

Meeting Agenda for July 17, 2014

Commissioners present: Carl Shreder, John Bell, Nick Feitz, Laura Repplier
Staff: Steve Przyjemski, Susan Flint-Vincent

Meeting opened at 7:27pm

7:27pm 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

7:27pm 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.

Steve: We haven't heard from them in 2 months. We nailed down 2-3 action items: additional sampling on Open Space Area, ground penetrating radar, and a third.

Carl: That was the land that was going to be donated.

Steve: My recollection was that there were a couple of samples that were "hot", I never understood why they would leave a few spots unassessed.

Laura: Makes a motion to continue Tidds Junkyard (GCC 2007-11; DEP#161-0666) - NOI to September 18th at 8:00pm

John B: Seconds motion.

Motion carries unanimously.

Laura: Makes a motion to Continue Tidds Junkyard (GCC 2007-12; DEP# 161-0661) - NOI to September 18th at 8:01pm

John B: Seconds motion

Motion carries unanimously.

7:31pm 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 Stormwater standards.

Steve: We got the 3rd party review yesterday evening, their LSP hasn't had time to review the report. There's no alternative design big picture concerns, does this make sense in that site. They asked for a continuation.

John B: Like to make a motion to continue East Main Street (GCC 2014-09; DEP# 161-0783) - NOI to 8/14 at 7:15pm // 7:30pm

Laura: I'm really eager for them to answer the questions that were asked in the Third Party Review. Given the size of the waivers that are being requested and the proximity to the resources, I would really like them to provide a lot of clear answers to the questions that were asked, like alternative sites. There is a specific paragraph in the Third Party Review that asks, "Why should we grant such extreme waivers?" and "What are the alternatives that they can suggest?"

Laura: Seconded the motion.

Carries unanimously.

7:36pm 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, renovated Stormwater outfalls, landscaping, and related amenities.

Carl: As I recall that we approved this NOI, but the hearing was still open were waiting for a revised plan.

Steve: We did receive the revised plans and the comments to the 3rd party review have been accepted in and can be attached to the Order of Conditions, which were the two requirements to closing out the hearing tonight.

John B: I make a motion that we close 11 Winter Street (GCC 2014-01; DEP# 161-0775) - NOI

Nick: Seconds the motion

Motion passes unanimously.

7:38pm Bills read

John B: Makes a motion to accept the bills as read by Steve Przyjemski (our agent)

Laura: Seconds the motion to accept the bills as read.

Motion passes unanimously.

Steve: Three appointments for the Camp Denison Conservation Subcommittee

John B: I would like to make a motion to approve: Robert Gorton, James Lacey and John LoCicero to the Camp Denison Committee.

Laura: Seconds the motion.

Carl: That appointment is good for one year?

John B: Yes, that motion is good for one year, it expires in 2015.

Motion carries unanimously.

Steve: This is a Certification for Compliance for 4 Heather Lane.

Steve: The Open Space Committee is all set, we reappointed a few people a couple of months ago, so I believe we are in good shape with that.

Open Space Plan is still ongoing and being updated, I need to check on the status with the consultants.

7:44pm 1 Kinson Court (GCC 2014-11; DEP#161-0790) - NOI (cont.)

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

Steve: We are having communication issues with the applicant over the payment of fees.

John B: Makes a motion to continue (GCC 2014-11; DEP#161-0790) to 8/14/14 at 7:45pm?

Nick: Seconds the motion.

Laura: Are you keeping an eye on that? Maybe you should go out to make sure they are not doing anything without the permission of the board.

Carl: Via e-mail, I would make it very clear to them that they cannot proceed or do anything until...

Steve: You've got it.

Motion passes unanimously.

We are going to take a 10 minute recess.

8:07 pm 1 Industrial Way (GCC 2014-12; DEP#161-0785) - NOI (cont.)

Waiver request for wetland filling.

Steve Caruso - industry owner

Paul Marchione with Marchione Associates - consultant

Chick Neiland - attorney for the applicant on environmental issues.

Steve: Brief overview ZBA found an outstanding OoC showed a fairly limited scope of work. We did do a site walk last week. Mr. Caruso filed OoC 3/11/96. If I had known this earlier, I would not have accepted the new OoC. Typically you don't have two notices open on the same project, at the same time. They really need to comply with the original application, and if they can't comply with the original order, there has to be discussion around that about how do we get compliance, or where to go from there. I believe the applicant should withdraw from this application or the commission would deny it so we can close out the project. There has been wetland filling, and there is a discussion about how long ago and who, but there is documentation that this did occur. I think we should go the enforcement route. There are lots of options, you can meet in the middle, but in my opinion, the enforcement order is really the mechanism in which to proceed in this project.

Carl: At the last meeting, you kind of implied that you were not involved in this stuff, you didn't indicate that there was an open order on this property.

Steve Caruso, owner: It was almost 20 years ago, I was here for about an hour, I got my permit and built out my facility. That's what I did, it wasn't a huge thing, and I've worked out of there for all these years, not thinking that I had to close that thing out.

Carl: It appears you went beyond scope of work.

Steve Caruso, owner: I don't know that I went beyond scope, or that I just didn't finish it. I put up the silt fences, and we worked out of there for all these years.

Paul Marchione, consultant: I wasn't aware that the Orders of Conditions was not filed with the Registry of Deeds until Steve called us two days ago.

Laura: What was the original order for?

Steve: The original Order was for a proposed building and storage of sand piles on one side, the limit of work did not encroach to any of the back area, where the wall is, where the stockpile is, where any of the grinding..., all of that was shown to be not touched, no activity whatsoever.

Laura: What was it then? Woods?

Steve: The presumption on this plan was that it was natural. If you look at the old pictures, it's obvious that there was some activity that was done back there. The plan to me looks like it should be fully wooded. They didn't have any approval to do any work behind the building, so the presumption was that it would go back to being natural, not being used, not touched. I still think expansion was done over the years, but it was minor. But they did not have any approvals to do any work back there from Conservation or from the site plan design through the Zoning Board, so I don't think that is a correct statement to say this has been a "work in progress", all of the work that was "in progress" was encroaching in areas that it wasn't supposed to. So I don't know that this is a fair way to look at this as a "work in progress".

Steve Caruso, owner: I remember we put up the silt fences, and we went to work. We paved the area that we showed on there and that was the extent we did. The site was cleared before we bought it, even clearer than it is now. I've let the trees grown in.

Paul Marchione, consultant: Just want to point out one thing Steve, I understand what you are saying about the limit of work on the plan, and where the contours meet the existing contours, but it's not fair to say this was wooded because we have photographs that predate this plan by almost a year that show this whole site being cleared. Just because he's showing grading, doesn't mean it wasn't cleared. In fact it shows the tree-line over in the corner. It wasn't treed, it was all cleared.

Steve: It shows the tree-line on one edge, it doesn't show tree-lines anywhere else so you can't use that as evidence as for what was and wasn't specifically there.

Carl: Was there anything about a block wall in this plan?

Steve: This plan for the most part shows no activity within the 100' buffer. There is some encroachment on one side, but not on the other. On the side with the retaining wall and the stock piles shows no activity at all within the 100' buffer. None of the permits specify that, none of them with any other department: Building Department, Planning Board, Zoning Board or ConCom. While no one here wrote these plans we do know how to interpret them, solid lines means proposed, dotted line was existing. This shows no solid lines, no encroachment of grading or any other activity. There's a presumption that you're not proposing any work over there.

Laura: Does the limit of work mean that you can build your building, but don't go past that line because that is where the wetlands start to encroach?

Steve: This (meaning the old OoC map) doesn't show what the pictures show, it only shows the existing grades out in this direction, this does not show what is actively cleared. This only shows new activity. This doesn't demarcate the area that they can continue to use that is disturbed. It doesn't exist.

Steve Caruso, owner: When you run a small company you wear a lot of hats. Maybe I should have shown more detail that I know now. This is a problem, whether I created it or didn't create it, I just want to work together to solve it as quick as I can.

Carl: You might define it as a problem, I might define it as a violation of the law.

Steve: That stormwater management area that is huge is not there now, and in fact that is where they are parking trucks and stockpiling materials. In my opinion it was filled in. They have acknowledged there is some filling. The area they filled in is pretty accurate. We're missing a good size wetland finger, and a good sized stormwater feature.

Paul Marchione, consultant: To be fair about that, there was no constructed storm water feature, it was a low area where water would pond, and frankly, it may not be that exact area, but that's exactly what happens today on that site. What's not filled for wetlands is pristine. It is a healthy wetlands, there's no siltation, no degradation of the wetlands, but it's fulfilling the intent to protect the wetlands.

Laura: I'm a little concerned because when we were out there and even when you were last here, you said that you were completely unaware that there were wetlands out there, you needed to be careful of them. Now we discover that you filed because you knew there were wetland issues on that site before, so you *were* aware.

Steve Caruso, owner: I knew they were here, but I didn't know exactly where they were.

Laura: But you knew they were there and you should have at least come in and talked to us about that.

Carl: You referenced that the wall grew over the years, like someone snuck in the night and put blocks there and you just added them. You must have put the blocks to begin with and built the whole thing.

Steve: I have an e-mail from the Building Inspector who said that there was no wall there as of the date of the memo he sent. There are no pictures either proving or disproving that there was a wall there. It is up to the applicant to prove that there was a wall there. No rocks are there from the original project, each block is new. They are level, they are flat, and they are straight. The building inspector is defining this as a new wall. That's how I think the commission should define it, as a "new wall".

Paul Marchione, consultant: There has always been a physical barrier there for a long time, in different forms over the years and it was maintained over the years, straightened. The idea was so machines didn't go off the slope into the wetlands, or if there was a spill it didn't go into the wetlands, stop sedimentation, there has always been something there for a long time.

Steve: That activity is supposed to be permitted. Before it went up, I told you when I went out on site, "No More Work" on site without going to the Commission, and it was built, so I'm having a hard time trying to justify it.

Paul Marchione, consultant: I was there in November 2012 for the first time, there were straight blocks, one layer. There has been a barrier there for a number of years, 15 years or so. The only thing I saw about that wall was that it got higher. All he did was between last fall and now was to build up the wall, there was no digging, no concrete poured, just raising up of the wall that was in attempt to satisfy the abutters complaints about noise.

Carl: We need to make a determination if we go back to the original Order and work off of that. I don't really want to make that go away, it was never resolved.

Laura: The area we're talking about was not on that plan. So we can't tell from that plan.

Steve: But we know there was no rock wall and no piles of soil or dirt. Dotted lines are for existing conditions, solid lines are for proposed, there's no dark line there in the area in question. There are no piles or permits giving permission to pile soil or build a retaining wall. So whether this wall was built 10 years ago or last week, it wasn't permitted.

Laura: You are confident that because there was no wall shown on the plan is because there was no wall there.

Steve: Correct.

Laura: The wall that is there now has "popped up" since '96, without any permitting whatsoever.

Steve: I would add that all the activity and the piles of soil that is there was not permitted. There's a letter from the Zoning Board saying that this activity does not meet the original permit and they need to comply.

You were aware that there were wetlands that you had to be careful of, and you didn't.

Steve Caruso, owner: The area is maybe 10' wide, or whatever it is that we encroached upon. Maybe the guys were down there loading trucks and it spilled over. I didn't do this intentionally. I didn't say I'm going to take this land, not go to Conservation and I'm going to hide down here. If that's what happened, it wasn't my intent.

Chick Neiland - attorney for the applicant on environmental issues.

Laura: Your site is right between two brooks that are two important waterways. This is a very sensitive area where you are. Wheeler Brook, Jackman Brook and a wetland that runs all along that side of your area. You're in the middle of some really important waterways, not just a muddy puddle, that's why this is so concerning. These are flow down to the clam flats in Rowley and are dealing with potential contaminants.

Carl: We need to come to some resolution on the existing OoC.

Steve: You can deny the current OoC, or have it withdrawn, so we can go back and address the old OoC.

Chick Neiland – Applicant's Attorney: That OoC (the existing) expired in 1999, it's no longer valid. We can't do any work out there. It's over. It was valid for three years, allowed activities to take place, some took place and some didn't, as far as that's Order is concerned, it's off the table.

Steve: With that argument then it's a straight-up Enforcement Order for the additional activities.

Chick Neiland – Applicant's Attorney: I think it's those activities that were performed that we want to address in the current Notice of Intent that weren't authorized in the 1996 Order of Conditions.

Steve: Have you read the Notice of Intent? It doesn't address any of that.

Chick Neiland – Applicant's Attorney: The NOI was prepared before some of the new information came to light from you and the DEP. So it clearly needs to be modified in order to reflect what's going on out there.

Laura: What's missing?

Steve: Everything. They have to acknowledge all of the new activity. They have to draw it in, all the grading, and all the stockpiling. It's permission after the fact. This application doesn't even acknowledge that the wall is new, they are still trying to argue that the wall was not new. The DEP doesn't have that, they have partial information, just restoration work.

Steve: That is one way to handle this, to use this as a compliance to the old Order of Conditions, it's not clean in my opinion, it's not the way it should be done, but you can go that route. They have 6 years of extension, so the Order goes away, but their obligation doesn't, and now it's in violation.

Steve: The DEP will be most concerned about the wetland filling, but right now none of that is being acknowledged. I haven't gotten the DEP involved because I've been trying to work with the applicant to come to some closure on this. My next step is to bring it up to the DEP, because I have a clear before and after picture. Wetland filling has occurred. The DEP should get involved in the enforcement role. The before is the original approved 1996 plan the applicant agrees that the old plan is fairly accurate, and the plan the wetland scientist recently drew is the after.

Chick Neiland – Applicant's Attorney: Based on the information that I have seen, I think we need to look at the wetland line today.

Steve: You've already done test pits. I don't think you need to spend too much time re-evaluating the wetland line, unless you would like to. The plan is relatively accurate. You didn't fill in 20 acres of wetland.

Chick Neiland – Applicant's Attorney: What I see is it's less than 5000' square feet. The irony may be that the barrier and the storm water management measures that they use out have prevented siltation into the wetlands. I think it's fair to say that it is a sensitive area, but when I walked down there, I didn't see any stress on the vegetation.

Steve: There's also the presumption that any activity within the resources has a negative impact. It's a pretty sensitive area. The approved plans don't show any activity within 100' of it. What would be better for that wetland? 100' buffer? Or 5'? It doesn't look horrible, there's no stress on the plants but, the approval plans said 100' buffer in that area, no activity. Now we have a wall there, suggesting that it's healthy and fine doesn't take that away.

Chick Neiland – Applicant's Attorney: The wall performs a couple of functions: not only is it erosion control, from a public safety and a noise basis that's helpful to the neighborhood.

Steve: But it didn't go through the process, they didn't pull permits. Suggesting that it's healthy and fine... I don't think we want to argue the There is a process and a procedure. I don't think we should be discussing the wall, I think we should be looking at the "Big Picture". How do you want to handle the whole site? I have a third party reviewer ready to evaluate this. Do we want to close this and handle it as an enforcement? They have to 100% resubmit this NOI, the DEP doesn't take versions. This has no resemblance to what the next one should look like. If we do want to handle a Notice of Intent, I think it has to be another one. They didn't pay the fees for any of this, just the mitigation, not for the wetlands. It is significantly different from the last plan, so there's no waiting period.

A lot has happened since the Enforcement Order was issued. I think we need to modify it based on what the Commission comes up with today, and I'll include that in the enforcement order.

To get the DEP involved, have this withdrawn or deny it, refile an OoC, issue an enforcement order and then have the DEP involved upon the actual work that was done. They still need a CoC on the original OoC, but they never registered the original one. Technically they should register the old OoC tomorrow, because they never did. That could be a condition in the enforcement order.

Chick Neiland – Applicant’s Attorney: Orders of Conditions just allow you to do work, it’s not a mandate. There are lots of Orders of Conditions that can don’t do the work and can issue a certificate saying, “We didn’t do the work.” Or you can issue a partial certificate, “I did A, B & C”, but we didn’t do “D”. I think that they

Laura: Did they fulfill the original OoC? Is that complete?

Steve: No, they didn’t do everything they were supposed to and they went beyond the scope of work. You have an active OoC that they went beyond, so you would issue an enforcement order.

Carl: You can have the EO and a NOI at the same time. We modified the EO so you can continue to allow work in his business as long as they don’t do egregious work.

Chick Neiland – Applicant’s Attorney: My advice to my client would be not to withdraw the OoC until we knew what was in the Enforcement Order.

Steve: My advice is that if they won’t withdraw, then I would recommend to just deny it and move on with an enforcement order. Abutters do not get notified with Enforcement orders, so if there are abutters that would like to keep up with this project, just keep in touch with my office and I’ll keep you up to date with the meetings.

Carl: Any abutters?

John Hannaberry 12, Hickory Lane, I’m not an environmental engineer, and sometimes all of this gets confusing. I’ve got an acre and I live on half of it. I have a body of water on my land, I know I have to abide by the Conservation restrictions. I’ve been in town for 30 years, 15 on Hickory Lane, 13 of them have been wonderful, the last two, not so much. I’m glad the Conservation Commission took an interest in this property, because I was not aware of any of the violations that have come forward. I have a question re: the deluge of the last two days and July 4th, does that precipitation affect the mountain range of product, does that percolate into the wetlands? Can it?

Steve: There is no storm water features designed to capture it and treat it. They claim that it’s happening naturally, but there is no in-field design, so yes, it is flowing into the resources untreated.

Laura: I think the problem might be a contamination problem, which we might not see evidence of, but may be flowing off the site and into the wetlands. I’m not remembering what kinds of product you have out there. It did not look like a sedimentation problem, partly because of your wall, but there may be contamination issues.

Steve Caruso, owner: Concrete that we crush, brick and asphalt all stored on the other side of the yard, probably about 100’ from the wall. There’s nothing there that would go in the ground and flow over there.

Chick Neiland – Applicant’s Attorney: The DEP considers this a recycling facility and they don’t require any treatment of that material, so we’re in compliance with those requirements.

Carl: That’s certainly not Best Management Practice in terms of storm water.

Chick Neiland – Applicant’s Attorney: Because it’s so sandy out there, they didn’t build a basin out there because they have never had that problem out there.

Steve: So it’s leaching into the ground and you have water quality issues. But that’s an infiltration problem there. There’s some monster piles out there. There’s no real storm water plan, no engineering behind this. There’s a presumption because its 80’ to the wetlands, there’s no damage being done, that’s not how storm water works, you typically design it according to the land.

Paul Marchione, consultant: You design the plan for storm water so you don’t have any adverse effects on the wetlands. Now we have the proof is in the pudding. He’s been doing this for many, many years, and it’s not been a problem. If it’s not broken, you don’t want to fix it.

Carl: You’ve never done any sampling out there. Total Suspended Solids, water quality.

Chick Neiland – Applicant’s Attorney: There isn’t any discharge, this isn’t a subdivision. I’m not sure why they didn’t build it. I’m assuming they didn’t build it because they didn’t need it. They don’t have any direct discharge. Everything infiltrates into the ground.

Steve: It shows a stormwater management plan that wasn’t done. None of the piles were permitted, the work wasn’t permitted. The Zoning Board is concerned because it was never meant to be a recycling facility, it was never permitted to be that.

Chick Neiland – Applicant’s Attorney: We filed a NOI to address the EO, we want to address and come back. We wanted to put these items on the table.

Carl: We would like to move forward.

Dana Shuttleworth, 13 Hickory Lane: On their Notice of Intent, there was no remarks about their new business, the ABC recycling plan.

Steve: The next enforcement will include all of their activities, this one was only the items they felt they needed to discuss, that’s why it was written up that way.

Chick Neiland – Applicant’s Attorney: The Conservation Commission does not regulate uses, you regulate activities, land use. ABC is not a land use issue, it’s a DEP and Zoning Board of Appeals... We’re not going to come in and ask permission to have this company.

Steve: Write an EO to construct according to plan, sets in time what they need to do, with a time line. EO with fines (\$300/day) to return to the prior condition. They could choose to turn it back to its previous conditions, and the fines could be forgiven or there could be a compromise, which is where I’m hoping this will go, like pulling everything back to the 75’ buffer.

Chick Neiland – Applicant’s Attorney: I would ask you reconsider that we have 30 days to address all of these issues that have come up in this NOI hearing and come back to you.

Steve: That’s not the right mechanism for closing out the OoC that was never done properly. That’s ignoring the EO, the Enforcement Order and the going beyond.

Carl: The concern is that the DEP doesn’t have all the complete information and you want to modify this, they are not going to necessarily look at this again.

Chick Neiland – Applicant’s Attorney: The DEP has to get everything that goes to the Conservation Commission. I don’t think we should push aside what is in front of you know, it just needs to be added to.

Steve: I still wouldn’t recommend it. It’s not going to get a full review.

Laura: Can’t they withdraw without prejudice, and then refile?

Steve: Yes, that’s the cleanest way to do this. Start fresh.

Carl: It doesn’t behoove you to take this to court if you want to bring this to fruition. I’m trying to find a mechanism to get you folks to provide all the information so you can move forward. You can either withdraw this or we can deny it, take whatever your pleasure is.

Chick Neiland – Applicant’s Attorney: If I withdraw it, I’m just going to come back with something similar to what I have here, except I’m going to add to it.

Steve: I don’t consider this similar at all. You’re asking to replicate 400’ of wetlands pretty much. You’re talking about replicating one area vs. encroaching on a very large area, no storm water, two walls, one retaining wall, and one free-standing, I don’t consider these similar at all. Typically you withdraw and reapply for significant differences.

Laura: Were you not here when we talk about the NOI we’re looking for is going to include all the information since 1996.

Chick Neiland – Applicant’s Attorney: I look at it a little differently, we would be filing an NOI for all of the work that was done, that wasn’t authorized, as opposed to what’s here. The work that was done in 1996, you didn’t have regulations, and I would look to have the state rules apply.

Steve: We don’t know when the work was done.
The aerials show area very crudely, piles close to the wetlands. This all needs to go through the permitting process.

Carl: Sir, all we want a comprehensive NOI that includes all of the work.

Chick Neiland – Applicant’s Attorney: You understand my hesitation to filing an NOI in 2014 for activities that took place prior to that time, so I would rather see two NOIs with two different sets of regulations.

Steve: Most of the activities I am concerned about are new and is being done currently. The disturbed area is fairly well defined. If you can prove that work was done 20 years ago, than we can go by the regulations from 20 years ago.

The wall was put in without a permit, so whether there were regulations or not doesn’t matter, it’s an illegal wall. They didn’t go through the proper channels.

Chick Neiland – Applicant’s Attorney: I’m contesting what the standards you are using to review that wall in 2014?

Carl: The commission would make a call based on the state regulation.

Laura: From what I saw is it is massively close to a wetlands area that would have been protected by the Wetlands Protection Act. I think we need to come up with a mechanism to help you give the DEP

a chance to weigh-in. It's possible there are benefits to what you've done. You are possibly, protecting this wetland area from sedimentation and contamination, given what you've done. And we need their help to dis-entangle this as well. So we know what waivers are there and we know what the benefits are there for granting those waivers.

Carl: We're not talking about denying this so you can't move forward. We're not trying to shut your operation down, I could do that via the EO, but we're not doing that. We actually pulled the EO back to allow you to continue to work. We're trying to work with you and get a filing mechanism to come to a consensus and work with the DEP and move forward.

Laura: We also we agreed that there wasn't a good 2:1 replication area. I think we should go back to scratch and start focusing on what's there, and what are we going to do? There are benefits to the abutters with the wall for the noise level.

Steve: I am going to issue an EO anyway, they can file a new NOI.

Chick Neiland – Applicant's Attorney: Can the fees be credited to a new NOI?

Steve: Yes, we really haven't done any work on the replication area.

Steve Caruso, owner: What about the fines?

Carl: They are our insurance policy to get the work finished. We would leave them in place and can vote to alleviate the fines at the end of the project.

Chick Neiland – Applicant's Attorney: We would like to withdraw without prejudice as long as we understand the fees would be credited to the new NOI filing.

Steve: We'll accept it, and they can follow up in writing.

John B: Makes a motion to accept 1 Industrial way's to be w/drawn w/out prejudice and to credit the fees to the new NOI.

Laura: Second the motion.

Motion passes unanimously.

Carl: 5' break.

Reconvene at 9:29pm 1 Wilkins Place, Rear Lisa Lane, 18 Lisa Lane & 44 Searle Street aka Turning Leaf (GCC 2013-23; DEP#161-0771) - NOI (cont.)

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

Rich Williams, Williams and Sparagues, Site design engineer

Jill Mann, Atty and Representative

Tom O'Connell, Applicant Turing Leaf Principal

Jill Mann, Atty and Representative: 45 Acres of land, several parcels, propose to subdivide into 22 Residential Home sites, 14.5 -14.9 acres Open Space parcel of land that provides some connection to town owed parcels or the potential therefore. Responded to many of the concerns of the board, such as extending the buffer of the resource area abutting a vernal pool within 200' to a 100' buffer, maintained and hold true to not building in that "no disturb" area, nor the special condition set-back already noted, as pursuant to the town bylaw, limited activity in 55-75' buffer, no structures and no

roadway within the 75' buffer, there will be some stormwater management and some home grading within that buffer, but no structures. This property has been reviewed by the BSC Group for both Stormwater management as well as compliance with your regulations.

Gillian Davies conducted the compliance with our regulations. She has sent us a letter stating that we did honor all of the "No disturb" areas, the special condition set-back areas and honored the required set-back areas as well. Dominic Renaldi reviewed all of the storm water management systems, and confirmed the facilities do comply with the storm water regulations both locally and from the DEP. This project has received approval from the Planning Board. The approval is based upon a "no waivers" for the roadway coming in and a small waiver for one of the subdivisions.

There is access to the Open Space via a small walking path proposed (easement is 20', path is 6'), so people could get down to the wetland area, nothing is proposed inside of the buffer zone. Small parking area on the right of way, and two water stub connections for the town.

Rich Williams, Engineer: The topography slopes generally from Lisa Lane out to the wetlands. This wetland surrounds the site and ultimately discharges to a wetland that goes underneath North Street.

On Left side wetland discharges to an intermittent stream. This wetland contains a vernal pool, which discharges to an intermittent stream, which dies out, but that flows into the same wetland system that surrounds the site and ultimately flows out underneath North Street. All of the roadways drains to 6 different infiltration systems that treats the runoff before it exits the property. This meets the state requirements, 80% suspended solids removal required, we're providing in excess of that at 86% removal of solids at infiltration. We have 5x the amount of required infiltration recharging the ground water system. We have provided for snow storage areas throughout the site, as requested by the commission. All the roadways out of the 100' buffer, but one small section has grading between 50-75' buffer. Extra protection around vernal pools, and wetlands connected with them, no work proposed within the 100' buffer. Also provided commission with a plan showing No Cut/No Disturb markers (concrete markers, all along the path and along the wetland lines.) The Open Space proposed is Parcel F 14.9 acres, 9+ acres of upland, at least 2 acres outside of the ComCon jurisdiction.

Nick: The vernal pool on the far right, I see it encroaches on 3-4 house lots. How are we going to protect that 100' buffer against the homeowners?

Rich Williams, Engineer: Usually the silt fence goes in, the trees are cut and the markers are then put in.

Steve: Usually the markers go in when the silt fence goes in, but it's open to discussion.

Tom O'Connell, Applicant: Can we put the concrete bounds in around the perimeter when the siltation goes in and after the trees go down along the pathway for the easement?

Steve: Yes, I think we can do that, but I wouldn't do it much later than that. The regs say the stone bounds go in 35' apart and at major turns. Plan dated 10/10/13 rev. May 20, 2014.

Would you leave the full-size plan showing the bounds tonight?

Rich Williams, Engineer: Yes, we can do that.

Carl: Are there any trees you plan on saving?

Rich Williams, Engineer: The idea is to save as many trees as possible. It depends upon the final design of the house. We don't know that yet, it will be on an individual basis, owner by owner.

Steve: Is it fair to say you will do the road and the storm water as phase I, and then as you sell a lot you will cut the lot individually. I think they are concerned you are clear cutting the entire site all at once.

Jill Mann, Atty and Representative: Yes, we spoke to the applicant and that is exactly how they plan to carry this project out, unless multiple lots get sold at the same time, then we may clear more than one lot at a time.

Carl: Steve, are there any special conditions?

Steve: Vernal pools checked on for two growing seasons, Land donated within 1 year of the issuance of the Order of Conditions, stone bounds and access, work with me off-line regarding any issues that come up.

Carl: We don't want to site houses next to stone bounds, we find that to be an issue.

Are there any butters?

Kevin Duncan, Abutter 46, Searle Street: I think the developers have done a good job, but I have a couple of questions: What keeps swimming pools and leaching fields outside of the vernal pond?

Carl: Just like these folks are doing, they would have to come before us to ask for waivers for any structure within 100' of a bordering vegetative wetlands.

Laura: Things are not built without our understanding of what resources are out there. We will let the homeowner know if there are areas that they cannot use.

Kevin Duncan, Abutter: Can you, the developer, discuss the stormwater feature right there? (At the edge of the road)

Rich Williams, Engineer: Side slopes at the edge of the outflow pipe, called a 4 bay, which traps the initial sediment, goes over a little berm about 3' high, and goes over into a larger area for infiltration and treatment. Anticipated lesser flow, off the site than there is now. During storm events there may be standing water, but it should absorb water within 72 hrs. Planning on keeping as many trees as possible. The town will maintain the drainage areas, they will mow after the roadway gets accepted.

Nick: How long a time typically before the town takes over? What happens between that time when the roadway goes in and the town takes over?

Rich Williams, Engineer: The developer owns the maintenance until the town takes over.

Jill Mann, Atty and Representative: As built that's delivered and needs to be certified that the ponds are correctly built, once the final topcoat goes on, you have to make sure it can withstand a winter, then you go back and the planning board certifies it, then you go to the selectmen, then you go to Town Meeting. It can take a while.

Bob Ferrazza, Abutter, 50 Searle Street: In the adverse event where is this water going to flow?

Rich Williams, Engineer: Right where it does now.

Bob Ferrazza, Abutter: Into your (the homeowners yard), Susan's yard and my swamp.

Rich Williams, Engineer: The idea is to not make it any worse.

Bob Ferrazza, Abutter: Thanks for moving the retention pond, I appreciate it. It addresses my concern. The vernal pool has a spillway that flows out toward my property.

Rich Williams, Engineer: Unfortunately we don't have a mechanism to change that, but the storm water systems will capture more than it does currently, so hopefully it will not be worse.

Laura: I would like to make a motion to approve 1 Wilkins Place, Rear Lisa Lane, 18 Lisa Lane & 44 Searle Street aka Turning Leaf (GCC 2013-23; DEP#161-0771) - NOI plan date 10/10/13 rev. 5/20/14 Special conditions land would be donated in one year of issuance of the OoC, no-cut bounds will be installed in markers attached when the siltation is installed, vernal pools to be certified by applicant within two years of issuance of the OoC.

John B: Seconded motion.

Steve: Will you send me a full set of clean copies next week?

Rich Williams, Engineer: Sure.

Motion passes unanimously.

John B: makes a motion to close.

Laura: Seconds motion

Motion carries unanimously.

10:08pm I-95 MassDOT (GCC 2014-17) RDA - NEW

Full width asphalt pavement excavation, micro-milling and relaying with Hot Mix Asphalt on the mainline and ramps, upgrading of guardrails, adjusting and cleaning of drainage structures, Resetting granite edges, installing transition curbing, rumble strips and slotted pavement markers.

Renata Welsch, Mass Dot, District 4 Environmental Engineer

To request a Negative determination for Applicability for the subject project 8.8 mile long. Georgetown will start just north of Georgetown/Rowley towline to Georgetown/Newbury town line. All of proposed work will take place within the state highway layout limits, basically edge of pavement to edge of pavement.

We will be working within riverfront resource areas. We will be crossing Muddy Brook, a tributary to Mill River and Wheeler Brook, a tributary to Parker River. We will be working within the 100' buffer zone of those waterways.

Carl: Is some of that endangered habitat area?

Steve: Yes, it probably nicks a spot.

Renata Welsch, Engineer & Representative: There are some vernal pools along I-95. The highways happen to be within, resources areas, so to protect those areas we will be installing erosion control barriers. Typically we will use filter tubing which is the equivalent of straw wattles, and silt socks in catch basin locations which are maintained throughout the duration of the project. In terms of actual work we will be stripping asphalt, milling it and installing a hot mix over lay 1 1/2" to 2" thick asphalt, upgrading guardrails, wheelchair ramps.

Cleaning catch basins and rebuilding them and bringing up any other drains and utilities to the level of the new road, other incidentals like marking the road, etc.

Carl: How long do you anticipate the project to last in our jurisdiction?

Renata Welsch, Engineer & Representative: It won't start until early spring, it will take 3-4 weeks going through Georgetown, that's probably pretty conservative, mostly at night to minimize the impact.

The project is in 75-90% design, we want to go out to bid in the fall and don't want to start in the winter, so we'll wait until spring. Both sides, and we'll do some ramps too.

John B: Steve will be involved once the siltation fences are installed.

Renata Welsch, Engineer & Representative: Yes, that's pretty typical, once they are in we will have the agent out to inspect them.

John B: I'd like to make a motion to issue a Negative determination, To have Steve inspect the siltation fences once they go in and to work with Steve in the field if any issues come up.

Laura seconds the motion.

No abutters.

Motion passes unanimously.

John B: makes a motion to close the RDA I-95 MassDOT (GCC 2014-17) RDA.

Laura: Seconds it.

Passes unanimously.

John B: makes a motion to close the meeting

Nick seconds the motion

Motion passes unanimously.

Meeting closes at 10:21pm