

Conservation Commission Minutes June 19, 2014

Attendees: Tom Moore, Laura Replier, Carl Shreder, Nick Feitz, John Lopez
Steve Przyjemski, Susan Flint-Vincent

Hearing opened at 7:04 pm

Discussion: Vanessa Johnson from Essex County Greenbelt to discuss ConCom signing off on CR for James Marapoti property off Heather Road. 5.53 acres donated out of 6.2 acres on Heather Road. Protects diversity of wildlife habitat from wetlands to upland forest. Small portion of property falls within "priority habitat". Reserving right to minimally manage forest to maintain forest health and walking. Approved by the state. Asking GCC to recommend the CR be signed by the BOS and that the GCC sign a municipal certification.

John L: makes a motion concerning the Conservation Restriction pursuant to the Marapoti CR to vote to recommend to the Board of Selectmen sign the CR and that the GCC sign the municipal certificate.

Laura seconds the motion.

Vanessa Johnson, Essex County Greenbelt: Essex County Greenbelt will hold the Conservation Restriction and be in charge of oversight.

Motion carries unanimously.

CR is passed around to sign the municipal CR.

Hearings:

7:10 3 Emily Lane (GCC 2014-10; DEP#161-0784) NOI - NEW

Expansion of existing paved driveway, replacement of existing walkway, removal of selected trees, stabilize eroded slope, install stepping stone walkway, portions of work area located within the 100foot bordering vegetated wetland and within 200' of a perennial stream. Existing lot created prior to 1996.

Judy Ring, homeowner

Judy Ring, homeowner: 8 trees are dying and we would like to cut down. The branches are falling on the skylights, and some are angling toward the neighbor's property. Expanding the driveway, the current driveway is too narrow to open car doors of side by side cars. Expanding the driveway by 2' wide, for the length of the driveway. The walkway needs to be redone, and would like to redo with pavers. End of driveway is being eroded, very steep, they would like to do install ground cover and bushes to stabilize the area as opposed to Riprap, or do it in concert with riprap and/or terracing.

Steve: All of trees are outside the 50', minus a beech that is 45' from the wetlands, that one would need a waiver. All trees are outside the buffer and the one that is inside is diseased and damaged. The DEP is showing the website is still under review.

No abutter comments.

Laura: Makes a motion to accept the NOI for 3 Emily Lane, (GCC# 2014-10; DEP #161-0784) 2014, plan 5/12/14 with work to be carried out in consultation with our agent, native planting plan and erosion control.

Nick seconds motion.

Motion carries unanimously,

John L: makes a motion to close the hearing for 3 Emily Lane (GCC# 2014-10; DEP #161-0784).

Nick seconds the motion.

Hearing closes.

7:33pm 1 Kinson Court (GCC 2014-11; DEP#161-0790) NOI - NEW

Level rear yard, this involves decreasing the slope and height of hill. 20" of material will be excavated and re-graded on site.

Mark and Emily Turner, homeowners

Backyard is very steep and want to regrade the hill to make it safer for their children to play. (3 small children 15 mos 4 yrs & 6yrs old)

Steve: They would like to lower the hill another 10-12". Work between the 75'-100'. No waivers requested. This is allowed by law.

Carl: I definitely want to see the previous file.

Steve: They are very far away from the buffer. It meets our regulations. I will follow-up with that Monday. Don't need erosion control towards the wetland. I'm recommending approving it. The only outstanding issue is the DEP is waiting for the check to clear, so administratively we have to continue it to July.

Carl: No issues from commissioners.

Any abutters to 1 Kinson Court?
(No answer)

John L: I make a motion to continue to (GCC 2014-11; DEP - no file # issued yet) 7/17/14 at 7pm. for the issuance of a DEP #.

Nick: Seconds the motion.

Motion to continue passes unanimously.

7:45pm Tidd's 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 Vegetative Wetlands

7:46pm Tidd's 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.

Steve: I recommend tabling the hearing, LSP is not here yet, but is expected.

Laura: I propose that we continue the Tidd's Junkyard hearing GCC 2007-11; DEP#161-0666 and GCC 2007-12; DEP#161-0661 to the meeting on 7/17/14 @ 7:01pm & 7:02pm.

John L: Seconds the motion.

Motion carries unanimously.

7:48pm East Main Street (GCC 2014-09; DEP#161-0783) NOI (cont.)

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

Steve: 3rd party reviewer still reviewing the project. Trying to save on consultant fees. The applicant looking to continue to next meeting. I do not see any major issues.

John L: Make a motion to continue GCC 2014-09; DEP#161-0783 to amend the applicant for further proceedings consistent with our peer review to 7/17/14 @ 7:10pm

Nick: Seconds the motion.

Motion passes unanimously.

7:50pm 11 Winter Street (GCC2014-01; 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, renovated Stormwater outfalls, landscaping and related amenities.

John L: For the record we received the BSC Peer Review, GMHS improvements just about 2 hours ago. For the record this is the BSC report dated June 19, 2014 Peer review of supplemental information entitled, "Georgetown Middle/High School Athletic Field Improvements"

Steve: I did give a copy to their consultant, John Perry, when he arrived.

John Perry with Gale Associates, the applicant's engineer
Mark Perry, GAA and the turf committee
John Pingree, GAA and synthetic turf advisory board

John Perry, Gale Associates: Lindsay (Barbee, wetland scientist for Gale Associates) verbally discussed some of these things with Gillian yesterday and I was privy to that discussion. While Gillian has a few items still here, it's my opinion that's some of these things are "crossing the t's and dotting the i's.) Gillian has agreed that the project is a betterment to the ecological areas in the river front. All the storm water is addressed. We comply with all the local bylaws. They are asking for more detail along the bank and more restoration planting which we can certainly do. Hoping to go out

to bid soon for this project. Contractors like to do the work in the fall. May save the town a lot of \$. We feel we've addressed all of the major concerns and comments. Ideally maybe we can incorporate these issues with conditions, I would ask that this be considered.

John L: DEP comments site things that are missing. Do you have a wetlands scientist on staff that's addressing this issue?

John Perry, Gale Associates: Lindsay (Barbee) is our in-house wetland scientist.

Mark Perry, GAA: The school will lose thousands of dollars if they have to ship students off site in the fall and thousands more in the spring.

John Perry: We flagged the wetlands in October or November, we submitted our Notice of Intent in January, Gillian went out to review the line in March between October and March, some of the flags were picked and thrown aside.

We went back out with Gillian and together we have been working out the issues.

Steve: Do you see any major issues with the 3rd Party Review?

John Perry, Gale Associates: No.

Steve: The timing seems to be an issue.

Laura: It sounds like there are just technicalities between us and a decision. Can they add things in a supplemental plan? Can we condition on how they will handle the removal of the top soil?

Steve: Yes, and yes.

Mark Perry, GAA: Bid separately, with the removal of arsenic.

Steve: If proposal is submitted to the commission, then not an issue.

John Perry, Gale Associates: Performance standards within the river protection act. An area with topsoil is considered not a degraded area by the letter of the law.

I would argue this is a disturbed area because previously it was an athletic field.

Are there any other alternatives? Gillian states that we've explored the other options and our alternative analysis seems to comply with the bylaws.

John Perry, Gale Associates: She wants to see the site plans that include detailed drawings, both plan view and cross-sections for all work, sediment controls and a plant restoration plan.

Show all the buffer zones.

John Perry, Gale Associates: we'll address all these issues, and provide the final plan with to come. The final detail construction set of drawings, before work starts.

Steve: Give it a definitive time line, 1 month.

John L: The plans will be submitted to us in draft form for signature and approval.

Steve: Then we close the hearing at the next meeting.

John L: I suggest you go out to bid now with draft documents.

Carl: Any abutters to this project?

John L: I make a motion to issue an Order of Conditions 11 Winter Street (GCC2014-01; DEP#161-0775) NOI approving the work pursuant to rev. 6/12/14 a conditional approval based upon the applicants response to the BSC group Peer Review dated 6/19/14 and is conditional based on the applicant submitting a draft of the revised plan to the agent and our commission for review and approval by 7/10/14.

Laura: seconds conditional approval.

Carl: Any further comments?

Motion passes unanimously.

Laura proposes a continuation of hearing 11 Winter Street (GCC2014-01; DEP#161-0775) NOI to 7/17/14 @ 7:30pm

John L: Seconds the motion.

Motion passes unanimously.

8:22pm 1 Industrial Way (GCC 2014-12; DEP#161-0785) NOI - NEW & Enforcement Order

Waiver request for wetland filling.

Steve: Original **Enforcement Action** Cease and desist order issued to stop all work on property. The last meeting the commission heard that order as a discussion forum. Modified the enforcement order to allow work on site to continue contingent upon the applicant submitting a Notice of Intent. That aspect of work has been satisfied, to get in front of the Commission, notify the abutters, etc.

Green cards received.

Paul Marchione, Marchione and Associates, L.P., Surveyors

Steven Caruso, from Caruso McGovern, Property owner, Applicant

Paul: Mr. Caruso purchased property in 1996. In 1995 the property already had been cleared and graded. Evidence was that the property was already filled before he owned the property, but we don't know that. Google earth images from 1995 and 2013 look the same to him.

1460 sq. ft. wetlands filled, worked with Steve Przyjemski and came up with a 2:1 wetlands replication area. Saved big trees and boulders to not harm areas.

The plan is to over dig area the wetlands area by 6", fill with organic material and plant with wetland seed mix and wetland plants.

Base of wall has been there for many, many years. There had been a number of noise complaints from the neighbors, about the activity taking place on site, so what Mr. Caruso did was to stack up cinder blocks upon the existing cinder blocks to block the noise. What he did recently was to build a wall in

front of that to protect it, because it had no support, it was a free standing wall. (Now there is fill between the two walls to help stabilize the original back wall.)

Carl: It's still work in the buffer.

Paul Marchione, Surveyor: It is, but there was activity in the buffer going back to 1996.

Steve: That's a waiver to the by-law.

Steve: The large, block wall was built on or about 4/25/14 per observation of the building inspector. It requires a filing with the Conservation Commission.

Paul Marchione, Surveyor: Nothing on the ground was disturbed, no wall foundation was dug, and the only thing done was the stacking of blocks on-top of blocks that were already there.

Steve: The wall requires filing with the Conservation Commission. This filing is just for a wetland replication area. It doesn't include the wall as part of the waiver, it doesn't even acknowledge that wetlands were filled, just that historically, "something was done." I think the filling happened recently, after there was a cease and desist order. Fresh soil and grass and silt-fence. That wall was built on 4/25/14 after the building inspector and I said, "No activity on site without permission"

They are in trouble right now with the Building Department, because wall never went through the building permit. They need to prove that the wall has a solid foundation, that's a safety issue right now. They went and did all these things without the permission of the town. Building inspector was doing his job, the commission is doing its job. This is a complex site. There were no permits filed.

Steven Caruso, Applicant: There was a 1 block high wall. So we enhanced the wall, to address the noise complaints. Google Earth 1995 shows a wetland filling.

Paul Marchione, Surveyor: 2 1/2' H x 3'L concrete blocks forming a solid wall. The Building Inspector was getting noise complaints from the neighbors, he confronted us.

Steve: The noise complaints were early, early, late, late and on the weekends.

Steve: It was not permitted properly. They are looking to get permission after the fact. The wall is on the 20' BVW. Now we're impacting native healthy areas, instead of fixing where the wetlands were impacted, which would have been easier.

Steven Caruso, Applicant: The wall was installed in the 90s to prevent the stock piling materials, and trucks from falling into the wetlands.

Steve: I recommend a 3rd party review, and modify the NOI asking for a request for waivers for the two stone walls.

Paul Marchione, Surveyor: In 1987 OoC Lot #2 Tenney St., for work on the site, I cannot find the original plans for the property. I do not know what the issues were on site.

John L: I make a motion to retain the services of Gillian Davies from BSC Group to conduct a peer review on 1 Industrial Way (GCC 2014-12; DEP#161-0785) pursuant to the Massachusetts Wetland Protection Act and the Georgetown Bylaw including a confirmation of the proposed wetland line, and to have the applicant apply for the waivers of the work being done.

Laura: seconds motion.

Motion passes unanimously.

John: Look at the history of the site, and alleged violations, look at the whole picture and ask for suggestions.

Carl: I will open it up to abutter comments, if you will identify yourself for the record please.

13 Hickory Lane: Dana Shuttleworth, Abutter: How are the existing violations being met?

Carl: Fines are being accrued.

Steve: The noise is a building permit issue. Any fixes to the noise might have to go through us, but the noise is a building inspector issue.

Dana: The wall was built to prevent the noise from coming into the neighborhood, but it hasn't helped, the noise is still there.

John L: If they follow the wetland laws, we could approve something that is going to help mitigate the noise. We only have a limited focus, we only have jurisdiction within 100' of a wetland or 200' of a river, our regulated activities are moving dirt, anything that would alter drainage, grading, etc. We're very limited about what we can do.

Dana Shuttleworth, Abutter: Is there an existing hay bale line? Who addresses the the noise complaints?

Steve: It's an existing silt fence that looks fresh, this is not 20 yr old grass.

John Hannaberry, Abutter 12 Hickory Lane: The noise complaints were supposed to be addressed by the Building Department and the Board of Health.

Dana Shuttleworth, Abutter: The materials they are dumping has asphalt with oils, old concrete with lime that is leaching out. Who's monitoring that?

Steve: The Building Inspector and Board of Health I want to get a better idea what is over there.

John: We have jurisdiction to 100', but if there is leaching from other things beyond the 100' we will have jurisdiction and we can intervene.

Laura: What is this wetland connected to?

Dana Shuttleworth, Abutter: There's a stream out there.

Carl: If we were to do a site walk do you have any issue with abutters being there?

Paul Marchione, Surveyor: There's always an issue with liability, and the abutters seem to have more concerns about noise than conservation issues, so I would prefer to stay on point.

John Hannaberry, Abutter: I heard noise and runoff.

John L: There will be no decisions made on the site walk, it's just an information gathering exercise.

Steven Caruso, Applicant: I would rather just have the commission, but if you guys (addressing the abutters) would like to meet for a cup of coffee, all I want to do is work together. Whatever the problem is let's just work together and get it solved.

Laura: I would like to make a motion to have the commission have a site walk on Friday, 6/27/14 @ 6:00pm.

Nick: seconds it.

Motion passes unanimously.

John L: Makes a motion to cont. 1 Industrial Way (GCC 2014-12; DEP#161-0785) NOI to 7/17 @ 7:40pm

Tom seconds the motion.

Motion passes unanimously.

9:04pm Rear Lisa Lane, 18 Lisa Lane, 44 Searle Street & 1 Wilkins Place (GCC 2013-23; DEP#161-0771) NOI (cont.)

**Jill Mann, Attorney and representative for Artisan Associates
Rich Williams, Engineer**

Steve: We have lost quorum for this project. Applicant needs to withdraw and reapply. Administrative paper exercise, need to resubmit for 7/17/14 @ 8:30pm.

9:10pm 7 Lincoln Street (GCC 2014-13; DEP#161-0787) - NOI - NEW
Septic system upgrade, Multi-family dwelling.

Jim Scanlon, representative of Craig Mead.

Multifamily dwelling, abuts Penn Brook and BVW, outer riparian buffer. 2 existing systems shown in red, propose 1 New Pump system to handle both units. The majority of work out of the 100' buffer zone, the only part inside of the 100' buffer is a little bit of re-paving, the sewer pipes and the abandonment of the previous system (110' from BVW). The rest of the system is probably ~ 150' from the river front. No net gain of pervious material. System is in failure. Plans approved by Board of Health. We have the system as far away from the resource area as possible. Main work is within the 75'-100' of BVW.

Steve: They've done the best they can do.

Carl: Any abutters?

None.

Laura: I would like to propose a motion to accept the NOI for a proposed Septic System Upgrade for 7 Lincoln Street, GCC 2014-13; DEP#161-0787) - NOI plan date 5/5/14, not accepting the wetland line nor the Riverfront line.

Nick seconds the motion.

Motion carries unanimously.

Nick: I make a motion to close the NOI for 7 Lincoln Street GCC 2014-13; DEP#161-0787)

Laura: seconds it.

Motion carries unanimously.

9:18pm 61 Old Jacobs Road (GCC 2014-14; DEP#161-0788) NOI - NEW
Septic system upgrade.

Martin Fair, representative of David Sneden who is looking to purchase the property.

Green cards received.

Martin Fair, Applicant Representative: 61 Old Jacob's Road is on the North side of Pentucket Pond. Existing system, 1500 gal septic tank, jumbo leaching pits under the driveway and partially in the right of way. It's failed its Title V inspection. At best it's vertically separated about 2' from the ground water. It has hydraulically failed.

We're proposing to reuse existing 1500 gallon tank, install a new sanitary screen, add low pressure dose leaching field, and minimize ground water mounding with a vertical separation of the ground water by 5'. It's compliant with Title IV. We will pump out the storage tank and make sure it has its integrity, refill it and check for leaks or cracks. If it doesn't have its integrity or isn't a 1500 gallon tank we will replace it.

Granted a waiver by the Board Of Health to locate 5' from the property line (the ROW) to maximize the distance from the resource area, propose interlocking block retaining wall 10' from leaching trench, instead of the traditional grading which would bring us into the wetland buffer, providing an 18' undisturbed zone. The retaining wall would 3' reveal in the middle and on either end.

Steve: No concerns, no other alternatives.

Carl: Abutters? (None)

John L: I would like to make a motion to approve the work as proposed for 61 Old Jacobs Road (GCC 2014-14; DEP#161-0788) NOI plan dated 5/21/14, not approving the line.

Laura: seconds the motion.

Motion passes unanimously

Nick: I make a motion to close 61 Old Jacob's Rd (GCC#2014-14; DEP#161-0788) NOI.

John L: seconds motion.

Motion passes unanimously, hearing is closed.

9:28pm 274 East Main Street (GCC 2014-15; DEP#161-0789) NOI - NEW

Patrick Seecamp, Seecamp Environmental Consulting
Tom Mannelta, engineer
Lisa Ciulla, owner

Patrick Seecamp, Engineer: After the fact NOI Application for cutting and clearing in the buffer zone of a bordering vegetative wetlands. 11,000 sq. ft. of tree cutting and shrub removal. ANRAD approved last fall (2013). Additional work done to grind stumps. After tree cutting was done, there was silt sock erosion control put in once realized they were in the buffer zone. No movement of soil into the buffer zone. No stripping or removing of topsoils. Existing woods road, Mr. Ciulla pulled that road back and built up woods road 3' in elevation up and back away from the wetland line. Rock/rubble pile created on site, a few boulders have rolled down the slope and are in the outer area of the buffer zone by about a foot of the wetland buffer. We have prepared a "Buffer Restoration Planting Plan" to restore back to the forested condition of the disturbed buffer. Area below silt fence which remains undisturbed. Natural tree buffer that is not disturbed. Proposing a new silt sock at the 100' BVW. Proposed to demark 75' buffer zone every 30' with a post with a conservation marker.

Steve: you would need to use granite posts by law.

Patrick Seecamp, Engineer: Replant understory, with (4" caliper) 800 lb. trees, red oaks (10) and white pine (6); Early colonizing species: quaking aspen(10) and grey birch(10), set foundation for native trees and shrubs to fill in, black choke berry (10) and high bush blueberry (10), seed with a native wildflower conservation seed mix. Top soil will still be there and will allow natural propagation from the surrounding area.

Monitoring protocol for 2 years, we can put in a provision for invasive monitoring as well. Mortality built in to the planting plan and 2 year monitoring regime. Mr. Ciulla has provided some screen planting for his neighbors to the west, they would like to continue that screen planting of white pine and arborvitae into the buffer zone. The neighbors have a child's play set close to the boundary and it would give a nice division and screening privacy for the neighbors. Driveway being pulled back away from the wetland line, markers at 75' No disturb zone. What they take down they put back into the biological planting. Mimic half-buried boulders to have a nook and cranny habitat. New driveway is gravel and will be planted at at 2:1. There is no The area where the trees are cut is blown with wood chips so the ground is stable and there is no erosion or sedimentation on the site.

Homeowner, Lisa Ciulla, There was 220 yards of trash and debris on that property. Our intent was to clean up the buffer zone, it wasn't a disregard for the buffer zone, and it was all part of the cleaning of the area. We thought it was okay to clean it up. We left the buffer zone in better condition than when we found it.

Steve: I walked this property before they bought it and talked to them, and once they bought it, I walked it again with the Ciullas. This really should be an enforcement order for work after the fact. I was explicit that no work was to be done in the buffer zone. There was an old logging road through the buffer, the homeowner asked if could use the logging road. I reiterated that it was fine as long as he passed and repassed only on the logging road, other than that, NO ACTIVITY! So I hear "no intent" and I find a dozen monster trees cut down, stumps removed buffed out, and wood chips put down. When I went back and asked, "Why did you cut the trees down?" He said, "I didn't cut trees down." "Then why did you cover them up?" And so after a while it came out that yes, he did cut them, so I have to respectfully disagree, the second time I was on the property I told him that there was to be "NO ACTIVITY" on site, and he went and cut down all these trees, I'm just saying I was VERY clear what could and could not be done on the property.

John L: Why was this not pursued through an enforcement order?

Steve: The damage was done, it's not worth arguing about because some of the work is allowable by law, I do have some other questions about the project to make it better. It's not a mis-communication if someone wasn't listening to me.

Patrick Seecamp, Engineer: Mr. Chairman we did come in prior to filing to talk with Steve about all the options. We understand that replacing large trees is difficult, there's a risk to putting in 4" caliper trees, survivability of little trees. We're trying to bring the structural diversity quicker than if we were putting in Conservation grade whips. We have a substantial Planting Plan. Survivability is always better on smaller trees.

Steve: You mentioned 2 years of over site of the mitigation plantings, you state 3 years, and the regulations require 3 years.

Patrick Seecamp, Engineer: What is consistent with Georgetown's Bylaws regulations?

Steve: Driveway does enter the 75' buffer. The driveway is proposing to be gravel, it does enter the 75' buffer. One of my concerns is that if you ever go to pave it, now it's a waiver to the bylaw, where now you can actually move it. The barn can be kitty-cornered over, the road could be moved out, this is an enormous property, there's plenty of room to move it, and this is just where they want to put it. The road was already put in, my only condition is that the road would NEVER be paved. The barn is not in yet. My recommendation is to move the road outside of the 75' buffer, so you have more flexibility in the future for paving.

Tom Manna, Engineer: I conferred with my client, and he's fine that the road will remain gravel in perpetuity.

Steve: And as gravel, I mean no asphalt products.

Carl: We see this all the time when a new homeowner buys the property and wants to pave the driveway.

Tom Manna, Engineer: This is not the primary driveway for the house, it's an auxiliary driveway, not for common use.

Steve: The shrub number given the size of the area and the fact that it is a cleared area and in violation, I would actually triple the shrubs, it's a very large area. (Usually we do 5' on center.) This area was very heavily vegetated.

Patrick Seecamp, Engineer: We think that it is consistent with the surrounding area.

John L: Is the applicant adverse to an owl box?

Lisa Ciulla, owner and Tom Manna, Engineer: No

Patrick Seecamp, Engineer: We can add 5 more shrubs of each species and an owl box.

There's an existing loam pile (12'H) that extends into the buffer zone. We're going to pull it back and put an erosion control along the buffer zone.

Pat Pelletier 24 Tenney Street, Abutter: Is there going to be a sidewalk?

Gloria Seaboyer 246 East Main Street, Abutter: not direct abutter, but abutting to the marsh land. My primary concern is that they have removed a lot of the trees and how it's going to affect the water

table, and those of us who get flooded out when we get too much rain. My understanding that he can do what he wants with his property, but my concern is that they have removed all the trees which has held in the moisture, and now the water will wash down into the marshland increasing the water level and raising the water and flooding my home and others homes. I now understand that they are going into the buffer zone, and I don't think that should be allowed. I have lived there for 52 years, and I have seen the water table change due to the cutting down of trees and building in the area.

Laura: We've seen that happen before, and it's a real concern, losing giant trees like that.

Carl: Every day they suck up huge amounts of water.

John L: We view trees as part of our water management practices. A good sized tree can soak up 1000 gallons of water in a significant storm event, that's a concern.

Carl: How large a caliper were the trees that were cut down?

Tom Mannetta, Engineer: They were a mid-succession, 12" caliper trees on average, there were some oaks and birch.

Steve: I'd say larger than that.

Cristina Ciulla, Applicant's daughter: The trees cut down in the buffer zone, were dead, dying trees, how much water would they really have sucked up?

Steve: The trees had dead limbs, but they were healthy trees, there were no dead trees.

Patrick has agreed to e-mail updates after 1/2" or more of rain or more (standard storm water monitoring).

Laura: Adding 30 shrubs instead of 20, adding owl box, no cut/no disturb bounds are to be granite according to our regulations, Mr. Seecamp is to monitor as needed per rain event (and document the erosion control) until the vegetation can take hold, condition the driveway, not paved within the 75' buffer.

Laura: Mr. chairman I would like to make a motion to approve the NOI for 274 East Main Street GCC 2014-15; DEP#161-0789 and the conditions as discussed, site plan effective 6/4/14.

Tom Moore: seconds the motion.

Motion passes unanimously.

John L: Makes a motion to close the hearing on 274 East Main GCC 2014-15; DEP#161-0789

Nick: Seconds the motion.

Hearing closed.

American Legion Park (GCC 2014-16; DEP#161-0786) NOI - NEW
Work on playground within 100' of a BVW

Juliette Ragg, Representative for Park and Recreation

Biojek Tilaco Hancock Engineering, Representative for the Park and Recreation

Jim DiMento, Park and Recreation Commission

Biojek Tilaco, Engineer: We propose to renovate the Playground area, remove all of the playground equipment, except a portion of the play castle in the corner, level the ground to prepare for the installation of the "Fall Zone", remove 6 evergreens (Mostly scotch pine), install plastic timbers to contain the wood fiber materials that is actually going to be the "Safety Fall Zone".

Juliette Ragg, Representative: The sand that is there now is only a "2' Fall Zone", if a kid falls from the top of a slide and gets hurt, we're a liability now. The playground is no longer to code. 12" of wood fiber safety surfacing will be put down. It's a kind of interlocking fiber that gives us a flat surface. It will give us a 9' fall zone. The trees are to maximize the area of play area, including the area to room to grow.

Jim DiMento, Park and Rec: The schools normally start to visit the park in June, but not this year because of the code issues and we didn't have an approved park.

Biojek Tilaco, Engineer: Gives the green cards to The Commission.

Juliette Ragg, Representative: We're cutting down the trees to maximize the playzone. There are not a lot of areas in town that can support playground equipment. Phase I does not include as much equipment as is there now. Wooden equipment is lot cheaper than the nice new plastic and steel equipment that we are putting in, but we are building this with room to grow. We will leave big open areas with safety surfacing for future pieces of equipment. It is much easier to remove the trees now, then to try and go back in after the fact and take them out later.

Jim DiMento, Park and Rec: Julia, there are also new regulations about a 4' zone, and the trees impact some of that. The footprint of the new park will be much less than the old park, the useable area, but due to new regulations, it's necessary.

Juliette Ragg, Representative: swings need 8' in front, 8' in back.

Steve: All of the trees are allowed to be cut under the regulations, only one tree needs a waiver, it's at 49' away from the wetland. This is an approvable plan. It's just going through the process.

All the other activity is allowed in the buffer. This will improve a lot of the issues we have down there with erosion. I'm hoping we can resolve the storm water runoff from the parking lot and into the beach and pond.

Biojek Tilaco, Engineer: As part of this application I prepared an O & M plan. I suggest that after any significant rain storm, people go out there and walk it and see if there is any erosion into the pond. The area is substantially flat except the area beyond the fence. Minor issue with the tree. No comments from the DEP. Restoring an existing facility. Wood fiber will be contained and the water will slow down.

Steve: It's been a nightmare erosion-wise for years. Peter Durkee is always going down there. This is a huge improvement.

Carl: Abutters?

Steve Cachecke, Abutter 14 Pentucket Avenue: I don't think Hancock Engineering has anything to do with buying the equipment. I have no objections to what they are going to do. They are going to make it a lot better than it is now. It is the only nice playground for the kids in town. I've got no objections.

Juliette Ragg, Representative: It will be a community built playground again.

John L: I would like to make a motion to approve the GCC 2014-16; DEP#161-0786 OoC for pursuant to the site plan 6/4/14

Laura: seconds the motion.

Motion passes unanimously.

John L: I make a motion to close American Legion Park (GCC 2014-16; DEP#161-0786) NOI

Nick: seconds the motion

Motion closes with unanimous vote.

John L: Makes a motion to sign OoCs, CoCs and bills as read by our agent.

Nick: seconds the motion.

Carl: A management program between Active Rec and habitat management.

Laura initiates discussion of when Active Recreation Town/School projects come in to lighten-up on the over-all usage of the West Street Soccer fields during certain times when Active Recreation projects come before us.

Steve: Susan Speak is asking that the usage of the West street field is curtailed for 3-4 weeks the turtles are very sensitive to activity, people and dogs.

Laura: The breeding rates are going down. There have been two parties and tournaments in the past two weeks causing two rare breeding turtles to abandon their nests and go. The dates Susan was asking to curtail activity on the soccer fields was June 1-June 25th from 4:30pm on when the turtles are extremely active. I think we should be the group that is partly responsible for looking for a solution.

Steve: I will incorporate Susan's thoughts into the conditions.

Laura: Susan Speak says, the activities may constitute a "take", any activity that alters the behavior of a protected species.

Steve: If you can ask Susan Speak to put what she's observed in writing and her recommendations and send it to me, and I will cc: National Heritage, DEP, Park and Rec, GAA, the Schools, the Town Administrator.

John L: On the Notice of Intent, there is a portion that says we can require a "wildlife" assessment done. It's rarely used, but I think we should think about it when projects come forward.

Steve: This might be more appropriate, when active recreation projects come in.

John L: Makes a motion to close the meeting for June 19, 2014.

Laura: Seconds the motion to close.

10:53 Meeting closed.