

1 **MEETING MINUTES - DRAFT**
2 **GEORGETOWN PLANNING BOARD**
3 **Wednesday, October 9th, 2013**
4 **Memorial Town Hall – 3rd Floor**
5 **7:00 p.m.**
6

7 **Present:** Mr. Christopher Rich; Mr. Tim Howard (arrived at 7:35 PM); Mr. Bob Watts (arrived
8 at 7:30 PM); Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative
9 Assistant.

10
11 **Absent:** Mr. Harry LaCortiglia, Ms. Tillie Evangelista
12

13 **Meeting Opens at 7:35 PM.**
14

15 **Approval of Minutes:**

16 **1. Minutes of September 25, 2013.**

17 Mr. Watts - **Motion** to accept the minutes of September 25, 2013 subject to any changes
18 made by colleagues at this meeting.

19 Mr. Howard - **Second.**

20 **Motion Carries: 3-0 ; Unam.**
21

22 **Correspondence:**

23 **1. MVPC: Pictometry.**

24 Mr. Snyder - MVPC have offered for us to be part of the pictometry fly over for this year. The
25 Planning Board paid for this last year. I recommend that we pass on the flyover until next year.
26 There hasn't been that much development to keep track of.
27

28 Mr. Rich - How much is the fee?
29

30 Mr. Snyder - Just over \$5,400. We do not have a line item in our budget for this year.
31

32 **2. Town of Georgetown: Zoning District Determination.**

33 Mr. Snyder - This is a parcel know as assessor map 10 lot 36. This is relative to a future
34 application that will come to the board at the next meeting. The property owner is seeking an
35 ANR. This is a response letter by zoning code enforcement officer to a request by Mr. Tollman
36 to determine the proper zoning district designation for his property. There is some confusion
37 over the maps. It's been determined that it is still in the RC. It is near Pingree Farm Road.
38

39 **Public Hearing:**

40 **1. Bylaw Amendment: Solar Energy Generation – Continued.**

41 Mr. Rich - I ask to continue this until we have more members. This public hearing is being
42 opened at 7:40 PM.
43

44 Mr. Watts - **Motion** to continue the discussion of this hearing to the November 13, 2013
45 meeting.

46 Mr. Howard - **Second.**

47 **Motion Carries: 3-0; Unam.**

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Mr. Rich - Hearing closed at 7:44 PM.

Old Business:

1. Lisa Lane: Preliminary Subdivision Plan – Decision Letter.

Mr. Snyder - This is administrative, it recognizes to the Town Clerk that the preliminary plan has been approved by the board so the developer may now file the definitive. It is a Form D that you received in a previous packet. {Reads Form D.} This just needs a vote and signatures.

Mr. Howard - **Motion** to approve the preliminary subdivision plan application for Lisa Lane.

Mr. Watts - **Second.**

Motion Carries: 3-0; Unam

2. 1 Industrial Way: Rock Crushing Operations.

Attorney McCarthy - I understand that there were prior meetings and there were inquires made for the property of 1 Industrial Way, specifically the recycling/rock crushing operation. I understand there was some concern that the use was commenced in the middle of the night so to speak without proper authority and without the property owner having gone through the proper channels.

Mr. Rich - It was that no one could find any record of it.

Attorney McCarthy - In any event we were happy to provide the records and you can see the applicants spent a lot of time and money going to the state for the proper license. There was a site review done and site inspections done, site plans done and a great deal of work put into it as you can tell from the documentation. The town of Georgetown was involved – at a minimum the Board of Health which was what the state required. The engineering company worked with the state and did permit reviews. The state did a thorough review and ultimately the state approved it. There was appeal periods and comment periods for anyone to get involved in the process. You can also see from the building inspector and the zoning enforcement officer’s correspondence that the applicant went through the proper channels in the town and was told that all they needed was the ABC (asphalt, brick concrete) license from the state. Here we are six years later and we are happy to provide the documents you requested. We think that this may be a zoning reinforcement mater.

Mr. Rich - It is not more of a zoning enforcement issue - a complaint was registered at one of our meetings and you might want to stick around and listen to what the people have to say and before it goes any further if the Caruso’s can remediate.

Attorney McCarthy - Absolutely, we respect the board and are not throwing up a barrier. I just want to preserve the right rights. The other comment I have is in terms of forums. I checked with Mr. Caruso and he is more than happy to talk to the neighbors in any forum. I also would be more than happy to talk to the neighbors.

Mr. Rich - The only board that I can think of that has jurisdiction over it is the BOH.

Attorney McCarthy - Understood – we are not running from anything.

Mr. Snyder - I just want to add that in the correspondence from the zoning code enforcement officer it is stated when the permit application was made another reason it went to the BOH was

98 that there was not a town planner at the time. I talked to the BOH and she said that as per the
99 DEP stipulations the BOH has the right to go and inspect the property but that was more of an at
100 will upon request as opposed to a mandated review.

101
102 Mr. Rich - I can tell you that the way we act here in Georgetown is if these people had a
103 complaint that we'd be out there lickity split – just so you know. Ladies and gentlemen please
104 have one person speak at a time – you will all have time to speak.

105
106 Mr. Henneberry (12 Hickory Lane) - We have been at this address for 15 years and residents for
107 30 years. Our concern is we live on the cul-de-sac and when we first moved in I did a little
108 research and drove to Caruso and McGovern and the road parallel to Rt. 95, it was probably a
109 third of that distance at that time. And it was described to us as light industry, industrial garage
110 and a contractor's yard and we were fine with that. But we have noticed that within the last year
111 or two there have been a lot of sounds coming from the area that frankly I thought they were
112 adding an office or garage. Some days it was really loud but as of late especially this year we
113 find it very loud Monday through Saturday starting as early as 6:00 AM. It was only a few
114 weeks ago that I went down and saw the sign for Georgetown Recycling. I looked it up and was
115 taken aback by what it was. I wish I was more proactive even a year before. I found out later
116 that week by doing research that it was concrete, asphalt and brick crusher facility. This spring
117 and summer week days and Saturdays, the sound of the constant beeping of the trucks and the
118 crusher, and jack hammer is extremely loud. I don't know if they moved. This year it has been
119 daily and it is invasive and pervasive. The noise level is pervasive and invasive. This was a
120 wonderful place to be but we have to close the windows in the back of the house. We couldn't
121 eat out on the deck because it was so loud and so close. There was a certain vibration and I felt it
122 in my driveway and I think it may be from some of their machinery. I wish we were informed
123 but I think the bylaws say that you would inform people within 300 feet and I think we are about
124 450 feet from the boundary. That being said, we are very aware that this could have a definite
125 adverse impact on property value which would be a travesty. Like it said it is making life when
126 they are in operation very uncomfortable. Sunday is the only day we can rely on for having
127 peace. With that said, it was perplexing to realize that a permit was issued in July of 2008 by the
128 DEP. From what I gather is that there was no permit issued by the town - am I correct?

129
130 Mr. Rich - I do not believe that a permit was required by the town. It was outside the jurisdiction
131 of the town as it was a state issued permit.

132
133 Mr. Henneberry - I guess as homeowners and residents of the town we are seeking to convey our
134 concern and seek some type of remedy. This is affecting all of us and we would like a remedy.

135
136 Mr. Shuttleworth (13 Hickory Lane) - I was home all summer pretty much and the noise was
137 quite loud all summer long. I couldn't believe the noise coming out of the woods as you drive
138 down Hickory lane. There is no way to escape it.

139
140 Mr. Henneberry - When it is in operation it permeates our neighborhood especially the even side
141 of the street.

142
143 Mr. Shuttleworth - Just recently there is some other kind of machine in there and it feels like the
144 whole ground is shaking like a sifter or screener machine. And the hours of operation is like
145 6:00 AM to 6:00 PM and sometimes later. What are the bylaws of the town for hours of
146 operations?

148 Mr. Rich - That's a good question. We don't normally... Other hours of operation for
149 businesses are usually written into the decision.
150
151 Mr. Snyder - I believe the DEP has issued a decision but do not know if hours of operations are
152 outlined in it.
153
154 Mr. Rich - Georgetown has a nuisance bylaw. A nuisance can not only be noise but it can be air
155 quality or a number of things. I would be interested in knowing and I might just take a ride
156 down there – not might, I will take a ride down there and look at the operation and see what...
157
158 Mr. Shuttleworth - What does ABC recycling represent?
159
160 Attorney McCarthy - They recycle concrete basically to be reused. I would be happy to talk to
161 you about these issues.
162
163 Mr. Shuttleworth - Before they started having all the trucks come in and stock pile things within
164 the past two years.
165
166 Mr. Hall (8 Hickory Lane) - We are fortunate enough to have a pool and we live in the backyard
167 during the summer. It seems like there have been some sort of material change in that business
168 because in the last year it has gotten unbearable and we were unable to enjoy the summer due to
169 this.
170
171 Mr. Rich - To make it clear – it wasn't like that before?
172
173 Mr. Hall - Not that we knew. It has happened in the last year to year and a half.
174
175 Mr. Watts - Was it relative quiet before?
176
177 Mr. Hall - Yes.
178
179 Mr. Snyder - I will place an aerial image for everyone to reference. {Displays pictometry images
180 of the property from 2012 on the screen.}
181
182 Mr. Rich - Do we have any older pictures?
183
184 Mr. Snyder - Yes I have one from 2008 (Now shown on the screen.) which I believe was just
185 after the permit was issued which shows some storage as well as the processing area.
186
187 Mr. Rich - Can we go back to the newest one please?
188
189 Audience member - Are there any set backs on the lot lines?
190
191 Mr. Snyder - Yes there are but they may be slightly off by 10 feet but are usually pretty close.
192
193 Audience Member - There is a considerable amount of wetlands that I don't know if that was
194 taken into consideration.
195
196 Mr. Henneberry - I was thinking I am about 400-450 feet in. My property goes a half acre into
197 the woods which are protected. That was one of the reasons we liked the area. We are in full

198 foliage right now and I cannot image that sound when everything is in operation when the foliage
199 is gone. I am leery of down the line that an operation like this if it's granted permanency - I
200 don't think it is in the right place because if it's permanent it is going to get bigger and louder.
201 It is only common sense if someone bought a home that the owners may have to take a hit on the
202 value because of living near this.

203

204 Mr. Snyder - Attorney McCarthy you've had this permit for six years?

205

206 Attorney McCarthy - Yes, six years. It is an industrial district with many different uses and it
207 could be a lot more offensive than now. The neighborhood is located next to an industrial
208 district and this is an industrial use that is being conducted. We are willing to talk to you and try
209 to litigate.

210

211 Mrs. Henneberry - It is light industrial. Can someone provide a definition of what light industrial
212 is?

213

214 Mr. Shuttleworth - This permit was issued in 2007 but they just started stock piling in the last
215 couple of years.

216

217 Attorney McCarthy - I don't believe that is true. The older pictures showed stock piling back
218 then.

219

220 Mrs. Henneberry - Not like it is now though.

221

222 Mr. Snyder - The permit allows them to stockpile both bulk and processed materials but up to I
223 think a thousand tons of processed material.

224

225 Attorney McCarthy - That speaks for itself I really don't want to get into a debate about it.

226

227 Mr. Rich - We're not asking for you to get into a debate I am just asking for you to listen.

228

229 Mr. Hall - It may be the processing of the material that is the issue. That may be the change.
230 The question is if it is zoned for light industrial and now they are using it for heavy industrial
231 then it seems there is an issue.

232

233 Mr. Henneberry - The correspondence from the building inspector that I have says that the
234 permit by the DEP of the state was issued July 2008. I've got a copy of it if you would like to
235 see.

236

237 Mr. Snyder - I don't have a copy of the letter but I believe that he states in it that it that the rock
238 crushing operation is allowed in the zone.

239

240 Attorney McCarthy - I would like to point out that the use is permitted by state regulation.

241

242 Mrs. Henneberry - Does someone have the definition of light industrial?

243

244 Mr. Snyder - You have to be careful because it is in an industrial B zone which allows light
245 industry in it. Industrial B is not inclusive of just light industry. {Reading of the definition of
246 light industry.} I don't know what the zoning code enforcement officer determined this use to be
247 in terms of heavy industrial or in terms of manufacturing

248
249 Mr. Hall - If the noise goes beyond the premises this is what we are talking about then that would
250 be an issue correct?
251
252 Mr. Snyder - Correct as it would be in any zone.
253
254 Mr. Henneberry - That letter from the building inspector and zoning enforcement officer date
255 August 22 to Mr. Snyder. {Reads letter from the zoning enforcement office dated August 22.}
256
257 Attorney McCarthy - I think that is a typo.
258
259 Mr. Rich - I am looking at on that was issued in 2007.
260
261 Mr. Watts - Attorney McCarthy can you certify that it is operating within the capacity restraints
262 of the decision – maximum of 200 tons a day?
263
264 Mr. McCarthy - I can't I am not an expert and this is not a proper place to put jurisdiction on the
265 questions. We are here to provide the documents and to respect the board and the abutters. This
266 is not the proper place for a public hearing. It is a jurisdiction issue.
267
268 Mr. Rich - This is not a public hearing. I understand what you are saying. Your clients I hope
269 understand that when these people go home the first call will be to the BOH.
270
271 Attorney McCarthy - I hope their second call will be to me or Mr. Caruso.
272
273 Mr. Rich - Let me ask you this question - would your clients be willing to have some sort of a
274 meeting. If you like we will help you find a room to sit and chat with the people. I will be
275 happy to volunteer my time as a moderator.
276
277 Attorney McCarthy - Mr. Caruso is a pretty reasonable guy and is willing to meet and talk with
278 you.
279
280 Mr. Rich - Remember that is only one avenue that you have. My best advice is for you to start
281 there. A victory is if you are satisfied and they are satisfied and nobody is thrilled. Take
282 pictures, record things. This board likes to see residents get their money's worth for living in
283 this town.
284
285 {Mr. Henneberry and Attorney McCarthy exchange addresses and phone numbers.}
286
287 Mr. Hall - I think we are happy to talk to whomever - we have an issue we want addressed. If
288 there is a violation of zoning, we hope that the town would step forward.
289
290 Attorney McCarthy - In our perspective there are absolutely no violations of any local
291 ordinances.
292
293 Mr. Hall - You are saying there is no noise?
294
295 Mr. McCarthy - Well, no I don't want to...
296

297 Mr. Rich - Mr. McCarthy as the attorney for Caruso is not going to admit to anything. There are
298 no violations to the conditions that he knows of. Mr. Caruso will work with people and not
299 work against them.

300
301 Mr. Henneberry - I understand you have to represent your client. As you said he is a regular guy
302 - has he had a history of working with abutters for different reasons besides noise?

303
304 Attorney McCarthy - I have represented him for a number of years and I can tell you that he
305 works with people. I don't promise you'll reach an agreement on everything but I think he will
306 try and address your concerns.

307
308 Mr. Henneberry - And you will rely to him our concerns?

309
310 Attorney McCarthy - Yes.

311
312 Mrs. Henneberry - It sounds like we are assuming that it is a forgone conclusion that this
313 business is properly zoned and licensed to continue doing what they are doing.

314
315 Mr. Rich - According to the building inspector who is the zoning enforcement officer I believe
316 his letter says that it is not violating any zoning.

317
318 Mrs. Henneberry - So what recourse if any will the town have to make that change?

319
320 Mr. Rich - I don't think the town would be...

321
322 Mr. Snyder - Even if the town were to change the zone, the current use in that zone would be
323 grandfathered.

324
325 Mr. Rich - As I said before, there are a number of ways. If you look at the DEP decision, the
326 safety, health and welfare issues...

327
328 Mrs. Henneberry - Is that something the town would enforce?

329
330 Mr. Rich - You could report it to the town and the BOH and they will pick it up from there and
331 find out exactly what your complaints are and what is needed. Any kind of a hearing they would
332 notify all parties and it would be discussed. That could be a lengthy process. The sooner you sit
333 down with Attorney McCarthy, the sooner you will find out your next step. Health, safety and
334 environment include noise and air quality and if you have an issue with that you should start with
335 the BOH.

336
337 Mr. Snyder - So you have Mr. McCarthy's contact information, the BOH and the DEP and I can
338 help you along answering any questions too.

339
340 Mr. Rich - So you folks know when a town person comes in with a complaint, if it's remotely
341 related to what we do - we try to get it moving.

342
343 Mr. Hall - Does the department of Public Health set the hours of operation?

344
345 Mr. Snyder - The hours for operations as I understand it was determined through the DEP.

346

347 Mr. Rich - That is something when you get Mr. Caruso's attention – talk to him – the last thing
348 he wants is to have people around him angry at him. He does listen and he is a reasonable
349 person.
350

351 Mr. Watts - You might get an agreement to satisfy you.
352

353 Mr. Rich - Ask him if he lived in this neighborhood if he would want to hear that machine in his
354 backyard at 7:00 AM on a Saturday morning.
355

356 Mr. Hall - So what were the hours that the DEP...
357

358 Mr. Rich - There were no hours stated in their decision.
359

360 Mrs. Henneberry - There must be some overriding bylaw. There must be a standard.
361

362 Mr. Snyder - The allowance for operation hours, unless it is written by the board in the decision
363 is outside the Planning Board's jurisdiction when it comes to other parts of the town code. So
364 that will take some research to find but I don't think the Planning Board can start interrupting it.
365

366 Mr. Watts - But it would be something that could be found in the bylaws.
367

368 Mr. Snyder - Yes it could be found somewhere in the bylaws.
369

370 Mr. Watts - The town's bylaws are online and you could do a search.
371

372 Mrs. Henneberry - It's got to be there I'd be surprised if there wasn't one.
373

374 Mr. Watts - Would it be inappropriate to give them a copy of what we have?
375

376 Mr. Snyder - If they make a request, I can send it to them.
377

378 Mr. Rich - Don't forget if you have an issue and you call Attorney McCarthy and every time his
379 phone rings, the client will get a bill. That's the best way to get someone attention. I will go to
380 the site when they don't know it.
381

382 Mr. Henneberry - That July 2007 versus the July 2008 correspondence, is that in there?
383

384 Mr. Rich -Yes, you will see the date on there, it is quite clear. Feel free to call Mr. Snyder if you
385 have any other questions.
386

387 Mr. Hall - And you did commit to going down to see the site.
388

389 Mr. Rich - Oh I'll be there, when they don't expect me because it says the BOH can go in there
390 any time they want.
391

392 Mrs. Henneberry -You can come over to Hickory Lane and hear it from there.
393

394 Mr. Rich - Ladies and gentlemen thank you very much for your input.
395
396

397 **Planning Office:**

398 **1. Planning Board appointment to Capital Improvement Planning Committee.**

399 Mr. Rich - Mr. Hinchliffe, I am sorry you've been waiting all this time to volunteer.

400

401 Mr. Snyder - The selectmen's office received a request from a Georgetown resident of his
402 willingness to be on the Capital Improvement Programs Committee. The planning board was
403 seeking somebody to appoint to that committee and he is here tonight so he can meet with the
404 board.

405

406 Mr. Hinchliffe - My name is Michael Hinchliffe and my wife and daughter and I have been in
407 town for the last seven months or so and I was looking to get involved. I joined the Finance
408 Committee and it came up that there was as a spot on the Capital Improvement Programs
409 Committee. I'd like to figure out how the town works and do what I can. I saw the TV posting
410 over the summer and I have time.

411

412 Mr. Rich - Are you the FinCom representative to the CIPC?

413

414 Mr. Hinchliffe - I am not. I believe two of us expressed interest and I believe FinCom is going
415 with the other person.

416

417 Mr. Snyder - In a very roundabout way, the Planning board has to make an appointment to the
418 CIP and they have not been very active within the last few years but they are going to become
419 more active because they actually have some funds that they can start applying. So it is good that
420 you stepped forward.

421

422 Mr. Hinchliffe - I would like to be involved.

423

424 Mr. Watts - Do you have a background in finance?

425

426 Mr. Hinchliffe - I do, I was in nonprofit corporate finance back in New Jersey before we moved.
427 And then running a civics education organization and now I am doing real estate as well which
428 is sort of finance.

429

430 Mr. Rich - Any questions from anyone?

431

432 Mr. Snyder - I just want to recognize that someone came forward to volunteer.

433

434 Mr. Rich - We also have a slot on the personnel board and that's a fun board.

435

436 Mr. Watts - **Motion** to appoint Mr. Hinchliffe to Capital Improvement Programs Committee.

437 Mr. Howard - **Second.**

438 **Motion Carries; 3-0; Unam.**

439

440 Mr. Hinchliffe - Can I ask a question? Being the Planning Board appointment to the CIP what
441 relationship if any would I have with all of you?

442

443 Mr. Rich - Anything that goes before the CIP that remotely affects the Planning Board, advise us
444 of what is going on by email, and ask us what the board's thoughts are. Or you can be an
445 alternate on the Planning Board and sit in the meetings.
446

447 Mr. Watts - As you can tell it is a fun group.
448

449 Mr. Snyder - It could be as simple as going with what Mr. Rich said. I don't think they will be
450 meeting once a month but when you do meet, take some notes, send an email and we will include
451 it in correspondence and if the board member wish to hear more they will invite you in maybe as
452 a once a year summary or a quarterly summary. If things come up relative to planning activity in
453 some way let us know and we will give some feedback.
454

455 Mr. Rich - Or if we could be of any help. I believe the CIP is like the Personnel Board. We
456 meet at the call of the chair. If there is something that has to be discussed, the chair contacts the
457 members and arranges a date to meet. Welcome aboard. This is an annual position. Thank you
458 very much for wanting to get involved in Georgetown. If you have any questions ask Mr.
459 Snyder.
460

461 Mr. Hinchliffe - Thank you very much. I haven't been here long but love it so far.
462

463 Mr. Watts - **Motion** to adjourn.

464 Mr. Howard - **Second.**

465 **Motion Carries: 3-0; Unam.**
466

467 **Meeting adjourned at 8:43 PM.**