

Conservation Commission Minutes
October 17, 2013

In attendance: Carl Shreder, Lillabeth Weiss, Laura Replier, John Bell

Discussion:

Hearings:

Meeting opened at 7: 18 pm

**7:18pm 274 East Main Street (GCC 2013-20; DEP #161-0770) NEW
ANRAD**

Patrick Seekamp, Seakamp Environmental Consulting
Mike and Lisa Ciulla, property owners

Patrick gave Steve the revised Wetland Delineation plans.

Delineated wetland boundaries on site.

3rd party review with Gillian Davies of BSC group, changes made on new plans submitted tonight.

Large site, 2 plan sets from engineer, site falls between East Main St and Tenney St, existing driveway, existing out-buildings and house on site. Long driveway, house sits up on the hill, lots of exposed bedrock on portion off of East Main St., part of site is very hilly and rocky, and site slopes down towards the wetland boundaries at the rear of the site. Front portion of site is dry. Gillian has confirmed no wetlands in front portion of site.

The rear portion of the site is where the wetland boundaries are. A line flag series across entire background of site, comes back around and intersects with C line series, then goes off the opposite of the start of the A line series. That's bordering vegetative wetlands, that's a typical, large, red maple swamp, with swamp white oaks and white pine.

There's another area delineated with the B-flag series, mostly off site on the west portion of site, there is a portion that does come on site.

There is an area that Gillian identified that we are calling a likely off site vernal pool, beyond BVW boundary, but it does come fairly close to B line series.

We looked at 200' off site. Large hillside with a house on it, houses on Tenney St in front of the site, wetland system that comes in from the opposite side, so we essentially have that boundary to that wetland off-site.

4 flag changes to the A series: We moved A8 and A15, new A20 and added A20a to the flag line. On the B series the only change was we eliminated B7 so now B6 is connected to B8 area taking in a small, new section of wetland that was missed. On the C series we had an area of small swale that was protruded like a finger into the upland area, added two flags that extended the boundary slightly further than originally flagged into the upland site.

Carl: Is there a reason why when they drew the plan, that they didn't actually show much of what was found off site?

Patrick: I didn't flag per se. In this area it's hard to tell where the property boundaries are. The stone wall acts as a monument off site, I would be literally walking through the pool to get anything out there.

Patrick: The wetland symbols do carry off-site. I guess they just didn't carry up to B1. Vernal pool ponded when I looked at it earlier this year, dry when he looked at it with Gillian.

The new revised area has a very small triangle that's outside the 75' buffer and outside the 100' from the vernal pool.

Laura: What is the gradient on here?

Patrick: The gradient is steep, 140' elevation at top and wetland boundaries are at 90'. Pretty hilly terrain. Quite a watershed, beautiful site. Wooded swamp at the base of the hill is relatively flat.

Carl: Steve, have you been out to the site? Do you have any comments?

Steve: Multiple times. Nothing on the ground, but we don't have a DEP#, so technically we cannot close this out tonight.

Carl: Is this a rare, endangered species area?

Steve: I don't believe so.

Patrick: No, it's not.

Laura: There's a large perennial stream that runs through this property as well.

Patrick: There's an intermittent stream feature in the area shown on the USGS. I think they are picking it up within the BVW boundary, which was completely dry when we were out there, you couldn't even see where the water flowed. Perennial stream once you cross 95, I think it may be the tail end of this drainage.

Carl: How large is the resource boundary? It's an 11 acre site, am I correct?

Patrick: Maybe 1/4 to 1/3 of the site that the resource encompasses.

Carl: Any more comments from the commissioners? Are there any comments from the public on 274 East Main Street?

Jean Evans 27 Tenney Street, I'm interested in 2 areas. When you talk about delineation of wetland, you're talking about marking exactly where they are.

Carl: Correct, we are trying to establish where the official resource line is. At this point we are just trying to lock down the wetland lines. What someone would want to do after that is another process.

Jean: Where is the vernal pool? Is this the property boundary?

Patrick: It's large enough you'll probably see kids skating on it in the winter. It ponds water. The dark bold lines are the property boundaries. Explains map to Jean.

Anthony Giachinta 19 Tenney Street: I'd like to know, right behind my property, is the land buildable to put a house up on?

Patrick: Well, there's wetlands behind you and there's a very small area where you have forested upland beyond that.

Anthony: Is it buildable or not? Directly behind there is upland that is dry, but all the way is around is wetland.

Patrick: I'm a wetland scientist, so I flag the resources and identify the vegetation. That's a question for an engineer.

Carolyn Knorr 280 East Main: As far as wetlands go I'm assuming that you're looking at something that 24/7 365 days a year that comes up wet, right? Because the property that sits on East Main Street even though you've said it's dry, now it is, come Spring, it's flooded.

As you come up our right of way, to the left, in there, in the spring there's 10" of water on the right.

Carl: The regulations address areas subject to flooding. There's state and local (town) requirements. The local requirements are more stringent than the state requirements. So in regards to that, just because there's flooding doesn't mean that area is a wetland, you can have what Mr. Seekamp described as vernal pools which are not wet year round either.

Patrick: There's a low spot, by taking soil borings we can tell if it's going to become a wetland. We looked at that area really thoroughly and took soil samples. We look at the soil profile and we can determine if there is water close to the soil surface even in August. Probably what happens when there's ice and snow in these low spots, as the snow melts down and forms an ice sheet, if it rains and the water runs off quickly in the winter, it will create a ponding effect. The water has to sit there during the growing season for a long time to create hydric soils.

We walked the property boundaries and up East Main St.

David Knorr: Right across from the property, it's all wet.

Patrick: It has some Red Maple (dominant wetland trees), there's some oaks, but it is predominantly Huckleberry, Low Bush Blueberry in the understory. We just looked at the area, we didn't flag off-site.

There are areas across east Main Street, over 100' from the property boundaries.

Steve: Gillian didn't address the area across from the Knorr's. I'm curious to see what she thinks is an ILSF aspect. ILSFs don't get picked up in the flood plain.

Patrick: Soil is a spotisol, sandy substrate, very well drained soil. Once we had a thaw, I would expect the site to have very good drainage in that area.

John B: Makes a motion to continue **274 East Main Street (GCC 2013-20; DEP #161-0770) ANRAD** to 11/14/13 to 7:30pm

Laura: seconds motion.

7:43pm 186 East Main Street (GCC 2012-01; DEP# 161-0736) NOI (cont.) New soccer field, skate board park, and dog park off East Main St.

Carl: The request should go to the applicant to withdraw. They can refile and move along at a more timely fashion or simply withdraw.

Steve: We've lost quorum. My recommendation is to continue to December 19th and ask them to withdraw.

Laura: Makes a motion to continue 186 E. Main St, **(GCC 2012-01; DEP# 161-0736) NOI** to 12/19/13 @ 7:15pm.

John B: seconds, the motion.

Motion passes unanimously.

7:46pm Rail Trail (GCC 2013-16) RDA (cont. PH)

The town of Georgetown Recreation Path Committee would like to open, use and maintain a Multi-purpose trail along the NGRID power lines from the border of Boxford north to Mill Street (Segment A) and from Mill St., north to the border of Byfield (Segment B). Re-grading or the addition of any hard or soft surface is not being requested.

Carl: Applicant asked to cont. by the Recreation Path Committee.
Any abutters present that would like to comment? Any discussion from commissioners?

John Bell: Makes a motion to continue the **Rail Trail (GCC 2013-16) RDA** November 14 @ 7:45pm.

Laura: seconds the motion.

Motion carries unanimously.

Steve: There's a couple of typos on two of the Orders of Conditions we wrote last month. The Lisa Lane one had a few boxes that weren't checked off, so we're asking for you to resign, so we can re-issue. This is the ORAD for Lisa Lane, we did not check off the box that said the "Line was accurate", so it was pretty much void at delivery. Same thing, the Order of Conditions was issued at the last meeting, a couple of typos that were more significant, so we need to reissue it.

Carl: Did the state kick that back?

Steve: Yes, neither one was a legitimate decision. The applicant didn't pick it up.

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

Lillabeth: seconds the motion.

Motion passes to pay the bills.

Carl: When am I going to get my report? I really would like to have a report. Maybe we ought to send a memo.

Commissioners sign that they received the Open Meeting Law information.

Conservation Restriction

Steve: I'm running into some huge bumps getting the funding for Wheeler brook Farm regarding Bond Council and doing it in a timely manner.

Carl: We have a December deadline, don't we?

Steve: I've missed two deadlines already, and I'm heading towards missing my third. I do not want the Conservation Commission to be a "hold up" because we have meetings only once a month as far as getting this signed. So I'm putting in the bill before the money is even available. It's legal, and it's fine. It's just kind of weird that the money isn't here to pay it. I'm going to ask you guys tonight to sign the invoice to issue money from CPC to him because my plan is to close in two weeks. If I don't have this, I can't close, I can't get the check. We're really at risk of this deal falling through if we don't get the money soon, because of the tax breaks that he gets by closing within a certain time frame.

Two things could happen: If we can't make the deadline and the money doesn't come through in time, Greenbelt may pre-acquire the conservation restriction and we will buy it from Greenbelt. If the money comes through in time, we can buy Bob Morehouse directly. Because there are two options I'm having you sign two of these, one is to buy the Conservation Restriction from Greenbelt, and one is to buy it from Bob Morehouse. Once I find out, hopefully next week, one of these gets ripped up and the other one gets submitted. I just wanted to explain why you're signing two docs, both for \$150,000.

Carl: Did you speak to Town Counsel on this?

Steve: Yes, it's legal. \$150,000 has been approved to acquire a Conservation Restriction on Wheeler Brook Farm. It does not site who that money has to go to. If Greenbelt pre-acquires it, then we can get it from them and we're fine. We're just making it more versatile, so that when the money comes through I can close on it within a week, instead of waiting another month to catch up with you guys. It's a little bit atypical. The holdup is due to Bond Counsel asking for additional information to make sure that the bonding option is legitimate. They asked for 30 different things, the town provided 30 different things. They didn't fulfill all the requirements due to misunderstandings. Each time this happened there was 1 1/2 months delay.

Laura: What was Susan going to say about the turtles?

Steve: It was just her yearly update. You fund through the Conservation fund, some of her work. The Commission's request as part of that funding is a yearly summary before them. So she reports back, how many turtles she's found, any unusual sightings, how many hatchlings, how many nests they protected, stuff like that.

Laura: Does she have any feedback on the way the fields were managed.

Steve: She often does, but more so if you ask questions she'll be more than happy to give you her opinion on the status of those different things. She does work in surrounding towns and can give you a holistic view of the project and can tell you what is going on Blanding's turtles in general, not just in Georgetown. She's very concerned about the ATVs on the West Street. She is very concerned with how do we maintain those fields and their usage?

Carl: If it's still an issue down there, I think we probably have to have a conversation with the lieutenant of the EPO (Environmental Police).

Steve: The number of people out there for soccer and lacrosse events, not to mention the turtles seem to have an affinity for laying their eggs in the middle of the field.

Carl: I'll tell you why they do it, they have sandy soil and sun, the eggs heat up and they hatch. That's why the turtles look for sunny areas that have sand.

Laura: I thought we had accepted a maintenance plan where we were going to leave some of it long grass? And also a little slope between the front and the back because they like nesting in there too.

Steve: I think that was 5 or 6 years ago.

Carl: During this whole field revision for the town I had asked specifically asked since we are allocating \$1.45 million for this new field, are you willing to give up that field. Their answer was, "No."

Laura: But they did specifically say, because I asked what effect it would have on West Street (Fields). They said it would relieve the pressure on West Street a lot. So that's a conversation I really want to have with them.

Carl: And I have had those separate conversations with them, and they are not willing to quantify what...

Laura: They don't really like West Street anyway, they just think of it as a third world soccer field.

Carl: It's a case of nobody wants to give anything up. That's just what the situation is, I think.

Steve: I think at one point it was discussed, that for every two fields they get where the Commission is granting waivers, they give up one field at West Street. I think that conversation is coming soon. They just got a new field at Penn Brook through the last permitting process, the Park and Rec project behind the church is another one. If we're going to move forward with some of these other ones, we should ask them to take off a field. The turf project is probably the best one coming in soon.

Carl: I think that discussion is going to have to happen with GAA. They are the ones not willing to give. The Park and Rec Commission you might get some give on.

Steve: The turf project, I've seen the basic plans and it's scary. The surface water is inches from the surface. They are talking about putting in gravel to support this thing so it will drain. It will be literally draining ground water into a river that is the time for the give back. They might take out two fields and put in one bigger one with a larger buffer that's mowed once a year per request. I think there are opportunities with the turf project that will be coming in the next month or so.

Laura: Susan has said that she would like them to not use the West Street fields for two weeks in the Spring, so that's another thing we could negotiate with them.

Carl: We should come up with a schedule with "No Use" times and critical times.

Steve: When the turf project comes in I will contact Susan to see if she has a "Wish List". All the other projects we've dealt with them, they are picking up all these soccer fields in other places. I told Park and Rec five years ago, for every two they pick up I'd love to see them give back a field at West Street.

Carl: With the ATV issue, I told the Division of Conservation Resources that their policy is causing a lot of this to happen. They closed all the legal State places to ride ATVs. I talked to the director and told him, "You're just going to drive them onto Conservation Land."

8:05pm 118 Jewett Street (GCC 2013-18) ANRAD (cont.)

Wetland delineation.

No applicant, requested a continuation. Our Third Party reviewer went out, came up with some changes, the engineer picked up the site plans, but hasn't had time to get back to our Third Party Reviewer, or to us so we're just waiting on that.

John B: makes motion to continue **118 Jewett Street (GCC 2013-18) ANRAD** to 11/14/13 at 8pm

Laura: seconds the motion.

Motion carries unanimously.

8:06pm Tidd's Junkyards (GCC 2007-11; DEP# 161-0666) NOI (cont.)

Complete site remediation under Chapter 21E followed by construction of a 16-unit senior housing development, with associated grading, roadway, septic system, utilities and storm water management structures, portions of which are proposed within the Buffer Zone to BVW

Eric Johnson, CPG, LSP, RS w/ Edge Environmental, representative for the Tidd's junkyard (the trust).

Steve: Why don't you give us the Global perspective? Technically we cannot vote on this, it will have to be withdrawn without prejudice and resubmitted. It has been open since 2000. It will all need to be re-presented once the Order is reopened.

Carl: We can talk about it, we haven't had any dialogue for a long time.

Eric: Synopsis: ~10 acre property, a portion is planned to be given to the town. The 10 acres was run as a junkyard from 1924-1998. Salvage yard was shut down and things were cleaned up. The property slopes from the street towards the wetland in the back. House and garage dilapidated. There's no one living there. Mostly stored and dismantled vehicles.

Carl: Is the house still boarded up properly and fenced off?

Steve and John: Yes, still intact.

Eric: The property is overgrown, a lot of lower and middle canopy throughout most of the property. The sources of contamination were: PCBs, oil and gasoline contaminants. DEP requested that a grid be put over the site, numerous samples were taken looking for metals, PCBs, oil and gasoline. Majority of work was performed in two areas of the site where the cars had been stored. Remedial Action Measure (RAM) was done under the jurisdiction of the DEP. Excavation completed around 2005 or 2006. Risk characterization was performed and given to the Massachusetts State DEP. The findings and risk characterization were agreed upon by the state. Site was closed due to the findings that the levels of contamination were no longer a risk to people or the environment.

Carl: The Communication Phase: During that process the applicant was supposed to be carrying out PIT meetings regularly, which never really happened too often.

Eric: I attended one pit meeting, which was the last one. I can't speak to what was done previously.

Carl: I wanted to ensure that everything was closed out properly. There was a lot of effort on our part to make sure everything was safe, so we could move this to fruition. We always had a hard time getting funding for our third party LSP. We're at funding zero at this point.

Eric: My client would like to have an accounting of the monies spent, he felt that he put money in and he would like to see how that was spent.

Steve: We've produced this so many times I think the town should charge him for the information request, it's a delay tactic. He wants this closed, but by asking for this it just delays the process another month. We're not going to keep producing this every month.

Eric: I think there is some interest in moving the property. There's some motivation from within. I'm not privy to the whole picture.

Carl: I'd like to have my LSP look over the entire package and make sure that we've addressed everything that we've discussed and looked at.

Eric: Your LSP reviewed the last report that went to DEP. Greenseal reviewed a report and produced a May 25, 2012 letter. The closure happened 4/1/12.

Carl: DEP was only concerned with the hazardous waste aspect, we were concerned with the wetland aspect.

Steve: The DEP is done with this. Our third party reviewer has not really completed his review of the outstanding issues related to the commission's concerns of our local regulation. Our LSP has not closed out the project as a whole. He is agreed that the DEP side is closed. We want the LSP to look specifically at issues we were having with the project: additional sampling, buried material, etc. Our LSP has not closed out the project as a whole. He hasn't started to pick up the heavy lifting related to other concerns.

Carl: Since you have newer commissioners, they should have a briefing of the project.

Steve: The DEP made recommendations, but the client has fully followed. The DEP is not going to hold the applicant's feet to the fire, but the commission has chosen to do that to mirror the DEP's recommendations. This has been going on for so long, I think it would be helpful to have a summary to bring the commissioners up to speed.

Carl: This entire project has not been operating under an Order of Conditions but an Enforcement Order for thirteen years.

Eric: All I'm trying to do is bring people up to speed and understand what I need to do to move forward. If you have asked for things that they are outstanding, I am not cognizant of that, I can't speak to that at this time. I understand that you would like to be brought up to speed.

There are 18 wells out there, only one was contaminated. The level of contamination was shown to decrease over time, to below Ground Water 1 standards, meaning you can drink that concentration based on DEP's regulations. The geology of this location is basically that it is glacial till, probably part of a drumlin. Because it's glacial till, the contamination never migrated deep into the hill, it was all shallow. A lot of it was excavated and removed. I'm here to find out where do we need to go, and what has to happen next and I was hoping to bring you up to speed as far as what has been done.

This was a Tier One C site, which means it had DEP over-sight. So DEP was reviewing things all along.

Carl: Because we involved them.

Eric: A risk characterization was done. The DEP reviewed that and agreed with the findings in writing. A risk characterization was done for the wetland, and DEP agreed with that.

Carl: You're saying the Hazard Waste people agreed with the wetland characterization, that's not their jurisdiction.

Eric: Under Chapter 21E and the MCP we are to assess whether or not there is a risk to the bio in the wetland based on the information that we have.

Carl: That's based on the state act, not the town's bylaw.

Eric: I wasn't commenting on the state's bylaw, I was merely saying that the DEP reviewed the risk and agreed with those findings.

Your LSP reviewed that and in the discussion and comments there was nothing in his letter regarding any concern for the wetlands.

The subsurface is composed of glacial till, which is very compact, contaminants did not migrate into the ground. That finding is corroborated by ground water analytical results that show there was nothing there. Or that their concentrations were very low and it was decreased over time once the site had been cleaned up. How do I deal with the outstanding Enforcement Order?

Steve: You don't really deal with the Enforcement Order at this point, you withdraw without prejudice. Then you re-apply for a Notice of Intent. Once the Notice of Intent is closed out, in my opinion, you leave the EO out until the project is done. You never get rid of it until you close out with a Certificate of Compliance (CoC). There's no value in closing out the EO at this point.

Eric: Actually, there is value to close out the EO, because some of what the issues are have been dealt with.

Carl: We left it in place because it went so far off track from the original order. The first week the project started it went off track. All the sampling and work that has occurred is not because of the Order of Conditions, but because of the Enforcement Order.

Steve: There's a list of 2-3 things to be done that are very specific on each EO of about 10 EOs. The final condition after all those other conditions are met is that nothing can be done on site without the commission's permission. This is a condition in perpetuity, because the communication was so bad. I think there's no harm in leaving it open, and there's some value in leaving it open.

Steve: We need in writing the open action items with an explanation: ground sonar to look for buried material, well sampling, and ground sampling that came up high in lead. - I'm going on memory, I'm not an LSP, this is not my field, and I'm just saying there are issues that need to be addressed. Once it's addressed, if it could be included in a memo.

Carl: Our LSP works with Tidd's LSP to come up with a laundry list.

Steve: Jim Luger is our LSP, he's moved companies a couple of time. The commission is not going to make up new list. We need money to ask our LSP to create this list. We've been doing this for two years, going back and forth.

Steve: I can compile a list of what the LSP money has been spent on. I can call Jim to get a feel for where we're headed. He might give you a price range.

Carl: You understand that your client is going to need to withdraw. It's the Mullen rule. The Mullen rule requires that you can miss no more than one hearing and make up that hearing to be able to

vote on a particular case. Over the years we've had lots of different people involved, so we don't have a quorum of legal people who could vote on the project.

Steve: That also brings up the question that we talked about, the fee. The fee on this project is pretty substantial. Just to be fair to the applicant's representative that is one of their concerns.

8:31pm open Tidds Junkyards (GCC 2007-12; DEP# 161-0661) NOI (cont.)

Revision on plan to construct a 16-unit senior housing development, with associated grading, roadway, septic system, utilities and storm water management structures, portions of which are proposed within the Buffer Zone to BVW.

Laura: Would it be in our interest to wave the filing fee for the cleanup filing, just so we can get it going?

Carl: We can only wave the local fee, but we cannot wave the state fee.

Laura: It's in our interest to get that done, to get that list going, to get it cleaned up.

Steve: I'd rather the money to go to the LSP and getting some work done.

Carl: I might be willing to do that for good faith, I don't know, that depends. If the applicant isn't willing to pay for my LSP, I don't know if I'm willing to do that.

Laura: Let him earn the right to have a waiver of the local filing fee.

Carl: At several points we actually waived fines of significant amounts on this project, although we did collect some.

Steve: We don't have to answer that tonight, they have to withdraw without prejudice, and put in a request for a new Notice of Intent and I presume they'll request a waiver. You have to withdraw it, if you do not we will deny it and you will have to reapply. You can look into the Mullen rule, but it's 100% fixed, no questions asked.

Eric: If it would be possible to provide past bills from the consultant.

Steve: That's easy, I can pull that together and have it for you for next week.

Eric: I think that would go a long way to at least get him started. I think the question has been about the finances. I don't know how much he has paid to you at this time, but he's asking, "How far has it gone?" "Is there any left?" "Is it gone?"

Carl: That's due to the lack of communication. We've had hearing after hear, after hearing and the applicant hasn't shown up. The applicant wants information and we're having hearings, but he's not here. If he'd shown up over the years, he'd probably have a better handle on that. We'll try and get that for you.

John: Is there anything else?

Eric: That and what outstanding items you're looking for. If you could come up with a list so we can talk about the list and determine what has or hasn't been done.

John: That would come from the LSP.

Steve: I don't think it's a huge list or a huge amount of issues, it's just a lack of communication and a lack of money to get this done.

Eric: I'd like to continue out a month and I'll talk to you if that's not going to go forward.

John B. makes a motion to continue **Tidd's Junkyards (GCC 2007-11; DEP# 161-0666) NOI and Tidd's Junkyards (GCC 2007-12; DEP# 161-0661) NOI** to 11/14 to 8:05pm and 8:10pm respectively.

Laura: seconds the motion.

Motion passes unanimously.

8:36pm Elm Street (GCC 2013-08; DEP# 161-0759) Amended NOI - New

Request to substitute the secondary access four foot wide gravel surface with two foot wide grass shoulders on each side with a ten foot wide porous asphalt surface and three foot wide gravel shoulders.

Steven Ventresca, Nitsch Engineering

Green cards dropped off.

Secondary access path, initially submitted and approved a 4' W gravel path with 2' W shoulders on either side, after meeting with school committee and the fire chief, now adding 10' W coarse asphalt surface path with 3'W gravel shoulders on either side, except for the front portion off Elm St. This will allow emergency vehicular access, school bus access to get up to the site off of Elm St, adjacent to the Johnson property. Primarily an emergency access, not general access. Locked gates on either end only accessed by DPW or the Fire Department.

Received positive response back from peer review. They are satisfied with our updated calculations showing that we reduced rate/volume and that we've minimized the work within the buffer zone, especially within the 50' buffer, the LA was able to revise the grading so it remained outside the 50' buffer for the BVW

Steve: How close are you getting to the retaining walls up on the edges? The existing stone walls.

Doug Morse: We're trying to stay in the center of the stone walls, modifying the grade slightly, but we're not altering the wall in any way.

Steve: seems silly to rip out trees by the roots and then you will be creating erosion issues, roots stabilize the hill grading.

We will do some root pruning to save the trees.

Mr. and Mrs. Johnson: We were told we would not have any of our trees cut down. Thank you for reaffirming that we won't lose our trees.

Carl: You will need to mark the trees to be saved.

Doug: Before any trees get cut down we will walk the line w/ the contractor. After some coordination w/ the chief, we were worried about

Faith Johnsons 104 Elm Street have hired a lawyer to preserve our prescriptive rights.

Carl: Do you have a maintenance plan? As you're aware if it doesn't have maintenance, it won't work.

Mr. Johnson: Who is responsible for the maintenance?

Steve: Who provides the maintenance?

Steven: It's the same agency you would use for the pervious pavement play area that you would use on the asphalt roadway. The town and the school are responsible for the maintenance.

Paul Johnson: Do you go out every 3 months and check the maintenance?

Steve: No, they are supposed to report back to us. The reality is that does it get done?, "No." But we can't deny a project on based on lack of compliance with something that hasn't happened yet.

Carl: The plan should be very specific on who's doing what, when and where.

They hiring a contractor to do the work.

Chuck Adams, property manager: Peter and the School Dept. They are going to sit down and decide who is going to do that.

Ellie Sinkawitz, cochairman of the building committee.

Paul: if it's in the OOC, it should be done.

Steve: Yearly you will submit a report of your O/M plan. You already have the O/M plan written in, this is pulling it out and putting it in the front to highlight a part of a special section.

Laura: What's here? Across Elm St.

John Howland 105 Elm St. That's my house.

Laura: There is already an issue with flooding now. Now, you're taking away gravel drive, and paving it and creating a river coming down this hill and right into Mr. Howland's house. I don't know how that's going to work.

Steve: It's going to be pervious pavement.

Laura: From what I've read, pervious pavement isn't reliable. It relies on many, many things and it has a very short life, even if you maintain it beautifully, it's really only good for 10 years. So I'm really concerned about that. I've seen that area flood unbelievably, already without that.

Steven V: We've designed this pavement to handle the hundred year storm plus. The media that is here in this section can store a tremendous amount of water. Again, it falls to the maintenance.

Paul Scolio 98 Elm St: What's the value of moving from gravel to the pervious pavement on this road?

Steve: It allows for larger vehicles to use this access way if they need to. Whereas the the concern was that the gravel would not be able to handle the weight of a fire truck during the mud and rain season in the Spring and there were issues of plowing in the winter.

Laura: Did you investigate putting in some catch basins along this area?

Steve: We were asked to by peer review to take a look at installing catch basins, but given the nature at Elm Street with the Johnson property vs. the school property, not wanting to put curbing up, no low point within that area We didn't want to put in catch basins that potentially could go to nowhere. We are not allowed to do any work within Elm Street and we understand that the town will be doing some type of drainage work along Elm Street at some point in the future.

Paul Scolieo: Could this change from gravel to pavement afterwards? I'm concerned about flooding issues.

Steve V: This is porous pavement, so the water will not be channeling down like you're imagining. The water will be going through the pavement and into the gravel surface underneath.

Laura: What is the slope there?

Steve V: The maximum slope there is around 8%, town allows a 10% slope in their rules and regulations/ roadway.

Carl: In terms of your calculations with the porous pavement, is more water going to be absorbed in this area than the previous design?

Steve V: Based on the calculations, it's the same.

Paul: There's water running down now. Right now it's flooding, coming down the hill. There is excess water coming down and it is causing flooding. This seems like you will be creating a little river, and it will come down faster.

Steve: I think now the pathway is compacted, so you may get a little more runoff than you would anticipate.

Paul: What will happen when the ground is frozen?

Steve: there should be no change, based on studies that have been done with porous asphalt. UNH has found that because it's a porous media and has large voids, it does not freeze and the water still drains through, it is still captured by the media underneath. Because the asphalt doesn't compact together. They won't stick together, and therefore the water can drain through.

Paul: So this will work if this is kept clean?

Steve: Yes, with a vacuum truck, twice a year or a power washer at a 45 degree angle, once or twice a year.

Carl: We've seen if this system is dependent upon this maintenance to occur, it needs to be written very clearly in the documentation that it is going to occur. I've seen many documents come across this table with many promises that doesn't occur.

Steven V: We have the best intentions to do the maintenance. We write the documents that you have seen, that say "maintenance will occur" once we leave that job site, our presumption is that the maintenance will occur. So it falls onto the owner to do that.

Laura: Can I ask about snow removal and snow storage. Where's it going?

Steve P.: DPW, take a loader.

Steve V. Small storage area provided on site, outside the wetland buffers and outside VMPs and with the small storms, it may melt. For very large storms with a lot of snow, the snow will have to be taken off-site.

Paul: I have a wall beside my driveway, it's very difficult to move snow. There is a wall on either side of this road for a fair portion of it. When you plow, you're going to have to get a giant snow-blower to move it out.

Steve V: The walls are 25' apart and the roadway is 10' wide, so there's space on either side of the road.

Steve P: It's very unlikely that they will be able to push straight through on a big storm.

Laura: Who's responsible for taking care of the maintenance?
The school department is responsible for it.

Faith Johnson: I thought the maintenance was to be 4x/yr, now you're saying 2x/yr.

Steve V: I'm sorry, I was just giving an example, if the documents say 4x/yr, that's what it has to be done, 4x/yr.

Faith?: My other concern is plowing if school is not in session that they wouldn't plow.

Carl: The buildings are used during vacation. So they will have to plow.
If there's a fire there in the middle of the night, they still have to get the big equipment in there to respond.

Mr. Howland: The two abutters on either side of the Penn Brook driveway, use it as a driveway.
Who's going to stop the two abutters on either side of this new roadway from using it as driveway access?

Steve P: That's a good question for the Building Inspector or the Town Planner. I understand where you are coming from, but this group here, including myself are not experts in this stuff.

Paul: They've been trying to gain access for a while.

Steve P. I understand.

Paul: It shows a pipe at the bottom, what is that?

Carl Ventresca: That's an actual water line. As part of the project we are looping the water for redundancy and maintainability for the water service. It has nothing to do with the roadway.

Laura: What's the time scale?

Steve: As far as when it will be constructed? In the next two years.

Laura: I guess I'm interested in what the Town's time scale is for that. Maybe we could get them to think about Elm Street first.

Steve: The only two conditions I've heard. Maybe hand cutting the trees selectively along the access road (saving the stumps). Check the trees before he cuts.

John B.: I just like to put it into the record that it really is due to the chief, we need to widen this path so your trucks can get there in an emergency.

Chief Al Beardsley: Yes, that's the reason why. We have a Ladder trucks 88,000 lbs, 44' L, 12'H. Documenting proof that it will support the load of the town's heaviest and largest vehicles.

Paul: When I look at the pervious pavement, it is so much more expensive, do we want. I'm concerned that this is where we'll cut expenses as the project moves along and they are running out of money. Because it is not an immediate issue.

Paul: This is a good solution as long as it really happens.

Carl: This is where I want accountability and follow-through. I want a specific person that I can call if there's a problem, not just "The Town of Georgetown".

Chuck Adams: The Superintendent is accountable.

Walden Pond put in porous pavement in 1974 and it's still working correctly today.

Steve V.: At UNH they have porous pavement installed 1994 I believe, and it's still in use. They have done studies, including ones with slopes. Mass DOT is using it on highways we use every day, on the top course and it sheets down to the underlayer and it sheets out to the side. Because of the limited access the 10 year number for length of use, I think would be extended out.

Carl: I think the natural detritus is what would clog the asphalt if the layers of leaves, etc. were left upon the surface.

John B: Vacuum trucks are common nowadays.

Laura: What's your thoughts?

John B: They are widening it.

Carl: If it's an emergency access, they need to get emergency vehicles up it.

Steve V. : We received comments back from your 3rd party reviewer, and they were satisfied with the information we provided. We were reducing rate and volume of the storm water runoff which is a requirement under the Georgetown Bylaw.

Steve P.: The concern is that if it doesn't get maintained, it will make the flooding worse. I don't think we can really wait for Elm St, to tie it in, it's 2-3 years out for construction. There's no design, it's not even on the table yet.

Laura: I'm concerned it will create greater flow onto adjacent properties.

Steve: We can work with the Town during the Elm Street phase, to improve drainage, especially if the roadway is not being maintained.

Ellie Sinkawitz: Peter Durkee is also on the building committee. He's been in on all the meetings. All these things that are being brought up at other meetings. We try to address what we can, we tried to think about all of these things.

Steve: Parking lot at IRS in Andover is huge and they are putting in porous asphalt because they recognize the benefits, soil conditions there are worse than the soil conditions here. That parking lot gets more use and abuse than this the roadway would get in five years.

Paul: Is there any way to analyze the degradation of the filtration efficiency of water volume to pass through the porous pavement?

Steve V.: The UNH studies address this issue. I recommend you look at the UNH websites if you have some time. Areas that get more sand, like the edges, are considered areas that have failed. While some water gets initially hung up, eventually it does pass through, just not as efficiently.

Paul: Is there funding available to purchase the land behind the Johnsons to use a catch basin?

Steve V.: No, it's not really large enough. That's where this system is helpful. It is linear underneath the pavement.

Paul: Won't it still travel the downhill to pond down at the bottom of the street?

Steve V.: It takes 12 hours to travel down the roadway to Elm St, so by that time the storm will be passed and there will be less surface water by the time the filtered water makes it way to Elm Street.

Paul: So when we've had the floods it rains for 6 or 7 days in a row, you're going to have time for all that water to come down and bubble out and it's really going to be like a gutter bringing water down to Elm Street.

Carl: Is that what it is doing now?

Paul: Yes, it is doing that right now. When the rain has stopped, water keeps coming off that hill.

Steve P.: So technically it's already doing that now, no matter what you guys do, it **isn't** going to make it worse.

Steve V.: No, it won't make it worse.

Laura: I don't think the water will have an opportunity to be absorbed. I think it will be moving swiftly over the surface and won't have time to puddle-up and sink in like a flat parking lot. I'm concerned that we're not solving a problem and we're making it worse.

Faith: Seems like we are putting the cart before the horse. The town should fix Elm street first and then build the access road.

Steve V.: Is the majority of the water affecting the people across the Johnson property coming off the hill, or is it behind your house and their houses?

Paul: It's coming from everywhere, Elm St., the side walk, everywhere. There's a bowl and everything pitches downhill to that area from Elm St, the hill, the side walk and down this access road.

Carl: The drainage for the whole region is bigger issue than this project. Remember this is a hearing on what's in front of us.

Laura: Someone very wise used to talk about cumulative effect.

Steve: Right now there are pulling the safety card.

John: They have to put in a water pipe as well.

Steve P. The maintenance is 2x/yr. (street sweeping)

Steve P.: Day one will help the Elm Street neighbors, but its' based on maintenance. I do not believe this is the main contributor to the puddle of water across the street, but this will make it better. You can have them tear up 200' of this project and put in drains. You can redress it there.

Steve V: We're addressing rate and volume of storm water on the site.

Carl V.: It's just a small piece of the puzzle, we're not going to solve Elm Street drainage issue, but we can make an improvements. We've come in 3 billion dollars under budget.

John B: I'd like to make a motion that **68 Elm Street (GCC 2013-08; DEP# 161-0759) Amended NOI** with the stipulations of real time site walk to mark trees which trees and how they will be cut as well as notification of tree cutting. The school superintendent will be responsible party for the maintenance of the roadway with a minimum of 2x/yr of vacuuming the roadway + leaf blowing. A yearly report will be issued as to the completion of appropriate maintenance procedures.

Lillabeth seconds the motion.

The motion passes unanimously.

John B: Makes a motion to close the Amended NOI for **68 Elm Street (GCC 2013-08; DEP# 161-0759)**

Lillabeth seconds.

Motion passes unanimously.

Hearing closes.

9:49pm 175 Central Street (GCC 2013-10; DEP# 161-0763 NOI (cont.)

We're continuing until the BOH votes on the issue.

Laura makes a motion to continue 175 Central Nov 14th @ 8:15pm.

John B seconds.

9:52 pm 64-74 East Main Street (GCC 2013-15; DEP# 161-0766) NOI (cont.)

Steve P: Applicant requested hearing to be continued.

3rd party review picked up on some our concerns, and they have not addressed any of them.

Outstanding issue, they are supposed to make improvements to the storm water. They are not making improvements, just changing.

They haven't done test pits. Where's there is the water level? They don't have any engineering.

The other aspect of concern. They are moving the septic closer to the road and adding parking. I have yet to hear where the drain goes, to the river? To the street?

I'd like to see the catch basin.

Laura: I don't see how they are going to drain the water.

Steve: Have them come in.

Laura motion to continue to November 14 @ 8:30pm.

John B. seconds.

Motion passes unanimously.

Lillabeth makes a motion to close **64-74 East Main Street (GCC 2013-15; DEP# 161-0766) NOI.**

Laura seconds the motion.

Motion passes unanimously.

Meeting closes at 10:08pm.