

## Conservation Commission Meeting November 13, 2014

Commissioners present: Carl Shreder, Lillabeth Weiss, Nick Feitz, Laura Repplier, and John Bell

Staff present: Susan Flint-Vincent

Items not reasonably anticipated by the chair 48 hrs. in advance of the meeting.

Hearings:

**7:36pm John Pingree - Synthetic Turf Advisory Committee, GAA**  
Discussion of a modification for the new turf field. 11 Winter Street DEP#161-0783; GCC  
2014-09

What we're doing is a slight movement of the scoreboard. It's a site line thing from the field. The scoreboard needed to be turned more and we couldn't do it from the location it was in so we want to move it back toward the parking lot, might be a foot closer to Penn Brook, I don't have an exact measurement.

Carl: It's about 10' from the resource area. It was close to begin with anyway.

John: 2 4'x6' concrete footings and steel I beams, with a 6'x4' sign hanging off of that.

Carl: Do we feel this is a minor modification? Or a major modification significant to the whole plan? If so they would have to modify a change to the whole plan, the whole hearing process.

Nick: I'm no engineer, but it sounds like it's a minor change.

Carl: If it's a minor change we can take a formal vote. If it's a significant change which would be a major change to the whole site plan. It is a whole shift in the project.

Laura: I'd like to make a motion to determine the proposed movement of the score board for the turf field is a minor modification to the original application.

Lillabeth: Seconds the motion.

Motion passes unanimously.

### **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.

James Dimento, chairman Park and Rec

Jim: You got the donation agreement?

Carl: Yes

Jim: Sent the copy to Jim Bussing in FL, he signed it. So now we can go and get the title search done.

Carl: Town Council did review this. It's my understanding that for the town to accept land both this Commission and the Board of Selectmen would have to approve it.

Jim: I did get an estimate from LEC for a water resource study of the ponds. I asked them to do a scope of work for one person from Gale Associates.

Park and Rec will take care of fencing the retention pond to prevent the turtles from getting into the retention area, or whatever the Conservation Commission decided was necessary and the Water Department agreed upon.

Carl: I would like to tighten up the language. Change "try to push" the activity, but make a definitive date.

Water Department said I was the scheduling authority, and I can make changes. Our proposal gets us off from 6:30pm to 9:00am. The only reason I said 6:30pm was because I didn't want games to go into overtime and not have them play.

Carl: It sounds like 2015 is a transitional year, there's no way we can lock down a commitment.

Jim: We can say that when these two conditions are met or 2016.

Laura: When is the turf field coming on-line scheduled to come on line?

Jim: This spring, theoretically this December, but there will be snow. It will really be when the Penn Brook fields come on-line.

Laura: When is Penn Brook scheduled to be up and running?

Jim: You got me on that one. We will have to come back to you with explanation Y. I'm willing to say 2016, but if there are extenuating circumstances, we'll have to come back to you.

Carl: I'm okay with that. I'd like to see something more committal with a date.

Laura: I'm ok with 6:30pm, especially because you're not scheduling past 6pm, it's more a buffer for just in case.

Carl: We have the agreement for Mr. Bussing.

Harry LaCortiglia, Planning Board: When the Planning Board gets a document, it's up to the Board what the final document says.

Carl: That's what we're talking about, what the final conditions are.

Jim: The Water Dept. is a little leery, because I'm with Park and Rec, if they are amenable to us haying we'll do it at cost. It was done before and it works, it keeps the ticks away from the other field.

Nick: Is there a gate that keeps people off the field after 6:30pm? Is it locked?

Jim: There is a gate. People park and walk around it. We try to lock it. It's done by the last person using the field, by the GAA. We can be more diligent especially during that month.

John B: I think the land is really worth it.

Laura: Makes a motion to approve the NOI for the East Main Street Park (GCC 204-09; DEP#161-0783) with the following conditions:

1. A Donation of Land outlined in the Donation Agreement (see attached) and Depicted as Parcel A in that document.
1. A Pond Habitat Study for the East Main Street ponds will be conducted according to the scope of work submitted by LEC.
1. A Trail Maintenance Plan will be developed to be determined with the Commission at a later date.

With regard to West Street:

4) Park and Rec will provide silt sock or other methods to deter turtle access to the detention pond. Water Department will install it prior to the turtle nesting season (May 30-June 28, 2015).

5) Park and Rec will require mowing 11am-2pm during the nesting month (May 30th-June 28th).

6) Park and Rec will hay the back field up to 3 times per year under the direction of the Water Department with the intent of increasing the survival rate of Blanding's Turtles.

7) Park and Rec will minimize activity on West Street fields for the nesting month (May 30-June 28, 2015).

8) From May 30th, 2016 onwards, Park and Rec will restrict the field usage at West Street to "No Field Use" after 6:30pm.

John: seconds motion.

Carl: Does the commission want to make the land donation agreement part the motion?

Laura: The conservation commission agrees to accept the land donation of parcel A on the donation agreement, contingent on the selectman's approval.

John B: Seconds the motion.

Motion carries unanimously, with one abstention.

John: Makes a motion to close the East Main St GCC 2014-09; DEP# 161-0783) NOI hearing

Lillabeth: seconds motion to close

Motion to close passes unanimously.

**8:33pm 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 Vegetated Wetlands

**8:34 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 the BVW.

**Eric Johnson, Edge Environmental, representing the owner**

Carl: We had requested some additional sampling, and your client had made some recommendations...

Eric Johnson: At the last meeting we discussed collecting soil samples from the proposed Conservation land site. My client agreed to do that, but he met with the ConCom and the DEP in 2008 and they did 3 soil samples then. My client has agreed to collect and analyze 2 soil samples for the Ricker metals.

He sees this as a concession, its cost driven.

Carl: Is there any way we could do 3? We need at least 3 for a statically significant data.

Eric Johnson: At that point we would have 5 from that area including the 3 we took in 2008. We could ask.

Laura: It's quite a large area, 26 acres.

Carl: This is the donation section, we just want to make sure that the property to be conveyed is not contaminated.

Laura: How much do these things travel that we're testing for?

Carl: Metals don't travel too far, organics can travel. It depends on soil and water flow, and a whole bunch of different things.

Eric Johnson: There were 13 samples across the site that were analyzed for metals. Barium was the only metal found on site, and it was naturally occurring. The detections were lower than the drinking water standard by 3 orders of magnitude.

Carl: Originally there was lead and PCBs on the site in soil.

Normally when you're going to clear anything you check for the VOCs and the Ricker metals. EPA and DEP both look for these to establish basic parameters.

Eric Johnson: My client did not agree to any VOC sampling for the soil, just in the ground water.

Samples were collected from this area, and the DEP agreed with the conclusions for the samples. 3 samples were done there in 2008. That wasn't part of the construction that wasn't really part of the junkyard.

Carl: The DEP was focused on the part of the site that had the bulk of the cars on it.

Laura: If there were actually metals in the soil, would that be a problem for them?

Carl: It depends on the metals, on water flow. Light organics can travel very readily, but they are not going to hang around for a long time. Heavy organics, like oil or PCBs can remain in the soil for a long time.

Laura: should we be focused on testing for those?

Eric Johnson: The soil samples were closest to the surface.

The last real sampling dates back to 2008.

Barium was found from 2006-2008 in the water samples in very small amounts.

Carl: They had gridded out the junkyard, but not the parcel out back.

Laura: How big is the sample size and the area?

Eric Johnson: Roughly 4' in diameter, on possibly 4 acres, but I don't recall at this time.

Laura: You would have to be exceptionally lucky to catch something worth paying attention to, with only two sample sites over a 4 acre parcel.

Eric Johnson: The NOI has to be withdrawn. The enforcement order has to be closed.

Carl: We have been operating under an enforcement order for about 14 years. The Order of Conditions was violated about 48hrs after it was issued. There was an argument between the previous owner and the developer. You are correct the Notice of Intent has to be withdrawn, we do not have quorum and we could not vote on it.

Eric Johnson: The owner would really like to close this out, and put this behind him.

Carl: I think everyone would.

Laura: (to Carl) You know about this kind of thing, what do you think we should do?

Carl: If I was going to buy an industrial property, we certainly would do more than two samples. Your lending institution would require that too, they don't want to get burned, nobody wants to get burned. Once you acquire the property and it's contaminated under Ricker and it's a Superfund site...we'll end up having to clean it up and the taxpayers will have to pay for it.

John B: The donated land is out back and closer to the water resource. Most of the land used for the junkyard was out front.

Carl: There were tires and debris scattered all along the periphery of the site.

Laura: So this donated land is beyond the wetland, closer to the river and the aquifer.

Carl: That's my recollection. The donation is really from a protection stand point, more of a buffer.

Carl: It seems crazy to me that the applicant doesn't want to do what needs to get done to close out the remediation portion of this project. I'd like to close this out too.

John: I don't think 2 test points are not enough.

Eric Johnson: 3?

John: 4 soil samples, to prove that the land is not contaminated.

Carl: Concurr, I'd like to see both metals (TCLPs) and VOCs.

Eric Johnson: Totals are usually done (Total # of metals in a sample, as opposed to TCLP - what can leach out of the sample with a weak acidic solution, ie. acid rain, and be freed up). It's glacial till situation, which has a very low permeability, so water does not readily move through it.

John Bell: The land borders our Zone 2 wellhead.

Eric Johnson: On the ground water we would like to sample 8 wells, you pick 'em and we'll analyze for VOCs. We don't think there is a problem with the wells. We detected benzene above the standard in one well out of 65 wells across the site, on two occasions. The concentration diminished over time, likely because of the clean-up, or because there wasn't much there to begin with. They did not sample on the land to be donated.

John: 4 samples for the soil (metals and VOCs, check on the v-clip) and 8 for the ground water sampling metals and VOCs would close out the clean up and start on the construction part. We would like to see it cleaned and closed. Maybe a T-clip for the ground water samples.

John Bell: Make a motion to continue Tidd's Junkyard (GCC 2007-11; DEP# 161-0666) NOI and Tidd's Junkyard (GCC 2007-12; DEP#161- 0661) NOI to December 11, 2014 to 7:00 and 7:01pm.

Lillabeth: seconds the motion.

John Bell make a motion to accept the CoC for 1 Spaulding Road plan dated 11/17/14.

Laura seconds the motion.

Motion carries unanimously.

John B: Makes a motion to pay the bills.

Laura seconds the motion.

Motion carries unanimously.

Carl suggests that we check the water bill at the Community Gardens

John: Makes a motion to close the meeting

Lillabeth seconds the motion.

Motion passed unanimously.

Meeting closed at 9:52pm.