



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
ZBA File #15-05
Zoning Board of Appeals
64-74 E. Main Street, Georgetown MA –RA Zone
Amendment Request **Water Resource District Special Permit**
February 3rd, Continued from January 6, 2015

Board Members Present: Gina Thibeault, Chairman, regular member
 Paul Shilhan, regular member
 Dave Kapnis, regular member
 Jeff Moore, regular member
 Shawn Deane, associate member
 Sharon Freeman, regular member –recused

Present:
 Representative for the applicant;
 John T. Smolak, Esq., Smolak & Vaughan, LLP, East Mill, 21 High St, Suite 30, North Andover, Ma 01845
 Chris Sparages, of Williams and Sparages, Engineers of Middleton, MA

Chairman Gina Thibeault opened the Hearing at 7:31pm, 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.

Legal Ad

J. Moore read the legal ad; Public Hearing: 64-74 East Main Street – January 6, 2015
 Location: Georgetown Town Hall 3rd Fl. – 7:30pm

An Application has been made by Constantine G. Scrivanos, Trustee Mystra Realty Trust, 3 Pluff Ave, North Reading, MA, 01864, the Owner/Applicant of 64-74 East Main Street (*Georgetown Plaza*) Georgetown MA, 01833, in the RA district and identified on Assessor’s Map 11A, Lot 85.
 The applicant requires an Amendment to the Zoning Board of Appeals Water Resource Special Permit ZBA File #15-01, granted to the applicant in August of 2014 this application is being held pursuant to M.G.L. Chapter 40A, § 9, and Chapter 165, Article V, Sections 29-38, of the Georgetown Zoning Bylaws, specifically Chapter 32D requires a Special Permit from the ZBA for “Any Use”, other than a single family dwelling with a sewage flow, as determined by Title 5 of the State Environmental Code, exceeding 110 gallons per day per 10,000 sq. ft. of lot area. Although the proposal includes no proposed work other than the septic system upgrade along with associated improvements, the proposed septic system upgrade design of approximately 4,600 gallons per day (GPD) which exceeds the “110 gallons per day per 10,000 sq. ft. of lot area limit”.

Chairman Thibeault – Introduced the Board Members. This hearing was continued to tonight for the board to get more information on plans and conditions.

S. Freeman recused herself as she is on the abutters list.

Applicants Presentation:

John T. Smolak, Esq. Attorney for Mr. Scrivanos – Since the last hearing we complied with what the board asked and submitted copies of a revised site plan which incorporates the changes requested. Our Project Engineer met on-site with the owners of 60 East Main Street, the Holzapfels, with the plan changes being; Plan. Chris can walk you through what was changed.

Chris Sparages explained the changes he put in the letter attached to the plan, and noted the meeting he had with the Holzapfels and put in planting etc. they requested, which are stated in the letter.

- 1) The trees to be removed along the property line between Georgetown Plaza and 60 East Main Street have been identified;
- 2) Proposed tree plantings on land of 60 East Main Street have been added;
- 3) A new 8-foot high wooden stockade fence will be installed along the common property line between Georgetown Plaza and 60 East Main Street, and a fence specification has been added;
- 4) A planting area has been added in front of the portion of the retaining wall proposed to be fronting on East Main Street; and,
- 5) A note has been added to the plan stating that concrete form liners will be used to provide a textured surface on the face of the concrete wall that faces East Main Street and the Parking Lot area. (see plan).

We met with the Holzapfels on January 19, 2015, the Project Engineer met with the Holzapfels to discuss tree removal, tree replacement, and fencing. The following was agreed to at that meeting:

- 1) The Project Engineer reviewed the trees to be removed along the property with the Holzapfels, and they agreed that all the trees that straddle the property line need to be removed. The trees to be removed include three 15-inch maple trees, one 42-inch tree (not sure on the species), and two or three maple tree saplings.
- 2) The Project Engineer identified proposed planting areas on land of 60 East Main Street and the Applicant agreed to plant a total of eight trees, including five eastern white pine trees, one Bradford pear (or linden) tree, and two red maple trees. The size of all trees will be 6-8 feet high, which is a typical street tree height when first planted.
- 3) The Applicant also agreed to install a new 8-foot high wooden stockade fence along the property line. Total length of fence is the same as the existing length plus one extra 8-ft length.

Smolak - All of these items are depicted on the attached updated site plan.

We will meet with conservation to ask if we can pave the side and back area when we meet with the conservation commission.

Patty gave the Holzapfels a copy of the plan and the letter, and told her if she had an issue to contact me, she stated she was very happy with the meeting they had with the applicant.

Audience - None

D. Kapnis – There is a notation that there is an existing 6 ft. stockade fence on the plan, just below removing existing carport, that will remain.

Sparages – Yes that's existing on 60 E. Main that will remain.

D. Kapnis - And there is currently an 8 ft. fence there that's going to be replaced?

Sparages – That's correct, along the property line.

J. Moore – whose property, is the fence on.

Sparages - The fence will be on Mr. Scrivanos's property.

J. Moore – So he will be responsible for maintaining it? Sparages – Yes.

D. Kapnis – With the new trees being planted, are they 100% on your side or split, and who's going to maintained and trimmed so they don't just bloom out.

Sparages – We are going to plant them and trim at the time of planting and will work with the owners of 60 E. Main during construction and will be owned by 60 E. Main the Holazfels, so they will maintain them and was discussed with them.

Shilhan – The top of wall is 84?

Sparages – At that location the top of the wall it starts to drop off and almost meets the existing grade so at that location the top of the wall is 84 elevation, but as you head back toward the street it's 87, on the road it's not that high.

Gina asks any further discussion from the board.

J. Moore – I think it's a well thought out alternative, they did a good job to mitigate our concerns.

D. Kapnis – I will agree it did meet my concerns, if everyone is good I have a motion.

New Correspondence

Plan submitted by the applicant as supplemental information stamped in to town clerk on 1/22/15.

Plans submitted for 2-3-15 hearing marked as Exhibits

A1 revised plan as requested 1/20/15 (modified from the January 1, 2015 hearing) is the revised site plan which incorporates the changes requested by the board on 1-6-15. A2 Letter dated 1/22/15 describing the modifications on the plan submitted. A3 Previous ZBA Decision being Amended ZBA File #15-01.

Motion - **D. Kapnis/J. Moore** - I Move the Board Grant the application an amendment to a previous decision ZBA file #15-01(Exhibit A3) for a Special Permit in the Water Resource District for 64-74 East Main Street to Constantine G. Scrivanos, Trustee Mystra Realty Trust, 3 Pluff Ave, North Reading, MA, 01864, the Owner/Applicant of 64-74 East Main Street (*Georgetown Plaza*) Georgetown MA. Based upon the Application and supporting materials being a letter dated January 22, 2015 (Exhibit A2) describing the modifications on **the** plan submitted by the Applicant, along with testimony of the Applicant, the public, and deliberations, the Board found the applicant has proven that the Proposed Septic System as shown on Exhibit A1 revised 1/20/15

(modified from the January 6, 2015 hearing) presented at the hearings, 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 as provided under the Georgetown Zoning Bylaws, Chapter 165, Article V, Section 35.

I further move the Board Find that pursuant to 165-79 (a-d) that the proposed septic system is essential or desirable to the public convenience or welfare, will not overload any public water or any other municipal systems 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 will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Accordingly, the Board approves this Amendment to Special Permit Decision, subject to the following conditions:

1. The Applicant shall install the landscaping, fence, and other improvements substantially as shown on the plan entitled "Site Plan in Georgetown, MA showing septic system expansion, 64-74 East Main Street," dated November 20, 2014 (Rev. January 20, 2015), attached as Exhibit A1, with attached Letter dated 1/22/15 that describes changes on plan and discussions with direct abutter marked as Exhibit A2.
2. The project is subject to approvals for the septic system by the Georgetown Board of Health, and for work within wetlands resource areas by the Georgetown Conservation Commission.

Except as modified herein, the Water Resources Special Permit Decision, dated August 11, 2014, and recorded with the Essex South District Registry of Deeds in Book 33694, Page 80 marked as Exhibit A3, shall remain in full force and effect.

J. Moore seconded, all in favor 5-0 unanimously to grant the Amendment to the Water Resource Permit #15-01.

Close Hearing

Motion – J. Moore/D. Kapnis to close the hearing at 7:50pm, all in favor – yes. Motion carried.

G. Thibeault - 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. An applicant may file this decision before the 20 days but does so at their own risk.

Patty Pitari
Zoning Administrative Assistant

Approved 3/3/15