



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 #15-01

Zoning Board of Appeals

64-74 E. Main Street, Georgetown MA –RA Zone

Water Resource District Special Permit

August 5, 2014

Board Members Present: Gina Thibeault, Chairman, regular member
Paul Shilhan, regular member
Dave Kapnis, regular member
Jeff Moore, regular member
Sharon Freeman, regular member – Recused on 3/4/14

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; 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 a Water Resource Special Permit, pursuant to M.G.L. Chapter 40A, § 9, and Chapter 165, Article V, Sections 29-38, of the Georgetown Zoning Bylaws, specifically Chapter 32D for 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, the existing septic system design of 1,500 gallons per day exceeds the "110 gallons per day per 10,000 sq. ft. of lot area". ZBA File #15-01

Chairman Thibeault – Introduced the Board Members, and let the applicant know they would need a unanimous vote, as Sharon Freeman has recused herself as she is on the abutter's list.

This hearing was postponed with a letter of request by the applicant's attorney Mr. Smolak to August 5, 2014, dated 6/18, as the board did not have a quorum.

New Correspondence – J. Moore read new correspondence from Board of Health, Deb Rogers, if it is existing and no changes then there is no issue with the BOH. The vacant space would need to be comply with the existing design flow use.

Applicants Presentation:

John T. Smolak, Esq. representative for Mr. Scrivanos – We Are simply requesting a special permit, historically in speaking with the Building Inspector, it has been in the Water Resource for years and the previous building inspector did not require the previous owners to get a Water Resource permit. So we want to come into compliance.

Chris Sparages of William & Sparages, (Engineer) in Middleton MA – Explains the existing site with lot lines. The lot area is approx. 2.66 acres, it was designed for 1500 gallons per day, when you do the math, and calculate out how to determine how many gallons per 10,000 sq. ft. that is 129 gallons per day per 10,000 sq. ft. which exceeds that threshold of 110. That’s why we are here tonight. I have prepared a technical memo which I will summarize; so it you take the lot area 2.66 acres, (115,869 sq. ft.), and take 1500 gallons per day, and divide that by the lot area and multiply it by 10,000 sq. ft. equals 129 gallons per day, per 10,000 sq. ft. and because that number exceeds 110 gallons per day, that’s the special permit. Historically the permit was never secured. There are 4 current uses on property including the medical building if you take a look at the area we have a total area of the building is 19,673 sq. ft.

Sparages –Uses the Site plan in the application. We have submitted the required materials in the application as required, which describes safeguards with no toxic or hazardous materials stored outside of the existing building, The medical office does generate limited amounts of medical waste, these are managed in accordance with 105 CMR 480.00, “Minimum requirements for the Management of Medical and biological waste,” administered by the Mass DEP. We have provided a copy. There are no on site operations that allow the evaporation of toxic or hazardous materials inside the building. As far as Disposal – There are not toxic or hazardous wastes produced as part of the onsite operations that fall under MGL. 21C, also a copy has been provided. The sheet flow of water leaves our site in 3 different directions, in the front to the existing catch basin, and wetland areas to the back, and treatment swales into Penn Brook. That summarizes the technical review.

G. Thibeault – The sheet flow are there any concerns with the parked cars, oil and such.

Sparages – There is a leaching catch basin in the front, and it would flow there, and sheet flow into the back area.

P. Shilhan – Did they never get the permit.

Smolak – In 1998 the building inspector and or applicant at the time missed it, we don’t know.

G. Thibeault – I thought I heard that the water resource area had been different back then.

D. Kapnis – Are you asking to increase parking?

Smolak – No this is just for the water resource that was never done.

J. Moore – So there are no construction or any other changes to the site with this application.

Smolak – No.

J. Moore – Was there some storage or something in the back.

Sparages – At some point, not now. No changes at all.

P. Shilhan – Are there changes to be made in the back.

Sparages – Not now.

G. Thibeault – Ask the applicant if they have anything to add. Smolak – No.

G. Thibeault – Any board questions.

P. Shilhan – They are allowed to use 129 gallons per day, I don't get that.

Sparages – It's if you exceed that threshold.

J. Moore – This is the section it is triggering.

Brief Discussion on gallons per day and lot size in general.

Sparages – If you keep reading the bylaw it goes on to different categories, as long as you comply with Title V, we are in compliance with the bylaw.

Audience - None

Exhibit Mark at hearing - Plans Submitted;

P. Shilhan marks exhibits

Exhibit A - Site Plan Existing Conditions sheet 1, drawn by Williams & Sparages, dated revised 6/22/14.

Exhibit B - Watershed & Soils Map, by Williams & Sparages, Middleton Ma, dated revised 5/19/14.

Exhibit C - Commonwealth of Mass105 CMR 480 Minimum Requirements for the Management of Medical or Biological Waste.

Motion

J. Moore – I move to grant the application 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 that the find the applicant has proved that the existing Septic System as shown on Exhibits A, B and C 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.

J. Moore – I further move the Board Find that pursuant to 165-79 (a-d) that the existing 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.

D. Kapnis – Seconded. All in favor. Motion carried 4-0.

Motion – J. Moore/D. Kapnis to close the hearing, 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 9-2-14