

## Conservation Commission Minutes 5/15/14

Commissioners in attendance: Nick Fietz, Laura Replier, John Bell, Carl Schreder, John Lopez

Staff in attendance: Steve Przyjemski, Susan Flint-Vincent

7:03pm Meeting opens.

Chief of police Don Cudmore and Sgt Tom Dejoy to talk to the commission on land use and hunting.

Steve has been a valuable resource to help the PD on a daily and weekly basis with Maps and etc.

Conservation land is spread throughout the town. What we have is conflicting use, recreational use, dog walking, biking, hiking and then we have hunting. What further complicates the issue is that Gtown conservation land in most areas is not posted nor delineated. Asking for two things: Some clarity, are people allowed to hunt on some conservation land, (which we know they are)? Or all conservation land, with this conflicting use issue? Are you going to require to written permission to be carried on the persons at all time, from Steve or this board to be hunting on the land. We're looking to you, the custodians of the property, for guidance.

Don Cudmore. Police Chief: Biggest issue is the lack of delineation or posting.

Carl: As the land custodian, we have small parcels, Lufkin's brook is the only parcel big enough to hunt, and it's not allowed. We would view it that you would need written permission to hunt on the land. I've been on the board the better part of 14 years and to my knowledge we have not allowed hunting on Conservation Commission land.

Don Cudmore. Police Chief: Could you put that in a written request? Then we could post it on our web-site. If the property is not properly posted, it is very difficult for us to enforce it.

Carl: Yes, we can. I'm concerned with the small parcel and mixed use parcels. Hunting is not banned, but parcels are small and it's not safe.

Don Cudmore. Police Chief: We've seen a marked increase in these conflicts. It all reverts to the fact that it's conservation land, that's why we want to come before you and clarify it.

Carl: And on the side of hunters, there's also "Hunter Harassment" laws in Massachusetts, where just because you don't like hunting, doesn't mean you can go out and harass hunters and block in their vehicles, etc.

Laura: Where do you find we're having the most problems on our Open Space areas?

Don Cudmore. Police Chief: The Little's Hill area, and then it's sprinkled throughout. When one party calls the police, we know that communication has broken down. Steve provided us with mapping of the town, so we know what we're dealing with. Maybe an increase in delineating signage throughout the town on our conservation properties, what they are, what they are used for that would also help the population. We're here to keep everyone safe.

Laura: Do you have information on your web-site as to where hunters can go to find out where they can hunt and what the rules are?

Don Cudmore. Police Chief: The State Environmental Police are the primary force for regulatory information concerning hunting. They don't have town by town information though.

Carl: The division of fish and wildlife has detailed maps you can print out re: acreage, access points and types of uses allow on each parcel.

Steve: I can type up a formal document and have the commissioners sign it at the next meeting.

Carl: Hunting is allowed with permission from the commission. We would want to know who's on the land, what their intent and what they are using to hunt and on what parcel are the planning on hunting. Is it too small for the weaponry they are intending on using?

We've had issues of hunters crossing public property to get to private lands that has caused some problems, as well as the public not understanding that the trails are for passive recreation and hunting is considered passive recreation.

John L: Is it legal to discharge a firearm in Georgetown?

Don Cudmore. Police Chief: Yes, as long as you are 500' from a dwelling or a public way.

Carl: shotgun and .22, don't have as far of a range.

John L: So all these things would need to be taken into consideration when establishing rules and boundaries.

John L: Would it be enforceable?

Don Cudmore. Police Chief: We need to know the boundaries, local knowledge helps, but you're out there in the middle of the woods.

Carl: Fish and Wildlife uses triangle plagues, we use signs that have little signs.

Don Cudmore. Police Chief: We don't have the GPS technology that the environmental police, we work mostly on the roadway. Dispute for hunting will not draw the environmental police. Our officers are responding to a disturbance call or an attempt to mediate a dispute.

Laura: I would like to look into this issue with much more depth. We have a lot of varied land, with varied sizes, some near residences and some not near residences. I would like to talk to you about the problems you have, and see if we can come up with some solutions.

Carl: They need to have guidelines and rules. It will take us a while to gather all the information. We should try to have this in place before the next hunting season.

Don Cudmore. Police Chief: There's a lot of myths out there, like only Georgetown residents can hunt on Georgetown conservation land. If we could at least get in writing, that unless you have written permission from the Conservation Commission, you cannot hunt on Conservation land. That will solve some of our problems until you folks decide how you want to handle that. I appreciate that.

Steve: Camp Denison alcohol policy. The chief feels that we should have a police detail on site. Every single one of these should have a detail.

Carl: Yes, when we first talked about this we thought that we should have a police detail, for liability sake.

Don Cudmore, Police Chief: Unless the commission says you don't need a detail at the event, there's going to be a detail down there. It's the right thing to do. If you could update the forms, giving the public a parameter and give them an idea about the cost, so it's not a surprise. There hasn't been one problem down there, I want that to be clear for the public.

I have tried to work with the fundraising events, by having them change the hours of the event by a couple of hours, they can save a couple of hundred dollars. It's not a money making venue for the police at all.

Steve: I can have those forms changed and I'll draw up a memo for the commissioners to sign, so you can have something for your file.

**7:30 East Main Street (GCC 2014-09; DEP# 161-0783) NOI (NEW)**

The Georgetown East Main Street Skate Park Project includes the construction of a Gravel road, Parking lot, Concrete Skate Park, Dog Park and Pony League Baseball Field. Other site construction includes permeable pavement ADA sidewalks, rain gardens and stone filter trenches to meet Stormwater standards.

John Perry, Gale Associates

John Perry, Gale Associates: I thought we were on at 8:30pm, my associate is bringing the documentation.

Carl: Hearing is tabled for the time being.

**7:31 Tidds Junkyard (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 with portions of the project being within 100' of Bordering Vegetated Wetlands.

**7:32 Tidds Junkyard (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.

Erick Johnson, Edge Environmental, Representative for Tidd's Junkyard

Erick: When I was last in I requested and we agreed that the town's consultant would review and come up with a list of concerns to be completed before closing out the OoC. (Mr. Johnson referenced both consultant's memos, and they responded.)

Concerns by Mr. Luker:

1. Glass and metal debris in the near surface soils.

*Erick: Owner removed the bulk of the large debris from surface, but likely to have smaller pieces still present. Mr. Marrillo, owner, has offered to screen 0-2' of soil for debris upon development for residential use.*

*In 2005 a large electro-magnet was used to sweep the area and remove smaller pieces of scrap metal from the surface, and the top 18" of soil are going to be removed prior to the start of development. On only the part of the property to be developed, not the Open Space.*

1. Buried Automobiles:

Requests made by Mass DEP to use electro-magnetic and ground penetrating radar to detect metal and non-metal objects. It's not clear this geo-physical survey was ever performed, raising the question of, Are there any large metal objects still buried there at any depth? This is Greenseal's concern on your behalf.

Erick: DEP recommended the use of geo-thermal methods, but they have signed off on the project. 10-15' of transects, the trees would have to be cleared on the paths.

I don't know where this idea of buried cars came from. We have an affidavit from David Tidd, the man who owned and operated the facility on this site, and he attested that they never buried cars there.

Carl: Probably from people like myself who saw cars left decades sinking into the soil and literally hadn't been moved for 30+ years.

Steve: We can condition the excavation aspect, if they find any cars, they will deal with them appropriately.

The commissioners are ok with addressing this issue through the Order of Conditions.

3/4 of the site are going to be dug down during development. (Roadways, parking, driveways, basements, etc.)

Carl: I just want to know if the land that is being donated to the town has any cars buried on it.

Eric: This will cost thousands of dollars to do this. The area being donated to the municipality, was not the area where there was a lot of storage.

1. Homegrown produce - DEP reviewed the risk characterization done for the site. Background properties not only on this site but throughout this region and in other regions as well. Recommendation of best management practices to handle that situation. - Educate the public about the natural background conditions that occur and/or use container gardens.

Steve: We can condition this in the Order of Conditions.

1. Request for additional soil sampling due to the detection of lead in a soil stockpile.

Erick: Soil sample containing the lead was removed from the property. Consultant found no other elevated lead concentrations.

Grid 11, 12 & 13 - lead sampling found in that area, but not a problem.

Eric: Sampling for the Ricker metals was done and none were found to be at levels of concern. No other metals found in that area of concern. Additional sampling not warranted.

Commission agrees, and decides to move forward.

1. Proposed Town Conservation Land - The Consultant found two metals Chromium and Cadmium with concentrations over the clean-up standard in an area to be used as Open Space. The phase II Report and Risk Characterization included the results of those samples in the risk characterization.

Carl: Was that Chromium valent 6 or just Chromium?

Erick: That's a very good question, I believe that pre-dated the requirement for us to determine whether it's hexavalent or not. I'm pretty sure it was just a total Chromium sampling.

Steve: Was there any follow-up sampling?

Erick: I don't believe any additional sampling was done.

Steve: No additional sampling done, and no soil was removed, so technically they are still there.

Eric: When taken as a whole the site does not present a risk. The DEP wasn't worried about it.

Steve: They are looking at the site as a whole, but one of the areas that they are looking to donate has not had soil removed or other additional clean-up and had these higher concentrations of Chromium and Cadmium.

I would have a hard time encouraging the public to come use the land knowing that there are these carcinogens in the soil. If you are thinking about accepting this donation of land for the town, I would feel more comfortable with additional sampling and actually remove the soil.

Carl: Hexavalent Chromium is a human carcinogen. That would be the standard process for the site.

Steve: This is better to handle under the current EO, more sampling and clean up the area. We could just ask for more sampling now.

Laura: Whether it's ours or not, it needs to be dealt with.

1. The Ground Water - Property is within zone 2 of the public drinking water well. There are 8 wells out there. They were sampled over time, most recently in 2007. Only monitoring well MW3, reported an exceedance of benzene in 2003. Subsequent shows no exceedances of benzene or anything else in down-gradient wells. The consultant suggested additional sampling of sentinel wells to be collected and analyzed to make sure the wells have not changed and to establish a baseline.

Erick and Carl: Don't agree on whether or not benzene breaks down in nature. Benzene most likely comes from the gasoline or oil that cars leak.

Erick: We only see benzene in exceedance in one well, once. There have been numerous samplings over the years, and we don't see benzene showing up in high levels, so the ground water is not really impacted.

Steve: The reasons most of these are "no hits" on the ground water is because, most of these wells are pretty-much dry. So its lack of samples, with no samples, you cannot say one way or the other, there's just no sample, and therefore no data. Samples were supposed to be done quarterly, and there were big gaps in time. If we had more data, I would feel more comfortable.

Erick: The well in question had 85 ppb in 2003, the standard is 5ppb, so it exceeded the acceptable level for benzene significantly. In July 2006, it was measured again and it had 5 ppb. In December of that year there was no detectable levels of benzene.

John B: I'm very concerned, it's our drinking water. I'm in favor of MORE testing.

Eric: If it's dry, there's no water. "None found, means that water was sampled."

Steve: They need to withdraw and refile a new NOI - they can call these areas out on a map and highlight them, so we can get a feel for where they located them.

Carl: If there is still contamination especially with a human carcinogen, we really don't want it floating towards our drinking water supplies.

John B: I would like to make a motion to continue 2007-11 & 2007-12 to June 19, 2014 @ 7:20pm & 7:21pm respectively.

Laura: seconds.

Motion passes unanimously.

**8:00pm Pam Merrill Mass DEP - business item**

Pam Merrill is the NE Regional circuit rider in Wilmington  
She works in the Wetland Program

Explains the circuit rider program

Started back in the 90s, 2 in each region, she's here to help the commissioners administer the wetlands protection regulations. She talks to Steve and John Lopez a lot. She answers any questions about the regulations, how to implement them, procedural questions, give NOI comments, she is available for training, mobile help desk, she can help with wetland protection policies and regulatory questions. This is all free.

She can teach individual towns, groups from different towns, Pam will give you a sheet of additional topics.

Training can be done on the weekends, evenings or even during the day. Pam was conservation agent in Andover and Amesbury, she has been a consultant and has been with the DEP office for the past 7 yrs.

John L: Like to do something on an Open Meeting Law. Meeting twice in a 4 week period. Amesbury has expressed more interest, maybe hold it there. Wednesdays are good for Amesbury.

Carl: You're an excellent resource.

Pam: I'll put some dates and a schedule together and give it out there for you.

**East Main Street (GCC 2014-09; DEP# 161-0783) NOI - NEW**

John Perry, Civil Engineer, Gale Associates, representing Recreation

Ryan Morrison, Gale Associates

Jim DiMento, Elizabeth Wade, Park and Recreation

John Perry, Gale Associates: This is a new Notice of Intent. We took over for another consultant. The guts of the project are 90% the same as it was before, we've vetted it, tweaked it, updated it, and we've done a full storm water report that was included with the Notice of Intent. We filed 4/4/14, plans in front of you has a couple of small changes that are more recent, and we wanted you to have the most current plans available.

John Perry, Gale Associates gives a summary of site. Includes the handful of wetlands and pond areas on site.

Proposed project. Highlights wetlands.

Reconstruct asphalt driveway that becomes gravel for the rest of the way. Concrete pad for the skate park, with a gravel parking lot, pony league (80' diamond), added a small amount of pavement for handicap parking spaces, angled parking to trying to stay out of the 50' no disturb zone. The roadway does come up against the 50' wetlands buffer. Drainage swales and rain gardens, are the only areas to be disturbed within the buffer zone. Doing some earthwork that will require some to be taken off-site, and some gravel will be brought on site, silt socks and silt fencing to be used around entire perimeter.

Keep pavement of driveway outside of the 100' buffer. One filing with phasing, to keep down erosion issues. Rimmer Environmental surveyed wetlands in 2008, updated in 2009 and 2010.

Steve: The wetlands have been confirmed by our 3rd party reviewer, it has expired but, gives you a sense that the wetlands are what they are, no need to have the wetlands reassessed. United Foam donated to the Park and Recreation Department 1/4 acre to get as far away from the buffer as possible.

Pea stone surface for dog park 40' x 90'. 2 handicap parking spaces, 8 standard parking spaces. Pony field is to be natural grass.

Front-area is to be lowered from a 5 1/2% grade to a 4 1/2% grade, side walk is permeable the whole length, no catch basins, because there's no storm drains close by to tie into the existing system. Between the use of pervious sidewalks and reducing the impervious surfaces, we show that peak flows will be reduced from current conditions. Beyond the pavement limit where it switches over to gravel, the grades really start to flatten out. Drainage from the gravel driveway sheet flows into a 3'W stone trench that runs alongside the entire length of the gravel driveway, allowing it to hold the water until it infiltrates. There are 2 low points in the trench where there are level spreaders for an overflow point creating an even sheet flow preventing scour point discharges. Drainage for the parking area sheet flows into a stone trench on the Northwest side of the parking lot. The same thing happens to the skate park which sheet flows to the northern side of the site where it runs into another stone trench. They are all surrounded a vegetative rain garden sited to handle any overflow. Stone swath on outside of the baseball diamond, rain sheet flows toward trench in the outside of diamond, where it is held until it infiltrates or overflows into land beyond. The dog park, the parking area either flows into a stone trench or into the land beyond. The park is pea stone, so it's drainage in and of itself.

Carl: What's the process of cleaning the dog park? Storm water contamination, E. coli flowing downstream.

John L: It will probably be a maintenance issue. You will have to be very diligent about picking up after the dogs in the dog park.

Nick: Will there be a waste disposal area?

John Perry, Gale Associates: We've not planned that, but there probably should be to be something like that.

Jim DiMento, Park and Recreation: We'll have to have a maintenance plan for that area. Run something from another town through Steve.

Elizabeth Wade, Park and Recreation: We'll give bags and have good signage.

Nick: should we have a rain garden around the whole dog park to prevent the runoff from going into the ditch?

John Perry, Gale Associates: The idea is that it's pervious, but we can definitely take a look at it.

Steve: Where the road comes in from the first pond, it looks like you're less than 10' away from the gravel to the pond, from a safety standpoint, is that a guardrail spot?

John Perry, Gale Associates: Beyond the church driveway, there is a timber guardrail along the whole length of the roadway from the church on.

Carl: I'd like a list of waivers, just so we can easily highlight just what they are.

John L: I'd like to make a motion to defer (GCC 2014-09) NOI for a Main Street Skate Park, to a 3rd party review. I'm recommending the commission hire Gillian Davies from the BSC Group to conduct a review pursuant to the Wetlands Act, the Georgetown bylaw and Dominic Renaldi from BSC to conduct a peer review pursuant to the for the Massachusetts storm water standards.

Laura: R: seconds the motion.

Motion passes unanimously.

**Alan Aulson, Abutter, tax payer:** I'd ask the commission, to go a little bit light, I know you want to do it right, as a taxpayer I'm asking it to do it without wasting the taxpayers money.

Elizabeth Wade, Park and Recreation: How long will the 3rd party peer review take?

Steve: If you guys can get them (plans) to them tomorrow, they'll get me an estimate and we can get it moving.

Jim DiMento, Park and Recreation: You gave us the area to work in, and we haven't gone outside of this area, since the original project. I want the new members to know that this isn't a new application, we've been working with the Conservation Commission for two years, and it has gone through many renditions.

Laura: I want to make sure the Stormwater is going to work properly.

**George Canning, Abutter, 10 Lisa Lane:** How far is it away from Lisa Lane? I received a card in the mail. Is the lighting part of this project?

Steve: Roughly a couple thousand feet away, most of its wet.  
Are you proposing lights?

John Perry, Gale Associates: No lights are currently being proposed.

Laura: Makes a motion to continue **East Main Street (GCC 2014-09; DEP# 161-0783) NOI** to June 19, 2014 @ 7:30pm

John B: seconds the motion.

John L: Advises applicant to address the DEP comments, if any and we will have the reviewer incorporate the responses into the review as well.



Motion passes unanimously.

**8:57pm 11 Winter Street (GCC 2014-01; DEP# 161-0775) NOI - (cont.)**

Renovation of a natural grass athletic field to include related stone base, earthwork, grading, drainage improvements, parking renovations and installation of athletic lighting and an in-filled synthetic turf field. Improvements also include fencing, walkways, retaining walls, a bio-retention area, and renovated Stormwater outfalls, landscaping and related amenities.

Lindsey Barbee, Wetland Scientist, Gale Associates

John Perry, Gale Associates

Both representing the School Committee and the Stack Committee as the applicant for the project

Revision 1 to NOI, BSC group reviewed plans, received written Stormwater comments roughly 3 weeks ago and responded to them, received verbal comments from the wetland review from Gillian a few weeks ago and responded to the best of their ability without having them in writing. Today Steve forwarded on, Dominic's responses to our revisions, Gillian's initial comments and some responses from Gillian for our revisions.

A few weeks ago, Lindsey Barbee, Gale Associates and Gillian (Davies our 3<sup>rd</sup> Party Reviewer from the BSC Group) met on site to agree to wetland revisions, we did some survey revisions of flags. One of the revisions was some site revisions to

Retaining wall has been moved further away from the slope, shifted the entire project ~ 5' closer to Penn Brook to make all the field geometry work with MIA requirements. Storm water was essentially unchanged. BSC reviewed they were satisfied with the comments.

John L: What are the outstanding issues?

Lindsey Barbee, Gale Associates: Originally flagged with the Top of Bank/Mean Annual High-water, and a BVW associated with that, they were concurrent, about 2' apart. Gillian thought it made more sense to flag the Median Annual High-water and the Top of Bank for most of the portion because it would incorporate the BVW as well and just flag the BVW at the southern end of Penn Brook, then the stream diverges the same direction as before. Clarifying disturbances and buffers associated with them to the new revised plan, straighten out the buffer, where the culvert goes instead of curving it around where we have the culvert on Winter Street.

John L: They seem to be more documentation comments than technical comments.

Steve: I talked with Gillian before the meeting and she seemed to be more about dotting the i's and crossing the t's. Have you thought about enhancing the wetland swale and turning it into a rain garden?

Lindsey Barbee, Gale Associates: Our only difficulty in that is it's a really small area to work in, very shallow,

Steve: it can be turned into a vegetative swale with breaks, and pointing in the direction of the brook.

I wanted the commissioners to see the changes up close. They are bringing the fields 5' closer to the resource area.

Lindsey Barbee, Gale Associates: The closest point to the brook is the center point that is 5' from the field to the brook, going out to 10'-12' on the edges.

Steve: The one good thing about that area is that it is going to have a really solid fence. You're not disturbing any additional vegetation. They are not getting any closer to what is already there. Gillian made a point that this project is an improvement over what is there right now.

Lindsey Barbee, Gale Associates: 4' chain linked fence at the edge of the field and the Concrete curb that goes around the field. Seeded with a drought resistance and durable seed mix in the buffer, that will just be allowed to grow. Parking area is minor redevelopment. Cut back some of the asphalt from the parking lot, near the resource area and seed with the Conservation seed mix to allow the water to flow into the vegetative channel before flowing into the brook. Putting in a storm sepor unit, to capture all the water coming from the parking area and allowing the particulates to settle about before returning to the resource area, currently the water just sheet flows off the field and into the brook.

Lindsey Barbee, Gale Associates: Most of the water today flows downhill from the upper fields and takes it's time going across the "grassy athletic field" towards the Penn Brook. We are proposing a trench drain at the base of the slope that will intercept most of that drainage off of the slope and will be taken to the brook that way, everything that falls onto the field, will drain vertically on the field into the stone base (10"-12") before it makes its way to the outlet control structures. The majority of the water will drain this way, for the small amount that may not percolate through the field will flow over the headwalls and into the brook with level spreaders.

John Perry, Gale Associates: All the good soil below the topsoil will stay on site to use for regrading, ~ 5000+/- yards of top soil will be coming off, and because you need the drainage and you can't have the organics.

Laura: Have you addressed the breakdown of the turf fibers? Otherwise they can end up in the shellfish beds in Rowley. Did you build that into the discharge system? A trap for the fibers that may potentially break down?

John Perry, Gale Associates: All the drainage drains vertically and all of the crumb rubber and the particles of the turf field that would be captured in the stone base.

Lindsey Barbee, Gale Associates: It's rarer that the fibers would leave the field because the field is groomed to remove the debris, the crumb rubber has the potential to migrate if the field is in a flooded condition, we don't really see that a lot and rubber gets redistributed over the field area itself.

John Perry, Gale Associates: What we have done, and can do here, is raise the curb closest to the brook, ~ 6" to prevent any sheet flow off the field into the brook.

Steve: Potential of off-site mitigation. Discussed with Lindsay and Carol, a DA rep about off-site mitigation. Lightening up on some the West Street fields, give back to a more natural habitat for the turtles, to off-set some of the impacts we're having.

Phase out some of the soccer fields over time. I acknowledge that the town is short on fields, when new fields come on line, we should phase out. The commission should be asking for mitigation that has as much impact as this.

Laura: As far as I remember one of the main selling points of this field is it's increased usage of the fields, that's huge benefit, we should be looking to pass this on to the delicate situation down at West Street, not only is it an endangered species habitat, but it's a Zone 1 wellhead, it's our drinking water and we need to take care of both of those things.

John L: Determine a target % of decrease, and it won't increase after that in perpetuity.

**Carol Jacobs, superintendent of schools:** There are three fields down there (West Street).

Steve: I had a 5 year phasing plan, drop the small pony one as soon as this gets approved, and in 5 years drop another field, to allow for some more naturalization to occur protecting both the species habitat and the drinking water.

Laura: There's another option: Not using fields during a two week period during prime nesting season.

Steve: We can work with the turtle people in town.

Mark Perry, GAA & STACK committee- always been waiting for the next well. What I would suggest is working with the water commission to find out what their 5 year plan and work together to agree on the field usage, instead of randomly taking a field off-line.

Carol: That's what we talked about getting together today, what are the needs, options? Get Water Dept., GAA, Conservation Commission, School committee members together for a discussion. What are the needs, options, possibilities? We need to start a conversation.

Steve: The water department owns the land, they have the final say. Their interests aren't the same as our interests, our interests are the turtle habitat, they are concerned about the ground water, but turning the area more natural, they wouldn't have a problem with that. Bringing all those people together to have a meeting would be productive.

Laura: National Heritage people can offer a pre project consultation for free. This is one of their prime study areas for endangered species, so we need to involve them too.

Carl: I would view this as mitigation, for this project.

John B: So, the High School fields are dead now, so the schools are using the fields down here (West St) 7 days a week?

Mark Perry, GAA & STACK committee: We've used some lacrosse practices down there, the longer this goes, the more we're missing. In the fall, we'll have to move the High School Soccer down there, so our GAA is getting pushed later and later into the evenings. We're missing two fields at Penn Brook, we've had to move all of our 8,9, 10 yr. old baseball teams out of town for the year, so we're in a real jam, the turf field will help tremendously.

Steve: Most of the active nests have been moved off the active fields, but not the pedestrian traffic.

Laura: There has to have some long term solutions that we can agree upon.

John B: Communication is key.

John Perry, Gale Associates: We'll work with the BSC group to cross the Ts and dot the Is. We'll propose to raise the curb.

Steve: Does the curbing have any negative aspects?

John Perry, Gale Associates: No, we're not in the flood plain. The fence will go right on top of the curbing.

Mark Perry, GAA & STACK committee: Maybe you can take a look at Triton, they are getting the runoff for the clams before Georgetown. They are right in the marshland

John Perry, Gale Associates: We've done a number of these right on the BVW. We have tested pre- and post- project testing for water quality and the numbers are identical.

Carl: Are there any abutter comments?

No answer.

John L: I'd like to make a motion, that we remand this back to the BSC for a final review to be continued 11 Winter Street (GCC 2014-01; DEP# 161-0775) NOI to June 19, 2014 @ 7:40pm.

John B: seconds the motion.

Motion passes unanimously.

9:38 Carl: adjourns for a 5' break

9:43pm meeting resumes

**Rear Lisa Lane, 18 Lisa Lane & 44 Searle Street aka Turning Leaf (2013-23; DEP#161-0771) NOI (cont.)**

Roadway construction, associate grading and Stormwater management construction for a 24 lot residential subdivision.

Jill Mann, lawyer and representative for Artisan Development

Rich Williams, site design engineers

Jill Mann, Lawyer and Representative made a summary of all the things that BSC group still had concerns on, so they could respond to them.

1) Dominic Renaldi's letter - test pit logs, we did do the tests, have the numbers, submitting to Dominic and waiting for confirmation

2) Gillian Davies May 6th and May 8th letters - review of the plan, definition of setbacks, adjoining land areas, review of table submitted by Rich Williams, general break down of the Open Space. Vernal cut/no bound markers - we will do.

Reviewed plan and took into account the comments re: snow storage, desire to see if we could do a little bit more with the Open Space, both in regard to the access and improvements to the Open Space, reduction of scope, lots 13 and 41, add additional - no cut area, expand adjoining land areas to the 100'; Gillian had a couple of misstatements and she rescinded them in her May 8th e-mail.

Rich Williams, Engineer: Snow storage one at each cul-de-sac one at the cul-de-sac, one at each of these areas

Easement going through will not be paved, but will be more natural (gravel or crushed stone) over the intermittent stream, with 3 parking spaces on the street.

Jill Mann, Lawyer and Representative: Parking will be clear and marked on the main street.

Rich Williams, Engineer: Comments re: closeness of houses Lot 20 and lot 13. Lot 20, able to obtain more land of adjacent property and move the roadway away from the buffer zone outside the 100' buffer to the vernal pool. Reworked lots between 7-15 and reduced a lot, reoriented a house and pull it away from the vernal pool and the buffer zone. For the most part we are out of the 100' buffer zone, a couple of small structures in the 75-100' buffer, but most are outside of buffer. Pulled the road ~ 30' away from the wetland. Added land to the open space, abutting the current Georgetown space. 14.6 acres is the new total of Open Space they are giving to the town. 9.6 acres of upland, 1.8+ acres is outside the jurisdiction.

Steve: Mark bounds every 20' for the easement and the 100' buffer line. Silt fence goes in, the "no cut" bounds go in. You can put it on the plan or we can condition it.

John L: What do you think about phasing? The developer comes in and clear cuts, then they run out of money. What precautions would you put in to prevent this?

Rich Williams, Engineer: We expect to have the roadway built as one phase, and then individual lots are sold each one will have its own OoC.

John L: So, should we put in "No Clear-cutting"? I'd like our agent to start thinking about putting some verbiage into the Order of Conditions.

Carl: Should we have the vernal pools certified?

John L: I think that would be appropriate.

Rich Williams, Engineer: We would not have a problem certifying the vernal pools, but I would rather have it be a Condition of the Order saying we have to do it. We're going to send a reply memo back to the Dominic and Gillian based on their most recent comment letters, include the most updated plans and expect a response from them.

Laura: There was a concern of a homeowner from Rosemarie Lane, who was concerned about the flow of water off this development and onto her property.

Tom O'Connell, the applicant: I will work with Mrs. LaPlaca outside of this venue to help her with her situation.

John L: How are you helping her? Can you explain the issue and what you are doing to help for the record?

Tom O'Connell, Applicant: She has had beavers that has backed up water in her back yard. We feel very confident that we have our storm water under control and we are not going to push any more storm water in her direction. As a courtesy, if I got approved, I would meet with her and an engineer to see if there was a way to help her with her situation. How? I have no idea.

Laura: She is concerned that removing all the trees from that hillside will increase the runoff down this cliff and onto her property. We've seen this happen before, on Bernay Way and a number of other places. That is a very valid concern, she is concerned she will lose the use of her property.

Rich Williams, Engineer: We take this very seriously. We are required to mitigate the effects of our development, that's why we do storm water management, that's why the board hires a Third Party Consultant to review the storm water, that it can be confirmed that we made the right assumptions, and that's been done. Her problem is related to the beaver activity that is backing up the water onto her property.

Steve: Important to protect land near vernal pools. We need to clarify the bylaw. The concept is that it's important to protect the land near vernal pools. What Gillian and I came up with is no cut, no disturb for 100' around a vernal pool, special conditions, like one that is linked into a wetland system.

Carl: The regulations aren't supposed to expand the bylaw, they are supposed to help us interpret the bylaw.

Rich Williams, Engineer: If you have a vernal pool, that has 100' buffer and hits a wetland, then you get an additional 100' around the vernal pool for special conditions. (100' no cut, no disturb)

Discussion ensues with board members, Steve (the agent) and input from Williams and Sparages. No resolution reached, but the basic idea is that there will be special conditions for any wetlands connecting to a vernal pool. Discussion continues as far as how far the special conditions should extend into the wetlands.

Carl: Abutters?

No comments.

Steve: For clarification, you would prefer the vernal pool certification to be in house with Williams and Sparagues?

Jill Mann, Lawyer and Representative: Yes.

Steve: Can you put a colored marker, or limit of work for the ConCom's jurisdiction? Can you send a clean copy to the office so we have one on file with the no-cut bounds?

John L: Makes a motion to continue Rear Lisa Lane, 18 Lisa Lane & 44 Searle Street aka Turning Leaf (2013-23; DEP#161-0771) NOI to 6/19 @ 8pm and to remand to BSC for an additional review pursuant to their report dated May 6, 2014.

John B: seconds.

Motion passes unanimously.

**10:32pm 60, 64-74 East Main Street (GCC 2013-23; DEP#161-0766) - NOI (cont.)**

Parking lot improvements, storm water management improvements, septic system improvements and Riverfront Area restoration activities.

Steve: The engineer just left, so I'm taking it that they are looking for a continuation. They withdrew from the Zoning Board of Appeals and they keep telling me they will have a new draft to me any day. I haven't seen or heard anything new from them.

John B.: I make a motion to continue 60, 64-74 East Main Street GCC 2013-23; DEP#161-0766 to 7/17/14 @ 8:00pm.

John L: seconds the motion.

Motion passes unanimously.

**6 Heather Rd (GCC 2014-05; DEP# 161-0779) NOI (cont.)**

Construction of a single family dwelling, in-ground swimming pool and grading.

Bob Grasso, Engineering Land Services

The property is right on Rock Pond. The original proposed plan showing the in-ground pool, grading and the hay bale line was almost up to the 50' no-cut, no-disturb line was 1238 sq. ft. of disturbance, the original proposed tree clearing and grading 4204 sq. ft.

The proposed alterations within the 100' no-cut, no-disturb, special conditions setback was cut down for the proposed dwelling and deck to 432 sq. ft. The grading and tree clearing were down to 3500' sq. ft. We eliminated the in-ground pool, rotated the dwelling further outside the 100' wetland setback, reduce amount of grading and tree clearing within the wetlands set back, reduce the size of the deck within the wetland setback, added tree and shrub planting (tree whips - river birch and red maple ~20, high bush blueberry and sweet pepper bush ~35). We've eliminated driveway turn around, trying to cut down any disturbance on the lot as much as possible, added more conservation monuments to be put in at the limit of work instead of the 50' buffer to be put in prior to any construction so they will not be disturbed during construction. (The monuments will be installed behind the silt sock so they will be protected from a bulldozer, etc.) We created a more restricted wetland set back. Increased the wetland setback of the dwelling from 82' to 85'. Proposing roof runoff drains to go to infiltrators, emergency overflow pipe with splash-block in case they get backed-up.

Reconfigure the reserve area. Prezby system, (gravity system.) vacant lot, recently ANRed off, split off relatively recently. A lot of mitigation done with the trees and the shrubs to prevent any further development towards the pond.

The closest point of the house to the pond is 85'.

The closest activity to the pond is 60'.

Heavily woody, steep bank on site. FEMA flood plain elevation of 84'.

Steve: The closest point to the pond is 60' where 100' is required, and so waivers are being requested.

John L: I'd like to see the silt sock replace the hay bales. Underneath the deck will be all gravel, no foundation, just Sonatubes. The screened porch will also be on Sonatubes with a crawl space underneath. The bushes and shrubs are all hand dug.

Nick: Could you turn the house to square it to the road and put the garage on the right side?

Steve: Then you could square it to the road and the pond. Would it functionally not work if the garage was on the right-hand side?

Bob Scaly, the general contractor: Configuration of the house gets longer and we can't meet the setbacks on septic, because it's already in place.

Functionally I don't think it would work on the interior of the home. It's a one floor home, and most of the living spaces are set on the back side, bedroom, living room and kitchen.

I don't think we could get it in there to tell you the truth. The garage space is already shrunk (sic) down to an 18'W x 22'D; a normal garage is 24' x 24', we've knocked it down already.

Carl: We would like to try it, and if you can't, let me know.

Bob Grasso, Engineer: The garage next to the bedroom?

Bob Scaly, General contractor: Site configuration with grading may be an issue as well. To the right is all upland, right now it's set up as a walk-out type of area, if we were to slide the whole house down, our area to grade and fill will probably impact over that 100' buffer zone.

Our side setbacks will not meet the requirements.

Laura: How much would be gained? They've already given up a lot. I feel like they have really tried to get away.

Bob Scaly, General contractor: If I rotate the house, I won't have any place to put the septic tank.

Abutters:

**Mr. Marapoti, Abutter, next door neighbor and owner of the property.** Conservation Restriction. Try to be very pro-town.

Approve it, they've made a number adjustments to try to comply in good spirit and with good intent. We've worked very closely with the Town to put in a Prezby system to save 7 trees, 3 of which are over 200 years old, we went through 2 design iterations bending over backwards because we love that land. And I have a Conservation Restriction on the land across the street for perpetuity.

Laura: I would like to make a motion to accept the plans as presented this evening for 6 Heather Rd (GCC 2014-05; DEP# 161-0779) NOI plans dated 3/10/14 with revisions 5/2/14.

John B: seconds the motion.

Carl: We would be granting waivers. What is the mitigation?

Steve: It's more based on alternative design and reduction in the scope of work. It's not a mitigation plan, it's replanting what they disturbed.

The other condition I would put in is *not* accepting the wetland line and using silt sock instead of hay.

Laura: Agrees, what he said, "Not accepting the wetland line and using silt sock instead of hay."

Nick abstains.

Motion carries.

Laura: Motion to close 6 Heather Rd

John B: seconds the closing of the motion.

Motion passes unanimously.

**Enforcement issue for 1 Industrial Way (off of Tenney St)**

Steven Caruso, principal of Caruso Construction  
Paul Marchione, of Marchione Engineering

Steve P: Started talking to the applicant about 6+ months ago, he shortly after got his consultant involved. There was no enforcement order at the time. I was out on the site with the Building inspector who has had some noise complaints and other issues out here, so I was joining him on a site walk. We walked down to where they do most of their work and there were some fresh hay bales



staked in and fresh soil pretty close to the wetlands. I contacted the owner, and tried to work with him and get more information and clarify whether or not there had been wetland filling. There was some miscommunication, both parties were waiting on each other. Four or five months went by and I was back out there with the Building Inspector and was re-reminded about what was going on and there was some new activity. I talked to Carl briefly and we decided we really needed to get this site under control, so I issued an enforcement order on the whole property because of the huge piles of dirt, a lot of movement of materials, and I really believed there was a potential for wetland filling. The driveway is within 25' of another wetland on the left that I didn't even really look at the first time. EO says to stop all activity and file the NOI at the next meeting. Talked to the applicant about not doing any more activity. There's also an issue with the Building Inspector with a noise complaint, so he was trying to fix the noise complaint and he built a block wall, which apparently did a great job of blocking the noise and he hasn't had any noise complaints since the wall was built. But the wall is 25' from the wetland, and he built it after I said, "No activity on the site." Again, he's trying to balance and do the right thing.

Steven Caruso, Owner: I've always used this land, for 20+ land. I was getting some calls because of noise. I did some research and found that I could put in a wall to block the noise. So now I have this.

Paul Marchione, Engineer: I spoke with Steven P. in November of 2013, apparently there were aerial photographs that indicated there may be potential wetlands violations. I spent quite a bit of time looking at Google Earth, the DEP wetland change maps, and I couldn't find anything. So I spoke with Steven Caruso. There was a miscommunication, I had asked to see the photographs, so I knew where to concentrate my efforts, my understanding was that the photographs weren't available at that time, but would be at a later date, when I get them I will immediately work on them, that was back in November. It became the spring, and I was waiting for something from him and he was waiting for something from me, so it was off my radar. So here we are. This site has been worked on long before Mr. Caruso bought it in 1996. I have google earths photographs, from April 2nd, 1995 most recent photograph August 24th 2013, you can look at these. You can see if anything the work area is less now than in 1995 when he bought the property. I'll produce his deed, he bought it in 1996. I'm not saying that wetlands haven't been filled, I'm not sure he filled it, but it's been filled by somebody. We're not looking to shirk our responsibility to restore it. As far as the wall, when I looked at it in November there was already a one level wall of pre-cast concrete blocks, that were there to protect the wetlands, from any alteration from silt or whatever. What Steven did because of the noise was to stack more on top. So when you say that he "built a wall", I don't want you getting the idea that he was out there digging foundations, he just stacked more blocks up, like Legos to block the noise. The initial block wall was always in place, for years and years. There are piles of dirt, but there are wetland barriers and silt socks around the site. I didn't see any evidence of silt getting into the wetlands. We did do 4 soil profiles to find out if wetlands were filled. We did find that small areas, wetlands had been filled. I think it was 1460 sq. ft. was altered. We put it on there. We're looking to help the situation. But because of the miscommunication between Steve P. and myself, he's out of business. (Steven Caruso) He's got guys laid off, and they are getting paychecks.

John L: It would have been so much easier if he had called the agent a long time ago, this would have been avoided.

Paul Marchione, Engineer: He's been doing this for 20 years. I don't think that my client should be punished, it was my fault. He hired me and paid me to respond, and I thought I was responding, so if anyone should be slapped across the wrist for not responding that's me, not him. Unfortunately he's the one suffering now. Since this came out on May 1st, he hasn't been operating his business.

John L: I think the agent has exhibited patience and a willingness to work with you.

Carl: First we have to decide what we're going to do about the Enforcement Order. The EO can be modified as necessary to allow some business to continue, but still holding the owners' feet to the fire to make sure the corrective actions get in place and it moves to fruition.

John L: I think the Enforcement Order should be modified to include the applicant submit a restoration plan to determine the extent to fill and a proposal to return the site to pre-fill drainage characteristics and grading. I also think that once that plan is received it should go to peer review for verification and be presented to the Conservation Commission for further proceedings. I think first we do a draft restoration plan, once we're happy with the draft restoration plan, then we can modify the EO.

Carl: You can leave the EO in place all along even with the NOI.

Steve: One of my concerns is a lot of this rock work was done recently. We can't grant waivers under an EO, they have to file a Notice of Intent. I don't know what was done where. I saw Howard (Town Planner) literally an hour ago, and he granted me access to "My Map", I printed this up. This is a couple of months difference and I noticing a significant difference in the tree line. I think a Notice of Intent ratifying this with an EO. We did talk off-line about this. One of his concerns is his business, and I'm concerned about his business also. Just for the record, they are not, not doing anything, they aren't running at full speed, but they are running trucks, so they are NOT in compliance. They did NOT stop ALL work. They might have reduced the amount of work, but they haven't stopped it.

My recommendation is to allow him go back to full operation, given that there is an incredibly massive buffer preventing any more activity to the resources. I just want to be honest and clear, they have NOT abided by the EO. That is what it is. As part of this process, we'll close it out. In my opinion, I think we should let them go back to work, the EO is in place, file an NOI, keep what they have, modify it, change it, mitigate, fix it and guess what, while the EO's running, fines are accruing, at the end, if everyone's happy, close out the Notice of Intent, close out the EO, no one gets fined, business keeps running as normal. I don't think we should shut them down. I shut them down to get their attention, and it worked, they are here. Let them go back to working, file a Notice of Intent, and make right on the damage that has been done.

John: For a notice of Intent if for the work that's been done, that's wetland filling. The Restoration plan you either remove what's here, or you restore at a 2:1 replication.

Carl: I want assurances that we won't exacerbate the situation. I want to allow the owner to continue his business, but I don't want to exacerbate the situation.

Steve P: The wall will get worked out through the Notice of Intent process. It might not be in the best spot for our purposes...

Steven Caruso, Owner: I don't like the wall, we've probably lost 20' of work space between both walls, but now I don't get a call. (For noise complaints) So I've fixed one problem and have another. They're both bad problems.

Carl: Just so we're crystal clear, any work within 100' of a resource area, buffer, wetland, anything that's wet, you have to get legal permission to do that. There are state regulations and there are local regulations.

Steven Caruso, Owner: I didn't know that.

Carl: If the DEP gets involved, they are going to fine you and they are going to stick to their fines.

Laura: I'd like to make a motion that we ratify the enforcement order against 1 Industrial Way, with the following modifications: that we allow work to continue on the site and no further damage should be done to the resource areas. The Enforcement Order will also say to file for a Notice of Intent for the next meeting.

John B: seconds the motion.

Carl: In the future, if there's a situation you know it isn't right, call the agent, don't wait for us to come down and find it.

Motion passes unanimously.

OoC signed for 6 Heather Road

Laura Repplier and Peter Burns to be reappointed to the Open Space Committee.

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

Laura: seconds the motion.

Motion passes unanimously.

Steve: Offers an idea to have the Commissioners sign a couple of blank OoCs, in case they approve a project we were not anticipating and didn't have the paperwork drawn up, so they don't have to go to the police station to sign it.

Discussion ensues. Commissioners agree to sign.

Laura: Makes a motion to close the meeting.

John B: seconds it.

Motion passes unanimously.

Meeting closed 11:32pmCon