

Minutes  
December 8, 2004  
Planning Board

**MEETING  
GEORGETOWN PLANNING BOARD  
Memorial Town Hall  
Third Floor Meeting Room  
December 8, 2004  
7:00PM**

**Present:** Jack Moultrie, Chairman; Tim Gerraughty, Vice Chairman;  
Rob Hoover, Clerk; Janet Byrne, Associate Member;  
Larry Graham, Technical Review Agent & Inspector;  
Jacki Byerley, Town Planner;

**Absent:** Tim Howard; Kristen Eaton, Administrative Assistant

**Meeting called to order at 7:04PM.**

**Discussion**

**Acorn Way-Bond Reduction**

The Planning Board is currently holding 68,495.00 for completion. Millennium Engineering submitted a memo regarding reducing the surety held. The as-built plan for the off-site improvements were signed by the board so that the developer could record it at the registry of deeds.

**Mr. Gerraughty made a motion to reduce the surety held from 68,495.00 to 38,000.  
Mr. Hoover seconded.**

**The board voted 4-0 in favor of the motion.**

**Mr. Gerraughty made a motion to sign the as-built plan for the off-site improvement.  
Mr. Hoover seconded.**

**The board voted 4-0 in favor of the motion.**

**Informal Discussion rezoning Parish Road**

Map 20 lot 1 Parish Road

Mitchell Kroner was present to represent Bob Sheehan from Harbor Companies.

Attorney Kroner explained the layout of the lot and placement to the Town of Georgetown and Town of Newbury line. He stated that is 40 acres zoned industrial to

Minutes  
December 8, 2004  
Planning Board

access the lot you have to travel through Jackman to Parish Road or exit 55 through Byfield down Central to Larkin. This requires traveling winding residential road thru both towns. He explained that this came before the Planning Board to rezone but the residents of Parish Road didn't vote for it at town meeting. He reiterated that he is representing the buyer not owner. Currently they are unsure of what they will do with site because they have other issue beyond the rezoning. He felt that the Planning Board would not be endorsing the developer but doing right thing for owner of property. He went on to explain that the other issues include the deed referencing frontage on Shoot Street in Newbury frontage on Larkin Road not Parish Road and that some off site improvement would need to be done on Parish Road.

Mr. Sheehan stated that he wants to work with boards in town to improve the use of area. A preliminary indication looks like 5 single family house lots due to wetlands and such. He would tear down existing house, the barn is gone a shed is there.

Mr. Moultrie stated that the past history people are afraid of large development and it would be wise of Harbor Companies to figure out the project then get together with neighbors. He also pointed out that they would need approval from the Town of Newbury due to frontage and drinking water across the street from the property.

Attorney Kroner would like the Planning Board to submit the rezoning article, he feels it would look better at town meeting. They would try to meet with the neighbors; no perk tests have been conducted just a quick analysis of soils from walking around the site. They believe there are 10 acres of wetlands with major constraints due to the Rivers Act. There are perennials brooks also on site. A feasibility study shows 4-6 lots possible 22 independent senior housing units. Mr. Sheehan stated that he does not developer cookie cutter subdivision but works with the land.

The Planning Board determined to take this matter under advisement and Attorney Kroner would be informed after further discussion at a later date.

#### 63 Jackman Street

Martin Halleran submitted letter of items not completed but is still looking for a temporary occupancy permit. The owner submitted a paving contract to show that final paving will take place.

The board determined that \$10,000 could be posted to ensure completion of the project.

**Mr. Gerraughty made a motion to allow the planner to sign the temporary occupancy once a signed paving contract and bond of \$10,000 have been submitted. Mr. Hoover seconded.**

It was discussed that a temporary occupancy can be renewed every 30 days.

**The board voted 3-0 in favor of the motion.**

Minutes  
December 8, 2004  
Planning Board

Rock Pond Estates

Mr. Bill Simmons did additional testing. Concerns were raised regarding the prior use of portion of the property as a car barn the board gave Mr. Simmons some research regarding a fire on the property involving heavy metals, cooper lead, what's in electric motors. Mr. Simmons got an old plan and found where the old barn was, he installed three test pits of three feet; the test pits non detectable results from 5 of 6 eliminates, they found trace amounts of lead 24 parts per million. DEP standards are 300 parts per million, cooper 35. The test pits showed arsenic so more test pit were installed. A total of 10 through out 0-12", 1-3', 5-7' sampled for arsenic. They found arsenic in every sample. Mr. Simmons stated that the average is fine; and below actionable clean up standard. He believed it to be naturally occurring with the rocks on site. He looked at the data set to see if there were any patterns; he could fine no rhyme or reason to distribution.

He stated that he will notify DEP by revising the risk characterization submitted. He doesn't have the final impact ready but believes it will be in acceptable limits. DEP did a preliminary review and have accepted the risk characterization, the developer requested voluntarily to come up with soils management plan to isolate petroleum and to place material beneath foundations, ROW and driveways.

Mr. Simmons explained that this doesn't change the risk characterization. Mr. Moultrie questioned whether there was any radon and how would people become aware of this testing. Mr. Simmons stated that all the testing and reports are public information. Mr. Pelich stated he has handed other reports to potential property owners and would be willing to show these reports to prospective owners; he is willing to disclose the information. All that is stated this evening will be stated in revised report and could be referenced in decision.

Ms. Byrne questioned the damage to people with arsenic and radon?

Mr. Simmons stated the levels are below the DEP standard.

He believes arsenic would be on other properties in the area also, along with surrounding town because of the type of geology, bedrock, mineral spirits form of arsenic oxide and it's in the rock and acid rain releases it. He will give the levels and an explanation of the level to DEP. Mr. Hoover questioned whether it is safe for children. Mr. Simmons answered yes that it was safe. Mr. Hoover also questioned whether irrigation would be an issue. Mr. Simmons felt that the ground water levels were so deep that irrigation would not be an issue.

Mr. Hoover questioned whether there are issues with people being sick around Rock Pond. Mr. Moultrie stated that there has been some sickness but no study of what types.

Mr. Moultrie stated that he is not comfortable with this new information.

Mr. Hoover was also uncomfortable with the new information he believes what Mr. Simmons says but is unsure of the results and whether another LSP would come to the same opinion.

## Minutes

December 8, 2004

### Planning Board

Mr. Gerraughty felt they've done due diligence, and has no issue with the new findings. Mr. Graham commented that levels are common in the area and can be demonstrated in the area further away. He suggested possible having another LSP take a look at it. Mr. Hoover questioned whether Mr. Simmons was comfortable with the levels so that young children would move in and not get sick? Mr. Simmons stated that the levels were below DEP clean up and conclusions shouldn't be drawn that arsenic is bringing on levels of illness. DEP and their standards use assumptions of daily doses with kids playing in soils and are calculated in. There will be 2-4 feet of fill being brought in for the front yard area; this would bring the tested soils down to a lower level.

Mr. Simmons explained that the EPA, DEP, Natural Cancer Institute, National Disease Registry all use the same basic assumption with the levels. He doesn't believe that DEP will bat an eye at the levels or that the risk characterization will change. If it were to exceed the levels then DEP would be taking a look at it but they are below the 30. Mr. Hoover questioned whether DEP was a conservative group? Mr. Simmons felt that they are conservative.

Mr. Hoover questioned whether trees were removed for the test pits. Mr. Pelich explained that Mr. Bussing received a permit to remove the existing home and that the Conservation Commission gave permission to stabilize the slope. Receive permit to remove existing home and has order of conditions to stabilize Moulton Street affected rock pond provide public water supply made them put people on town water no one on wells any more

Mr. Graham questioned how much it would cost to have another LSP review Mr. Simmons report. Mr. Simmons stated that it would be about 10-15 hours of work but there is only one decision that they can come up with; that it is a natural background condition and under the reportable risk factors. He stated that DEP looked at the first submittal and assumes they will look at the revised submittal but has no guarantee. DEP would be the second opinion.

Mr. Simmons stated that he can contact same individual at DEP and ask them to take second look but can't guarantee a formal response he may be able to get a verbal. Mr. Moultrie felt a verbal would be ok coming from Mr. Simmons. Mr. Hoover questioned how the Planning Board could assure the residents of Georgetown about the site. Mr. Pelich stated that he would like the Planning Board to focus on MGL Chapter 41 not Chapter 21E. He felt that he has done everything the board requested beyond what is required under subdivision control law by bring the LSP in and having additional testing that was not required DEP.

Mr. Hoover agreed that they have provided everything and they've done an excellent job with the information previously submitted but now new items have been introduced. He felt that having another LSP take a look at the risk characterization and if they come to the same conclusion would take care of the issue for him. Mr. Hoover explained that nothing had to be voted on this evening because they still need a copy of the risk assessment and that there is enough missing information to not vote on the project.

Minutes  
December 8, 2004  
Planning Board

Mr. Pelich stated that the risk assessment and characterization is outside the realm of the Planning Board. Mr. Moultrie agreed. Mr. Pelich was unsure whether he could get the information back in a timely manner and wanted to stick to the subdivision process. Mr. Simmons stated that a LSP could make the argument that arsenic issue is natural occurring and submit a separate class one action statement but he is suggesting a better route and adding this new data to the petroleum data.

Ms. Byrne was requested to recuse herself and moved to the audience. She stated, as an abutter, she is concerned with the extent of excavation. She understood from Mr. Bussing that the views wouldn't be disturbed and now excavation in the water and the grinding of the stumps is happening. The Planning Board never gave permit the Conservation Commission gave the permit to do work. Mr. Hoover suggested contacting the Conservation Commission so they are aware of what her concerns are. A resident at 99 Lakeshore Drive stated that the excavation is an issue and now a new issue is brought up with the discovery of arsenic and the spread of the topsoil and subsoil over the woods and the culvert from near the water. Mr. Bussing stated that the work being done is at the request of the Conservation Agent Alan Bennett because the cliff was eroding at the pond. Mr. Pelich explained that approval was received of which trees are to be cut and the digging of holes.

Mr. Pelich, Mr. Bussing and Mr. Simmons left the room to discuss whether they want a vote this evening or postpone till the next Planning Board meeting.

Mr. Pelich requested postponement to the next meeting to give Mr. Simmons time to complete the report and to plead his case to DEP.

Mr. Pelich signed an extension of time for the Planning Board to issue a decision until March 31, 2005.

**Mr. Gerraughty made a motion to accept the extension of time to issue a decision to March 31, 2005.**

**Mr. Hoover seconded.**

No discussion

**The Planning Board voted 3-0 in favor of the motion.**

Mr. Gerraughty wanted the rest of the Planning Board to clarify what level of response they expect from DEP. Mr. Simmons believes that DEP will review on triage basis and concur with the risk assessment. Mr. Simmons may be able to receive verbal confirmation. Mr. Gerraughty suggested that they come back with "Yes I heard from DEP this is what they said will be acceptable." In other words the board needs positive confirmation that the report has been sent and that the report has been reviewed if not then the board will have another LSP review the information. Mr. Simmons explained that another LSP would not be able to simple read through the report and they may want to take more tests which could be an additional cost of 8-10 thousand dollars

Minutes  
December 8, 2004  
Planning Board

**Mr. Gerraughty motioned to continue the public hearing until January 12, 2005.**

**Mr. Hoover seconded.**

No discussion.

**The board voted 3-0 in favor of the motion.**

Georgetown Shopping Center

Mr. Graham reviewed his report dated 12/08/04 with the board.

Lighting – 4 in place complete 4 have bases lighting is equal in numbers of old site

-wall mounted lighting in place does function-four on new building are installed

Landscaping-he's impressed but not my expertess

Looked at medium and larger and place correctly

Dumpster pad-spruce and honey locust not planted no room either

Parking

Employee not line striped

Missing on painted line in center

No signage for compact cars

Need van accessible sign

Ways

Pavement ponding water in the front ceter protion

Handicapped ramp at existing bank needs to be repainted

Meet ada standards letter from george

Drainage

May 18 interm should be finalized

Citgo drainage issue from the grading behind new building Linda has agreement with citgo to complete this and should be submitted to the board (plan and agreement)

Gated emergency access-not sure of issue

Mr. Zambouros tried to explain how the 8 spaces turned into 7 and that there are 134 spaces still on site though. He stated that the compact spaces would be identified with signage and the handicapped sign would be put in place. Repair work of puddle at front entrance to building would be done. The four lights are waiting for heads to be delivered on January 9. Mr. Hoover expressed that the drainage at Citgo and the limit of work extending into Citgo was originally a small swale for run off from Citgo to the shopping center and didn't think it would ever work. An agreement with the shopping center and Citgo is in place to do some additional work at the corner of the pavement that slopes away from their parking lot this will be elevated so that it will drain naturally or to place a catch basin to connect to shopping center. Mr. Hoover stated that he received assurance that the drainage would work when questioned.

Mr. Gerraughty questioned why the spruce and berry to be planted behind the dumpster have not planted yet. Ms. Meiggs stated that the spruce is at corner of where fence starts and the berry was moved to the three honey locus bed.

Minutes

December 8, 2004

Planning Board

Mr. Gerraughty informed the representatives of the shopping center that there is too much work to be done and the punchlist needs to be brought down prior to temporary occupancy being sign off on.

Fire Chief Durkee stated that he has an issue with the fire lane and parking and requested painted lines and he would need to look at whether bollards could be placed to stop the third car from parking there. He just wanted to make sure that the fire trucks can make the swing. There parking where they are not suppose to they are not delineated on the plan or designated as parking.

It was stated that the shopping center was looking for occupancy to new building for the end of the month.

Rob-

Mr. Zambouros explained that the lights can't come till January but the remainder of work can be done. The ponding would be taken care of tomorrow. They will have a monitor come and look at the ADA compliance. He would look into capping the PVC pipes at the sidewalk level.

Mr. Zambouros questioned whether it was possible to have Mr. Graham and Ms. Byerley sign off on the temporary occupancy subject to their review of the puchnlist.

Mr. Hoover stated that he wanted to see the resolutions on paper prior to making a decision regarding occupancy.

Mr. Moultrie stated that the snow is being pushed to Central Street and the shopping center will be charged if the town has to remove it.

Mr. Hoover questioned the erosion. Mr. Zambouros stated that they have not contemplated anything. Mr. Hoover stated that this should be added to the punchlist. Mr. Hoover questioned whether a plan was in place for maintaining retaining wall and sidewalk. Mr. Zambouros stated that they will take care of weeds in the strip and it will be maintained. Mr. Hoover stated that he observed that the last cap of the system is about five feet off the retaining wall. He explained that Mr. Zambouros had told the board that nothing could be placed with the 10' setback. Mr. Zambouros stated he would look into it.

Fire Chief Durkee stated that he'd like to have something in place so the people don't park in the no parking area and would try the painted lines but if they didn't work he would let the board know prior to the next meeting.

### **118 Jewett Street**

**Mr. Gerraughty motioned to accept the extension of time requested to issue a decision to the March 31, 2005 meeting.**

**Mr. Hoover seconded.**

No Discussion

**The Board voted 4-0 in favor of the motion.**

Minutes  
December 8, 2004  
Planning Board

**Mr. Gerraughty motioned to continue the public hearing until January 26, 2005.**

**Mr. Hoover seconded.**

No discussion

**The board voted 4-0 in favor of the motion.**

Carleton Drive

Mr. Gerraughty stated that he doesn't want to keep continuing this item if no new information is received, this has happened before and if they don't have new information at the next meeting the board should issue a decision.

**Mr. Gerraughty motioned to continue the public hearing until January 26, 2005.**

**Mr. Hoover seconded.**

The board agreed with Mr. Gerraughty's statement. The board also agreed to a site walk with the applicant. The date to be determined.

**The board voted 4-0 in favor of the motion.**

Permanent Planning Board Position

Ms. Byrnes accepted the recommendation to be permanent position. A joint meeting with the Board of Selectmen will be made to finalize the appointment.

MVPC Member

It was suggested that Ms. Byerley become the MVPC member. Ms. Byerley stated she would think about it and get back to the board at the next meeting.

CPC member

**Mr. Hoover motioned to appoint Mr. Gerraughty as the planning board representative to the Community Preservation Committee until June 2005.**

**Mr. Moultrie seconded.**

Mr. Gerraughty stated he would accept the appointed but wanted to remind the board that he speaks his mind about all issues.

**The board voted 4-0 in favor of the motion.**

Minutes

**Mr. Gerraughty motioned to accept the minutes of October 27 and November 10 as written.**



Minutes  
December 8, 2004  
Planning Board

**Mr. Hoover seconded.**

No discussion

**The board voted 4-0 in favor of the motion.**

Adjournment

**Mr. Gerraughty motioned to adjourn the Planning Board at 11:15 p.m.**

**Mr. Hoover seconded.**

No discussion.

**The board voted 4-0 in favor of the motion.**