

Conservation Commission Meeting
August 15, 2013

In Attendance: Laura Repplier, John Bell, John Lopez, Carl Shreder,
Staff in attendance: Steve Przyjemski, Susan Flint-Vincent

Meeting commenced @ 7:22pm

Discussion:

Anne Gagnon, Dept. of Fish and Game State Land Agent
Re: Grant she's applying for

Town of Georgetown has protected the Driftway Farms on the town line with Newbury. NAWCA (North American Wetlands Conservation Act) grant, it's a federal program geared towards waterfowl, like shore birds and rare species in general looking for a federal match. There's no requirements, you've already completed the project, the state wouldn't have any control or any say in the management of the area.

Agreement with the Federal Government that you wouldn't use the funds, \$105,000+ that you received to acquire this property, you won't use this as match for another project. The window you can use these funds as a match is relatively small.

If they were successful in getting the grant, then it would be recorded at the registry that this money was used as a Federal match. That's it, and we would pay for that. Eventually this will have to be approved by the Selectmen, but I knew they would look to the Conservation Commission to see how you felt about the project, so I decided to come to you first.

Carl: Is there any issues from the bureaucratic side?

Anne: We already know that you got a land grant from the state (Greenbelt), so we're only considering the \$105,000 that you weren't reimbursed as municipal match. They get more points the greater variety of partners they have (i.e. municipal, Essex County Greenbelt, Trustees of the Reservations, Mass Audubon, DER)

Carl: Is this specific to Crane Pond?

Anne: No, it's for all of the Great Marsh in general.

Looking to repair a bridge at Kent Island in Newbury, which has fallen in a saltwater creek. By replacing it with a better bridge, it will allow more saltwater flushing which would increase the habitat value.

Carl: It's a great way to protect the area.

Laura: Is Driftway Farms considered part of the Great Marsh?

Anne: No, absolutely not, but we are allowed to go a certain distance inland. It's a different type of habitat, Mallard and Wood duck are much more inclined to use this habitat rather than the saltmarsh. Trying to work with TTOR and Greenbelt to acquire match.

John B: Makes a motion to have Carl the chairman, to sign the contribution form and send on to the Board of Selectmen.

Laura: seconds the motion.

Motion carries unanimously.

Laura: Do you need someone from us to come with you to the Board of Selectman meeting?

Anne: It would be great if we could have someone come to the Selectman hearing. It will be August 26th. I'll let you know how it goes. If there are any other conservation projects that you need help with, let me know.

Discussion of Storm water calculations:

Leila Parker, Staff Ecologist from Fish and Game with the River ways Program

George Comisky, Parker River Clean Watershed Association

We work with various partnerships to help with land protection.

Partner with Ipswich Watershed Association, you, the Town of Georgetown, Fish and Game

We attended a conference and one of the presentations involved Current Stormwater standards and calculations are based on 1960 Rainfall events. This seems preposterous that we're still using 1960 numbers when, the water fall has increased.

Leila was asked to run the Cornell numbers, which are allowed to be used and can look at a gradient of rainfall just in this area. We're in MA we get between 6-7" of rainfall in a 24 hour event every 10 years, so it's pretty coarse.

Now you get a much more precise numbers for a particular town, it's just a better estimate of what an intense storm would actually bring.

George: When a project comes in we do the storm water calculations for 1960 calculations. So when people say, "Why is there flooding?"

Carl: Given the climate change and other things going on, it's pretty evident that there are some changes in the rainfall events. We're seeing more 100 year storms and greater 100 year storms.

Laura: Much more frequently, and much more water. 3 -100 yr storms in several years.

George: Most of the bylaws apply to the planning boards, but there is a place in the wetland regulations where we can change the language.

Carl: Georgetown Conservation Commission local regulations are to interpret the bylaw, not expand it.

Anne: Right, right, the way I read the current regulations are that storm water calculations should be done.

George: I did talk to the chair of the Planning Board, and it was "Who's going to go first?" They said they have other priorities right now. We think making this change for the resource area, will give them more incentive to look at revising their bylaws to use the new numbers.

Carl: For the bylaw, they need to be the same or more stringent than the state regulations.

John L.: Didn't the Massachusetts legislature pass a climate change act? The DEP doesn't quite know how to handle this. They would like to head in this direction, but they don't have anybody willing to take this, there was a lot of political push-back.

George: The last changes were made in 2008. Developers want to still use the 1960s numbers and say it will cost too much money to design.

John L: Isn't there a discrepancy between what the law is, or what DEP recognizes and what this is suggesting in terms of an appeal?

Carl: In that case we would have dual hearings, just as we have state and local, we're basically going to rule based on the local regulations.

George: You can approve this under the state law and deny it under the town bylaw.

Carl: We do that all the time.

Steve: We don't have to decide this tonight, I can help you with the regulations. We have the regulations open right now for modification. We have had them open since last fall, so we have to have them withdrawn without prejudice and refile.

Carl: I thought we had closed them?

Steve: I'll have to look, but we have to make some other changes, so we'll have to re-open it.

Yvonne Gustwell on the Stormwater Committee in Newbury, she's trying to get this implemented there and is here to see what procedures they might use there too. I talked to Lancaster Grey in Ipswich, who's the president of the Ipswich Watershed Association and he feels the same, that we can move on this.

Carl: As long as there's legitimate science to back this up and we're not pulling numbers out of the air.

Anne: Natural Resource Conservation Service, recognized the numbers were old and NOAA (National Oceanic and Atmospheric Administration), has also come up with their own set of precipitation estimates, starting in the west and moving east, New England being one of their last regions to tackle. The NOAA group and the Cornell numbers are fairly similar, arriving through two different methods. They are both well thought out. NOAA hope to have the whole country covered with their estimates.

Carl: Is DEP on board with this?

George: Yes, they are working on this.

George: Newburyport is using the 1993 CRS numbers, as amended. So they are using the most recent numbers.

Anne: You can have a fixed link to a web-site, but things will change over time.

George: We do hope you will consider this when you open your regulations. It's for the betterment of the town for better designed systems.

Carl: It sounds like it's worthwhile.

Steve: Do you want to set something up in the agenda for down the road. I'd like to invite some local engineers. Send to town counsel to get the sniff test.

We can set something up for Oct 17th. or Nov14th

Hearings:

7:46 pm Rear Lisa Lane, 18 Lisa Lane & 44 Searle Street (GCC 2013-14; DEP# 161-0765)

Wetland delineation.

Rich Williams, partner at Williams and Sparages
Mary Rimmer, the botanist

At the last meeting, the town consultant would go out with Mary and confirm or revise the wetland line based on what they would see out there. That happened last Thursday.

Dropped off an updated plan tonight with the latest revisions. I realize you don't have the final report, and would probably like some time to look at the plan.

There were some minor changes to the C series and some changes to the wetland line along the A series, the biggest change was here (A series), the line moved about 50'. Minor changes to the vernal pool, and the wetland that surrounds the vernal pool, w/in 5', tweaks along several flags to connect the lines differently

Area off property was deemed to be a vernal pool, show the buffers both to the vernal pool and the wetlands.

One minor change to the G series by a couple feet.

We anticipate you would be able to get her final report, you'll be able to review all the information and can close this out and confirm the wetland line by the next meeting.

Carl: I would anticipate a third party to come in and talk to us at that time and give time for the commission to review the data and the report. If there are no other concerns we should be able to take the next step.

There's documentation in the field. Our field survey crew went out and confirmed.

Steve: Not mapped as endangered species habitat.

Donna Duncan: 46 Searle St. Is the new vernal pool on our property?

Rich: yes, it's about 8' from the property line. The road will have to be 100' outside the wetland buffer.

Lynn Grosslein: 16 Lisa Lane

What are the buffers for a vernal pool?

Steve: It's a special condition: 100' no cut, no disturb vs. a 50' no cut, no disturb.

Rich: Our next plan change will be a definitive plan. We will incorporate everything that is said here, Town's comments from the preliminaries and then it will be a definitive plan. The

definitive plan will be a more detailed design plan that will come later. This is the changes from the peer review.

Susan Stead 48 Searle St.: When you go back to the planning board, will

Rich: We have a preliminary plan before the Planning Board. The definitive will be a more

George Comisky: Has the 3rd party review come back to you yet?

Steve: yes, but we haven't had a chance to look it over yet.

John B: I'd like to continue **Rear Lisa Lane (GCC 2013-14; DEP# 161-0765)**
to 9/26/13 @ 7:15pm ANRAD

Laura: Seconds the motion.

Motion carries unanimously.

7:59pm 6 Norino Way (GCC 2013-06; DEP# 161-0761) NOI - reopened
Construction of a 3900 SF storage area/addition to an existing building and an underground detention area outside the buffer zone with a discharge outlet in the buffer zone of a BVW

Steve: Just received the check tonight for the 3rd party review of the engineering aspects. The wetland is what it is, the engineering is what we should be looking at to improve.

There's still a lot of impervious pavement.

I got the money for the 3rd party review weeks ago and the engineers have been looking at it and were going to get me a memo by today, but they couldn't get it to me on time. They did some test pits to evaluate soils which the previous engineer never did. Their engineer showed a storm feature, but they didn't know what the soils were, so our guy went out and witnessed their guys digging the holes to assess the soils, next week I should have a 3rd party review from Larry Graham, the engineer on this, our guy on this.

John B: And he's doing storm water too.

Steve: I have some **Certificates of Compliance** to sign while we wait to check the agenda for next month.

19 Heather Road - vernal pool, still not certified, but now that we know it's there, we can certify it. The vernal pool is on an adjacent property.

65 Old Jacob's Road - complete renovation of the whole house and septic system

6 Harmony Lane - same thing, straight-forward, done, silt fence is still in, I'm not going to release it until the grass is up

Sign Bills - Including the final payment for the finishing up of the culvert work for Camp Denison

John B: Makes a motion to pay the bills as read.

Laura: Seconds the motion.

Motion passes unanimously.

John B: makes a motion to continue **6 Norino Way (GCC 2013-06; DEP# 161-0761) NOI** to 9/26/13 @ 7:30pm

Laura: Seconds the motion.

Passes unanimously.

8:11pm 175 Central St. (GCC 2013-10; DEP#161-0763) NOI

Replacement of an existing septic system, upgrade and renovation of existing building.
Steve: Applicant has requested a continuation.

Carl: We need to look to see if it falls under the local flood plain.

Steve: We have an estimate for a 3rd party engineering review if they get approval from the BOH, to evaluate the wetlands, the river, the floodplains, storm water all of that stuff, an engineering review. It will cost \$3,000 - \$4,000. They are going to wait until they get approval from other boards before they initiate with us. If the BOH denies it next week, then they would withdraw w/out prejudice. If it is approved, then we do the heavy lifting. They are doing a deed review, to prove whether or not it was ever a single house.

The BOH has recently changed their regulations saying that a privy is not a preexisting system.

Laura: Makes a motion to move to continue 175 Central St. (GCC 2013-10; DEP#161-0763) NOI to 9/26/13 @ 7:45pm - ha!

John L: Seconds the motion.

Motion carries unanimously.

8:19pm 186 East Main St. (GCC 2013-01; DEP# 161-0736) NOI

New Soccer Field, Skate Board Park, and Dog Park off East Main Street

Steve: This is another one we have lost quorum, they need to withdraw without prejudice and reapply. They keep coming in and giving us the exact same information.

John B: Makes a motion to continuation the NOI handicap dog park to 10/17/13 at 7:30pm

Laura: Seconds the motion.

Carries unanimously.

8:21pm 64-74 East Main St. (GCC 2013-15; DEP# 161-0766) NOI - reopened

Carl: Went on the site walk during the rain storm so you could see where the water flow. There certainly is some sheet run off.

Laura: That side is terrible.

Carl: I asked them what the impervious surface was vs. pervious, and he didn't know.

John B: That was meant to be one in, one out.

Carl: They are coming to the Conservation Commission first, because it's a make or break.

John B: They've got to make a better swale, two or three stage swale. I've been out back is what it is, and anything is going to be better we just have to knuckle down and they should do.

Steve: They are putting parking on top of the septic field, that's the one area that's raw land that they could put storm water. I don't care about parking.

Carl: There's only one drain in the entire front of the parking lot and it drains into the wetland. That was taking it pretty well, but in the back the gutters are dumping water sheeting off. It's amazing how close they are to the wetlands, we're talking 10'.

Laura: The 100 year flood line shows the water half-way up through the parking lot.

Steve: We received a check tonight, so we'll go forward with the 3rd party review. BSC group will be doing the review. It's a whole engineering review. Gillian does a great job, she's the wetland scientist. I'm more concerned about the engineering. They aren't thinking outside of the box. I'd like to see them get rid of the parking on the septic system on the hill and put a storm water feature.

Carl: The reason I asked about the drive thru concept was that it affects storm water. You've got pollutants, motor vehicle traffic, and truck traffic. They told me they drive the semis around the building.

The owner was willing to pay to what it would take to do it right.

Steve: Their O/M plan doesn't exist. As it is right now, they have no snow removal location.

Steve: Often back and forth, if they make the changes that's fine. They will come to us if they butt heads and they need feedback, otherwise they will bring us a final plan.

Carl: I think the plan with this is, that if we give the ok to pave that then they will go to the planning board and the ZBA and get that change done.

Laura: Mr. Chairman, I would like to make a motion to **continue 64-74 East Main St. (GCC 2013-15; DEP# 161-0766) NOI to 9/26/13 @ 8:10pm** - ha!

John B: Seconds the motion.

The motion carries unanimously.

Steve: My plan is to initiate this regulation change.

Laura: Does this need to go to Town Meeting?

Carl: It does not. We need to have an open meeting on it.

Steve: Bylaws happen at Town Meeting, Regulation changes happen here. Development community doesn't want anything changed. If we change ours, the planning board will have to adopt our regulations. We're only changing regulations affecting storm water.

John L: We almost lost our regulations several years ago, this is giving opponents of local regulations more ammunition, anti-development, and you know the story.

John B: It's not anti-development, it's protecting our resources. That's the way we are.

Steve: The Planning Board is not excited about doing this, but if we change ours, the way they treat the storm water regulations in the town, they have to have two 3rd party reviews and what's going to end up happening is that the engineer is going to over-design it for the Planning Board and design it to our standards. So in essence the Planning Board is going to have to adopt our regulations, otherwise they'll be asking for two separate storm water plans.

Carl: But from the storm water perspective they would only regulate a piece of storm water that part that affects resources, not overall. The development community will be opposed anytime we want to improve or change anything.

Laura: Mr. Chairman, I would like to make a motion to adjourn.

John L: Seconds.

Unanimously carries.

Meeting closed at 8:35pm.