



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**
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 - Absent

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.

Applicants Presentation:

John T. Smolak, Esq., Representative for Mr. Scrivanos – After giving some background for our new member, Mr. Smolak stated - We are requesting an amendment to the previous Water Resource Special permit granted in August of 2014 for the existing 1500 gallon system. He went over previous uses going back to the 1950's. If the board recalls you granted the existing septic this past August.

We are requesting an amendment to that August Special Permit to upgrade the system as the decision was for the existing 1500 gallon septic system. The project consists solely of the upgrade of the septic to be relocated further away from Penn Brook and other wetlands resources, no other work is proposed at the property.

Smolak – The plaza is a little less than 50% occupied, and we want to be able to utilize that 19,700 sq. ft. building. The existing septic system needs to be upgraded, in one of our previous hearings before you there was an issue with the grading and retaining wall. We are back to square one, the proposed upgrade to the septic it is different from the other proposals, there will be no new parking or construction, also the design of the system is different, this is a Presby system, it provides more flexibility, it modifies the grading and brings down the height of the retaining wall. The height of the retaining wall facing the building is approx... 4 ft. The only change is the septic, no changes in impervious surfaces. The project engineer has certified it will not result in degradation of any water resources of the town or any surrounding town. It will need to be approved by Title V.

Chris Sparages of William & Sparages, (Engineer) in Middleton MA – The existing system is on the left side if you're looking from E. Main, some limitations, we are handicapped because of wetland resources on the property, one is Penn Brook, it is an perennial stream and has a 200 ft. riverfront area and bordering wetland and a floodplain associated with the river, so under local septic regulations we are prohibited from expanding or increasing flow which is considered new construction, to stay more than 100 ft. away from any wetland resource area, in this case the bordering vegetated wetland. The wetland has grown over the years. The way the system works is it will blow into a series of chambers and waste water is pumped via a pipe into the leaching area and flows by gravity into the system. Since the existing system was done in 1998, we are approaching the end of its life. The Presby system we intend to replace it with is approved by DEP, its received general use approval.

He further explained the Presby system. We are seeking 4,600 gallons per day, we will abandon all the existing tanks and take them out of the buffer zone, and we will have a couple of manholes and a series of tanks outside the buffer zone. He further explains the pumps, and what DEP requires. We will need to use retaining walls, the Presby system allows us to shrink the size of the retaining walls, it will be less than 6 ft. high, about 4 ft. on both sides, on the front it's about ½ feet. We are here with you because of the septic flow, one of the requirements in the zoning bylaw; I did a letter on it. (attached).

Sparages – 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. *See Letter in application by William & Sparages Engineers that describes the Safeguards, Disposal, and Drainage. (see attached letter).*

Mr. Sparages shows the board on plan the sheet flow drainage he spoke of in the letter of explanation.

Smolak – From last hearing, I know you asked what does this look like from the street, there is a 6 -8 ft. stockade fence in different locations dividing the 60 E. Main property. We are showing to the West, the existing the tree line on 60 E. Main's property.

Audience

Cynthia Holzapsfel, 60 E. Main St. – Are you taking the trees down on your property.
Sparages – Yes.

Gina Thibeault – Please direct questions through the chair.

Cynthia Holzapsfel – The trees on 64 -74 will be taken down?

Sparages – There are trees on our side, they are overhanging, so they will have to come down to support the leaching area.

Cynthia Holzapsfel – Asks for them to show the property line. I didn't realize they had as many trees on their side where the leaching field will be. She was fine with it, it just looked larger.

G. Thibeault – Do you know roughly how many trees will come down.

Sparages – Roughly 10 trees.

J. Moore to the Holzapsfel's – If there a solid fence do you get lights on your property. I wonder at night now with a wall there, it seems it will be higher than the cars and will block any traffic lights toward the house.

Mr. R. Holzapsfel – I don't think that will be a problem. The fence is already down I am assuming they are making a higher fence.

Sparages – The fence is on the plaza property.

J. Moore asks about the fence, he though it was connected.

R. Holzapsfel - There is a big tree in the ditch. There is a picket fence on both properties.

Sparages – As far as screening, we would like to propose a retaining wall; the face of the wall is only 2 ft. off the property line, and we would like to create a trellis that would come around the retaining wall and we could plant a whole series of creeping roses, that would cover the wall. The wall varies from 4 -5 1/2 ft. The owner asked us to present this to the board.

J. Moore – Is the wall block or solid?

Sparages – Re enforced poured concrete, and then painted an earth tone color.

Gina - If you paint the wall it will just flake off. Can't they just add an additive to it?

Sparages - If you have the roses will eventually cover it.

G. Thibeault – I would want it not to look like all poured concrete. I would like something a little more pleasing than poured concrete.

Sparages – The existing wall is painted white or off white.

R. Holzapsfel – We don't see the wall because of the fence, why can't we have a new fence?

G. Thibeault – Why a trellis of roses and not a fence, that's my concern, will rose bushes do it, especially in the winter.

Sparages – A fence would be fine as well.

G. Thibeault – What can you plant on the septic leaching field?

Sparages – We can't plant trees or scrubs, just grass.

D. Kapnis – Is there a recent site plan that you have access to, do you know exactly where the property line is and are there trees that straddle the property line. How would you address that?

Sparages – Yes, there are some trees that straddle the line, 3 or 4, that's why we stayed back a couple of feet back from the property line.

J. Moore – I would think we would favor the natural screening.

P. Shilhan – I would take anything out that's even marginal, because you're going to lose 30 to 40% of the root zone anyway on those large trees take them down and add a few deciduous trees on their property and where the other ones were removed from thus in years to come they will gain that screening back and the fence. Once the trees that have to go are removed, and then you could assess it and maybe replace with maples or deciduous trees and the fence.

Smolak – That could be done.

P. Shilhan – Additionally, I am assuming also a veneer on the wall, stone veneer is a possibility.

Smolak – We are not proposing that at this time.

P. Shilhan – We could condition it. I think the lawn on top is great, maybe a perennial border on one side, but a stone veneer and not on the left just the front and even half way down the parking would be great it will age nicely, and a trellis is a maintenance issue also, that's my opinion.

J. Moore – Danvers concrete block just did the septic it looks like concrete.

Sparages – It is possible to use landscape block, with an impermeable membrane behind, it does take up more room, another foot anyway, my preference would be the re-enforced concrete in this case.

P. Shilhan – Yes, then you can put a veneer on it.

G. Thibeault – You can pour forms, it's almost like brick when you pour against it, it's almost like stamped concrete but vertical, that would be less expensive than veneer.

P. Shilhan – Its right on the road. What happens with the existing system with moving out of the buffer?

Sparages – By default we are subject to the local bylaw, 100 ft. buffer. The old septic is 1500 gallons per day back in 1998. We have to go before Conservation.

P. Shilhan – So the 4,600 gallons per day would allow for more medical there.

Sparages – We would try to attract more doctors in a practice or a 50 seat café. We haven't identified anyone.

J. Moore – Is the slope from the middle to the rear, is it sloped that much?

Sparages – It's the existing land that's driving the height of the wall, we will maintain a ridge along the center; it will slope ever so slightly. We have to maintain a 2% slope.

G. Thibeault – You're not raising elevation that's already there. Sparages – No.

J. Moore – On the restaurant side is it the same it reaches 4 ft.? Sparages – It's about 4 ½.

Sparages – 4.6ft. is as high as it gets.

J Moore – Is access being changed?

Sparages – We wanted to pave behind but conservation wants it to remain gravel, we are not changing any of the access drives or anything like that.

Sparages – We will have to go the conservation for approval. Its hits the 200 ft. buffer (river).

J. Moore – It the gravel remains to the back, and there are manhole covers might get ripped up.

New Correspondence – D. Kapnis reads new correspondence from Board of Health, Deb Rogers, She stated they have not filed with the Board of Health.

And Email from Conservation Agent

D. Kapnis reads into the record. "I reviewed the documents for this project. The project has work within the Conservation Commissions jurisdiction and as such they will need to file a NOI with the Commission. The grading and site work seems reasonable based on the bylaw but it is unclear is waivers are needed regarding the septic system. A waiver would be needed if any portion of the system encroaches on the 100 ft. buffer to the wetland and 200 ft. to the river. Thank you. Steve Przyjemski, Conservation Agent.

D. Kapnis – Have you submitted a design to the Board of Health?

Sparages – We are waiting to see you first. And we also need conservation approvals.

Cynthia Holzapsfel – Paul your idea about the fence and wall, I agree with your opinion. I still would like to see a fence.

Sparages – We would put up a new fence the back corner of 60 E. Main almost to the frontage.

D. Kapnis – Will the fence taper down?

Sparages – We can work with the neighbor to do that with your permission.

P. Shilhan – The fence should be level on the top.

J. Moore – I would like to see it on the plan, I think the concept is excellent, compared to some other things you have looked at. I don't want a big concrete wall.

Smolak – We could articulate conditions as conditions for approval and perhaps have it reviewed by the building inspector for consistency with the decision in the mean time we can work with the neighbors in regards to trees vs. fence.

Cynthia Holzapsfel, 60 E. Main – We are fine with what they are proposing.

J. Moore – The bigger issue for the town is the front and the side.

G. Thibeault – How do you condition a concrete wall, and the owner is not here, what if we want a veneer?

Sparages – In speaking to Mr. Scrivanos I can say that would be acceptable.

G. Thibeault – Do we want to see it before it's done.

P. Shilhan – I see additional trees, fence, a veneer treatment on the wall, but at the same time, we shouldn't be attaching that much aesthetic to the condition, if we continue we can address all of this, also permeable pavers. But that might be conservation.

J. Moore – I would like you to spell it out, and put it on a plan. Gina – I agree.

J. Moore – You can send it to Patty. Conditions can be on the plan, if not write it out.

Smolak - We can draft conditions. I can send items to Patty.

Gina – So hopefully everything gets put on a plan, otherwise we condition it.

Exhibits Mark at hearing - Plans Submitted;

J. Moore marks exhibits

Exhibit A – Watershed & Soils Map, by Williams & Sparages, Middleton Ma, dated revised 11/20/14.

Exhibit B - Site Plan Existing Conditions sheet 1, drawn by Williams & Sparages, dated revised 11/20/14.

Continued

Motion- J. Moore/D. Kapnis to Continue to **February 3, 2015** immediately following the first scheduled hearing at 7:30, Discussion – J. Moore - Can we move them to the first hearing. Patty – Since 34 E. Main is the first hearing the abutter will be there, so you can ask the applicant of 34 E. Main St. All in favor- Yes. Motion carried.

Motion to adjourn J. Moore/D. Kapnis, all in favor.

Patty Pitari
Zoning Administrative Assistant

Approved 2-3-15