Bailey Lane. Upon council's advice, it has been  
247 recommended to continue to the next meeting.

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249 Planning Board discussion with Town Counsel regarding:

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251 *{Filing dates of OSRD and Subdivision application, extension, date determination was made by the applicant OSRD*  
252 *vs. Subdivision, date Planning Board voted on the application.}*

253  
254 **List of Documents and Other Exhibits used at Meeting:**

255 *Documents and Other Exhibits used at meeting will be available for review at the Georgetown*  
256 *Planning Office.*

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258 Motion to adjourn was made by M. Martin.

259 H. LaCortiglia: Second.

260 Motion carries 5-0; unanimous.

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262 The meeting was adjourned at 10:20pm.

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