



Georgetown Zoning Board of Appeals

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

MINUTES OF A PUBLIC HEARING

6 Norino Way– ZBA FILE #13-04

Owners No-Ral Properties, LLC, 6 Norino Way & Rann Realty LLC, P. O. Box 399, Georgetown MA
Applicant; Mirra Co. Inc., Georgetown MA

Special Permit Applications/ Water Resource & Transport Terminal October 2, 2012

Board Members Present:

Paul Shilhan, Chairman
Sharon Freeman, regular member
Dave Kapnis, regular member
Gina Thibeault, regular member
Absent: Jeff Moore, associate member

Zoning Clerk: Patty Pitari

Applicants; Brian Murray, Millennium Engineering, Inc. & Lenny Mirra, Owner

Chairman Shilhan called the hearing to order at 7:30 pm, and stated the Board of Appeals will conduct this meeting according to rules laid out in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, Roberts Rules of Order and its own particular set of rules, entitled Rules of Procedure, a copy of which is on file with the town clerk, another copy is available from the clerk at this meeting. This meeting is being taped recorded for the purpose of taking minutes, once the minutes are complete the recording may be taped over.

G. Thibeault read legal ad: Public Hearing: 6 Norino Way – October 2, 2012, Location: Georgetown Town Hall 3rd Fl. –7:30pm, applications have been made by Owners No-Ral Properties, LLC & Rann Realty LLC, P. O. Box 399, Georgetown MA and Applicant; Mirra Co. Inc., for a Special Permit to Construct a 4,850 sq. ft. addition which will increase the existing equipment maintenance and repair facility in the Water Resource District, under M.G. L. Chapter 40A, §9, and the Georgetown Zoning Bylaws, Chapter 165 § 29-38. The applicant also requires a Special Permit for storage/maintenance of vehicles defined in the bylaw as a “Transport Terminal” (*yards or structure for the storage and/or servicing of two or more vehicles*), per M.G.L. 40A §9 and Georgetown Bylaw Ch. 165- 9, 11A.3, 78 and 79. The premises affected are 6 Norino Way, Assessor’s Map 15, Lot 50F and 7 Patriot Lane, Map 15, Lot 50E in the IB District.

Items/Information attached to application:

Toxic/Hazardous Materials

The Engineer provided a list of chemical and other materials provided by the applicant that are currently used and stored in the maintenance area. These chemicals/materials are typical to the maintenance and construction industry and are handled by employees experienced with the application and storage requirements. No toxic or hazardous materials will be stored within the proposed storage area addition. (*see attached list pg. 2 of project narrative*). The list can be classified as engine oils, transmission fluids, hydraulic fluids, gear oil, grease, diesel fuel, brake cleaner, carburetor cleaner and spill absorbent.

Hazardous material protection/spill control

Murray – this proposal will improve protection of the chemicals/materials by providing specific locations where new and used chemicals are stored, now they are stored within the maintenance area or in portable storage containers near the building. The applicant currently contracts with Safety Kleen, which performs regularly scheduled waste oil pickup and

also provides absorbent materials used in spill events. In the event a significant spill were to occur they will act as an emergency responder for the applicant.

PLANS

Plot Plan – ZBA site plan/grading plan by Millennium Engineering of Salisbury Ma, dated 8/24/12.

Sheet 1 - Koch Architects, 38 Essex Rd. Ipswich MA 01938 dated July 18, 2012 is a proposed main floor Plan – Revised per request of the Fire Chief. Sheet 2 – Building Addition and Interior Improvements/Southeast Elevation and Sheet 3 - Building Addition and Interior Improvements/ Southwest Elevation.

P. Shilhan introduced the board members.

New Correspondence

Fire Chief, Al Beardsley sent an email to Patty on 9/17/12. Patty forward to applicant and engineer. Read into the record by D. Kapnis; Patti, *this is in response to the plans for Mirra. With the amount of potentially hazardous materials being added to storage the Fire Department makes the following requests:*

1. *Establishing of a containment area in these storage areas with ability to contain a spill from one of these drums equal to 125% of a single container.*

2. *Specified area for storing any hazmat clean up items such as absorbent pads, pigs, spill mats, etc.*

Other than these two items, we're okay with everything as listed.

Response to the Fire Chief's requests – Submitted by Millennium on 9/26/12; S. Freeman read into the record the response to design review comments provided by Fire Chief Beardsley; *We have revised the proposed building addition floor plan to incorporate a hazardous material storage room, and attached a revised copy of Sheet 1 (proposed main floor plan) with a designated Haz Mat Storage room.*

Applicants Presentation:

Brian Murray, Millennium Engineering, Inc. & Lenny Mirra of Mirra Co. Inc.;

Murray - We are looking for a special permit to construct a 4,850 sq. ft. it's comprised of two pieces, the section in the back 3,900sq. ft. and 390 sq. ft. addition metal building addition at 6 Norino Way to increase the amount of storage available for construction materials and also expand its vehicle maintenance area. The reason for the improvements currently the garage bay is undersized, the storage is lacking and they would like to better handle the equipment and utility components and house them in a clean storage area, also site improvements will be done that we will need to go to the Planning Board and Conservation Commission.

Reference is made to the Site and Architectural Plans included in this submittal showing the location of the building addition, floor plan adjustments, and related site improvement within 6 Norino Way.

We have listed the materials for water resource that are currently and will be stored on the site, they are primary oils for maintenance of vehicles, and materials to clean up a spill if needed, we contract with safety clean, they pick up hazardous materials and they are also an emergency first responder. But these are typical materials for a construction company, oil and greases.

Lenny Mirra – The oils are engine oils for our trucks and Hydraulic oils for heavy equipment the waste oil is stored on site we use to heat the heater on site and on a smaller level we have and containers of other's for cleaning, a company in Salisbury picks it up.

D. Kapnis – Is there any increase in what you storing any additional oils?

L. Mirra - No its' the same use. The addition is for warehouse to store everything from shovels, rakes, we just don't do underground utilities we no do above ground utilities for Comcast so we store amplifiers, connectors, things of that nature, and as they grew we added box trailers, we have 7 to 8 box trailers toward the back of the lot, so this will clean up the site and put all the equipment inside.

G. Thibeault – So you added in the Haz Mat storage room but if there were any spills it would be contained inside the building correct?

L. Mirra – Yes.

P. Shilhan – What about the septic system.

B. Murray – The system is defunct so we need a new septic system, and we just finished with the board of health, we will have a new septic field. The floor drains go to a tank that separate from the septic tank.

Discussion on the area for loading dock.

P. Shilhan asked about access.

L. Mirra – This will improve traffic patterns within the project parcel. Right now access and egress for delivery and construction related vehicles occur along the south side of the building. Improvements being proposed will allow for access along the north side of the building while maintaining egress along the south side. Construction materials are currently being stored throughout the construction yard in portable storage containers. In some instances materials are stockpiled outside of storage containers exposed to the elements, the proposed storage addition (3,900 sf.) will allow the applicant to improve storage conditions by concentrating construction materials and equipment at one location.

Audience

Patricia DiPietro, 15 Longview way – I am new to the area, Longview way is behind the company, I am concerned with the water supply, what if there are additional hazards like something that isn't being done, and also the addition is to store then where will the maintenance be done, and the loading dock on the back side of the property, the noise level is barely tolerable now, so those are my concerns.

P. Shilhan – I will let Mr. Mirra address the concerns.

L. Mirra – We currently have trucks driving around the building, and with this addition we will not be running motorized vehicles around the back of the lot and with the loading dock it should be quieter, right now when we need an item we have to run a backhoe to the trailer in the back of the lot to the current storage containers, we have to use machinery to get to the storage trailer, now it will be more efficient, it will all be in the addition. I can't promise there will be no noise we are a construction company, I can't change that, we have been there since 1986. In regard to the maintenance, we have 3

bay doors that exist now, and the floor drains goes to the existing buildings. As far as the water resource it's in the back part of the property, we don't park trucks near there, and they will be inside, and it's not near water supply, like town wells, its water resource. We won't be back near your lot as much. It's an early morning business as far as noise, I apologize but we have been there before that subdivision was put in.

P. DiPietro – We oppose this addition, this is too close to our yard, and I didn't know this business was there when we purchased the house.

P. Shilhan – I think they are trying to clean it up, and make things better in the long run and your comments about other activities that may go on that you have an issue with that may happen down the line, you would need to call the building inspector. The applicant will also need to go to Planning Board for Site Plan Approval and Conservation.

Steven DiPietro – How many trucks do they have?

L. Mirra – We have a total of 280 pieces of machinery, that includes every car, truck etc., we only keep a small percentage here, we picked up contracts from Verizon, Comcast and we keep some in other areas like Worcester, Taunton etc. we have about 100 here, and they are parked at different locations.

Jason Haimen, 12 Longview– I would like to comment on the 6am operations, and now if they have a loading dock, the banging of the tailgate makes a lot of noise and that noise will radiate. What about a noise ordinance.

L. Mirra – The tailgate does make noise that can't change, that's for dirt. The loading dock has nothing to do for that and it's for boxes of good, the banging of the tailgate is loud.

G. Thibeault – What are the hours for the loading dock.

L. Mirra – We open at 7am, for delivery and close at 5pm for deliveries. It will be used for supplies after 5, but not tailgate banging.

P. Shilhan – The issue of noise would be handled by the Building Inspector.

Patty – There is no noise bylaw itself, I believe it can be conditioned.

P. Shilhan – We can't address noise issues, we are addressing water resource and the transport terminal maybe the planning board can, you should attend that meeting.

P. DiPietro – We didn't know about this.

Patty – This was mailed to you by regular mail, I have the list from the post office, and if other neighbors that didn't get it, they were not in that 300ft. radius they would not get a notice. The legal ad also goes in the newspaper.

G. Thibeault – It's the mail, but at least you are here.

S. Freeman – Can you tell me why you chose to do it on the right side instead of the left.

L. Mirra – Because the tank is there, that’s the side with the most activity the other side would not work.

G. Thibeault – I drove by the property, as far as the flow of traffic, can you show us where that will be.
L. Mirra demonstrates on the plan.

B. Murray – Also construction materials/equipment that will be stored within the proposed addition include: utility components such as valves, fittings, hydrants, precise concrete structures, and pipe; construction equipments such as pumps, tools, and equipment parts, the expansion of the maintenance area is required to address the limited space available for current maintenance operations. Additional floor area will allow for larger vehicles to be serviced/maintained at the same time, and the increased area provides additional storage for maintenance related equipment and materials.

P. Shilhan – I think this will make the situation better all around.

D. Kapnis speaks to abutter Patricia DiPietro – I can understand you may not have known or been told when you purchased the property that there was a construction company/industrial zone next to you, that’s very unfortunate, but I think these applicants are trying to make the site better and I think it will reduce the noise, and not having to plow back there with this new addition that will cut down the noise. For example Georgetown fish and game is located, and people moved in near it not realizing it’s a gun club.

P. DiPietro – I still am opposed because of the noise.

G. Thibeault – I do think it will help having everything inside. I feel bad, but everything will be inside so I believe it will be better.

P. Shilhan called for a motion. With no other comments from the audience, D. Kapnis made a motion.

Motion Water Resource– D. Kapnis/S. Freeman - I Make a motion to approve the Water Resource Special Permit of Owners No-Ral Properties, LLC, 6 Norino Way & Rann Realty LLC, P. O. Box 399, Georgetown MA and Applicant; Mirra Co. Inc., for a Special Permit to Construct an addition which will increase the equipment maintenance and repair facility in the Water Resource District, for the property at 6 Norino Way, Assessor’s Map 15, Lot 50F and 7 Patriot Lane, Map 15, Lot 50E in the IB District under M.G. L. Chapter 40A, §9, and the Georgetown Zoning Bylaws, Chapter 165 Sections 29-38.

The Board found that the applicant, proved that per Zoning Bylaw (Water Resource) Chapter 165-29, the proposed addition for the equipment maintenance and repair facility will not result in the degradation or the potential degradation of any ground water and of any surface water resources providing water supply to the Town, including potential water supply to the Town or any other town, namely Newbury, Rowley or Groveland. And meets the Georgetown Water Resource guidelines and the Georgetown Zoning Bylaws, Chapter 165 Sections 29-38.

Discussion – P. Shilhan I believe this will be better.

All in Favor, Motion carries unanimously 4-0.

Motion Special Permit Transport Terminal

Motion – G. Thibeault to approve a Special Permit to Owners; No-Ral Properties, LLC, 6 Norino Way & Rann Realty LLC, P. O. Box 399, Georgetown MA and Applicant; Mirra Co. Inc., for a Transport Terminal per M.G.L. 40a §9 and Georgetown Bylaw Ch. 165- 9, 11A.3, 78 and 79, for the property at 6 Norino Way, Assessor’s Map 15, Lot 50F and 7 Patriot Lane, Map 15, Lot 50E in the IB District.

The Board further found the application meets 165-79 (a-d); being the requested use and alteration is essential or desirable to the public convenience and welfare; will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety or general welfare, will not impair the integrity or character of the district or adjoining districts, and will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

With the Following condition:

1. Apply to the Planning Board for site plan approval, Conservation and Board of health.

All in Favor, no further discussion. Motion carried unanimously 4-0.

SPECIAL PERMITS GRANTED

P. Shilhan stated the Zoning clerk has 14 days to file a decision 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.

Motion – D. Kapnis/G. Thibeault to close the Special Permit hearing for a Transport Terminal & Water Resource for 6 Norino Way, all in favor. Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved – 11/13/12