

Committee: _____ Conservation Commission _____

Date: _____ October 15, 2015 _____

Time: _____ 7:00pm _____

Location: _____ 3rd Floor Town Hall _____

Members & Staff present: __Nick Feitz, Andrew Currie, Rae Ann Baldwin, Laura Repplier, Carl Shreder, Lillabeth Weis, Susan Flint & Steve Przyjemski

Members not present: _____ Rachel Bancroft _____

The meeting was called to order at: _____ 7:06pm _____

Meeting Motions / Actions and Summary of Discussions:

Hearings:

2 Fieldstone Lane (GCC 2015-12; DEP# 161-0810) NOI - NEW Septic System Upgrade

Jim Scanlan, representing Thomas Savage, homeowner

Septic system is in failure, homeowner is selling the home, and they are looking to do an upgrade of the septic system.

Two resource areas, one smaller wetland on property, as well as a wetland across the street. The septic tank will be connected to the existing pipe out of the house, the tank, pump chamber and piping between the two will be within the 100' buffer zone of the wetland, leaching field outside the buffer zone. There are no DEP comments.

Steve Przyjemski: I've been out to the property, I have no concerns, it's as far away as possible within reason.

Jim Scanlan: All up in here is all ledge, rock outcrop.

Nick Feitz: How far is the Parker River from the property? It's over 200', right?

Steve Przyjemski: It's around 1/4 mile away.

Carl Shreder: And it's not in a National Heritage area, I'm assuming?

Jim Scanlan: No.

Steve Przyjemski: Are you looking to install this season?

Jim Scanlan: Yes, the homeowners would like to install as soon as possible.

The board of health has approved it.

Right now it has a conventional system with leaching pits.

Carl Shreder: Given the lot there are not a lot of options.

Are there any abutters to 2 Fieldstone Lane?

Any special conditions you'd recommend Steve?

Steve Przyjemski: No, just not accepting the wetland line.

Nick Feitz: I make a motion that we move to accept 2 Fieldstone Lane, (GCC 2015-12; DEP# 161-0810) NOI - NEW
Without accepting the wetland line.

Laura Replier: Seconds the motion.

Motion carries unanimously.

Nick Feitz: Makes a motion to close 2 Fieldstone Lane

Laura Replier: seconds.

Motion carries unanimously.

7:14pm Chaplin Hill Road, Brook Street and Central Street (GCC 2015-13) ANRAD - NEW

Fred Fahey, Premier Property Group, representing applicant

Requesting an ANRAD of delineation of resources on site.

Carl Shreder: Normally the process is that we would have a 3rd party review, then there would be a site walk with the commissioners.

We are at the close of our season right now.

Fred Fahey: Will the peer review be done this fall?

Carl Shreder: We can authorize the peer review, but it doesn't become accepted until we, as the commission go out, look at it and verify. We set up a hearing very close to that review, so we can proceed and finish the project.

Steve Przyjemski: By the regs, it would be able to be done after April 15th. Historically regardless of when the time frames are, the Commission authorizes the agent to get an estimate for the 3rd party review, get it set up, get a check for the amount, deposit it, then I can sign a contract and the work can start. We can get ok to proceed from the commission, get everything all set up, but the actual work cannot be performed before April 15th.

Fred Fahey: Could we engage the peer review now? Let them determine if it's still adequate for them to do their job? If not, then that's their decision.

Carl Shreder: We are trying to follow the regulations, it's a big project. We've adopted these because mistakes have happened during these "non-growing" times of the year. That's why we do this. You've got a big parcel, we want to make sure we get it right and that will allow you to have an appropriate completed plan.

Fred Fahey: Okay, so there probably won't be a peer review until next spring. I'm worried about maintaining the flags. People go out there...I want to make sure that the work we did, is protected.

Carl Shreder: The process is that your consultant will get together with our consultant and they will compare notes. Unless anyone has any heartburn over this, I'd like to follow our regulations. We can authorize the agent to engage the third party review, but they will do the work as the regulations say, but immediately post that, we can go out and do a site walk, verify and we can vote on where the resources are, and accept that.

Nick Feitz: It's a big project and I agree, it's important to get it right.

Laura Replier: I'd like to make a motion to authorize the Conservation Agent to engage a Third party review for the project at Chaplin Hills for a Resource delineation in our next delineation season, starting April 15, 2016.

Rae Ann: seconds motion.

Carl Shreder: I would add that we engage BSC, if possible. Is there any further discussion?

Passes unanimously.

Carl Shreder: Since we have a number of people here, I'd like to open it up to a butter comments, but I do want to let everyone know, we're just talking about resources, not developments, not roads, just resources, so please limit your comments to wetlands and streams, etc.

Roger LaPointe 3 Chaplin Hills Road: We've been in conjunction with a number of meetings, this is our association along with some Brook Street residents as well. Today we walked the property around 11am. My question is in reference to the flagging. We saw on the trees yellow and red striped banners, that said B126 and B125, which I gather is the road going between the two trees? I didn't see any flags on the ground anywhere. Can you tell me what color the flags are? And when they would put them down? We walked all around and didn't see any flags anywhere.

Fred Fahey: Normally I'd use a blue flag, I'm not sure if they used metal tags or not. I believe some of the striping tape is where they took photos.

Steve Przyjemski: There is a B series. Each wetland has its own number. At the moment all the flags you see are for resources. But if you see a flag out there, it has a corresponding flag on the plan. Usually they are hung on branches of trees about 2' off the ground so the surveyors can pick them up with their equipment. They are never on the ground, surveyors can't pick stuff up that's on the ground. There's not a standard. There are hundreds of flags.

Carl Shreder: I will ask the applicant that when we get to the season that you authorize us to go on the land, both the Third Party Review and the Commission itself.

Fred Fahey: Sure.

Steve Przyjemski: Can you send us something in writing?

Carl Shreder: It can just be a quick note, just so we can have it in the record, so there's not a trespass issue for the Commission.

Ty Cobb, 4 Chaplin Hills Road: In terms of trespassing and making sure you have approval, are you the current owner of the land?

Fred Fahey: No, we're under contract to develop it. I know the owners will have a problem people walking on the property without written permission. I have to give them 24 hr notice before I go on it.

Carl Shreder: When it comes to site walks, we will ask the question of the land owner, and they can say, "Yea," or "Nay," but we do ask if abutters can come on the site walk with the commissioners.

Fred Fahey: Right, we can get permission for that.

Ty Cobb: Has there been reviews in the past?

Steve Przyjemski: Historically, officially, it's only been reviewed once by the Commission, but I've unofficially walked it probably six times with six different developers in the 11 years I've been here.

Carl Shreder: Any time we accept the wetland line, they are only good for 3 years. As many of you know wetlands either grow or shrink, they are always in a state of flux. That's why we have to do this periodically.

Roger LaPointe: Can I submit to the board paperwork that has been collected from Town Hall from prior Planning Boards and Selectman's comments on the property?

Carl Shreder: Feel free.

Steve Calabro 8 Chaplin Hill Road: It's a very large project, over 100 acres. We did look at the plan and we were concerned about the scale of the plan. We were hoping we could see a

drawing with a larger scale could be provided. I think the scale is: 1" = 150', so the thickness of the wetland line is probably + or - 10', so we were wondering if there was a requirement for the scale of the drawings that would be provided? With a large scale plan like that

Steve Przyjemski: I'm not familiar with any requirement. This is a workable size for the field, but if you're not used to working at this level, I can see where a larger plan would be helpful. I'm sure that's something that the engineer can easily do.

Steve Przyjemski: Per Carl's original discussion, we're not talking about roads, we're talking about resources. Sometimes they are based on contours, but we concentrate on the soil, the vegetation and the hydrology. You don't do that based on whether you're at the bottom of a hill or at the top, you do that everywhere there are wetland indicators. Sometimes you have wetlands perched. Contouring helps orientate you, but it's not really part of the discussion.

Steve Calabro: Isn't there a pond and a river that is on the property that isn't shown on the drawing.

Andrew Currie: There are a couple of brooks indicated.

Steve Calabro: We really aren't happy with the quality of the plan.

Meredith Borenstein New England Environmental: I did the flagging out there. Yes, there are ponds and brooks on the site. They are encompassed in the flagging that is there. At times the flags represent BVW and at times they represent bank of the brook.

Carl Shreder: You wouldn't happen to have a full-sized plan we could look at up here?

Meredith Borenstein: I don't.

Roger LaPointe: I do.

Carl Shreder: If you could give an executive summary or what you did.

Meredith Borenstein: Sure, Photo# 1 in the application shows the pond near the power lines. The flags we are talking about are the B wetlands series B111-B123. So it is shown on the plan, it's just not labeled as a pond. The pond is very wet, and the wetlands were above the pond edge.

Steve Calabro: I'm not happy with the quality of the plan. If there's a pond, it should be shown. If there's a stream or a brook, that should be shown.

Meredith Borenstein: I'm not sure that's part of the ANRAD.

Carl Shreder: We've opened this for public discussion, This is the start of the process, we're just trying to figure out what and where the resources are. Don't get hung up on this particular plan, there may be many renditions, before we agree and lock down the wetland line.

Meredith Borenstein: We don't typically

Steve Calabro: Once the wetlands are locked down, that is what is used going forward. We want to make sure that the wetlands are delineated correctly, and all the wetland related features are shown on the drawing, moving forward.

Carl Shreder: Noted. That's why we have 3rd party reviews and that's why we do site walks.

Steve Calabro: For the record: We're not happy with the plan, we feel the scale is too big, a lot of the wetland related features are not shown on the plan, the wetlands are not shown on the plan.

Fred Fahey: For this purpose of the delineation you don't want it too busy. Eventually it will be a much more detailed plan once the wetland line is established, but for the purpose of the board so they can see what we flagged, this is the plan the regs require.

Meredith Borenstein: This is a map you can take into the field, it's all on one sheet.

Carl Shreder: Your comments are noted. We will make sure we have a plan that has the information that's supposed to be on there. Over many years of doing this that's why we have the regulations the way they are.

Tara Peters 23 Nelson St: Most people here are from Chaplin Hills. This obviously is a huge project that covers a very broad swathe of land, people in Chaplin Hills are not the only ones effected. On the very back of my property, is a wetlands not noted on the map, that is teeming with peepers in the spring. It's frozen over in the winter and abuts the project. Has there ever been any discussion about nutrient runoff into Baldpate Pond?

Carl Shreder: That would be the next phase, this is the preliminary part of the project just determining what the resources are, thank you for the comment.

Steve Calabro: Could you tell us what firm flagged the wetlands.

Meredith Borenstein: New England Environmental, flagged by Meredith Borenstein, Certified Wetland Scientist and a few assistants on September 25, 2015.

James Oerth, 2 Chaplin Hills Road: Is protected wildlife part of this discussion on resources?

Carl Shreder: If there are endangered species, that's part of the process. We have to get comments back from the state and National Heritage to see if there are any areas of concern, that's part of the process.

James Oerth: Is that information available to the public? What species are protected?

Carl Shreder: It is, but when they determine what species is there, they are kind of secretive because they don't want people to cause problems. They don't want people to move it or damage it.

Meredith Borenstein: For the record we submitted a National heritage/Endangered Species map with the ANRAD. (National Heritage maps the whole state for rare species and we have that information available.) There is no rare species mapped on this site. They did map a potential vernal pool off property, it's adjacent to the south/eastern property boundary.

Carl Shreder: Our regulations assume it's a vernal pool unless it's proven otherwise. If the vernal pool is within 200' you would still have to identify that. We want to know the connectivity of other things off the site. We want to know if there are other resources that impact the site.

Meredith Borenstein: That would have to be addressed later if a project was proposed. I don't think that would be part of an ANRAD, because it's not a wetland line.

Carl Shreder: We would need that identified.

Steve Przyjemski: Historically we have.

Carl Shreder: The potential impact, you have to know that upfront. If there's a stream going by or a resource, you need to know about that because once you get to the next phase, something might be slated to go right in an area that has a greater impact on that resource right off property. We would definitely want that. We're trying to give you constructive criticism, so you can get a final copy in as revisions as possible.

Yuri Erokhin 7 Chaplin Hills Road: Is this process outlined somewhere, so someone like myself could come up to speed as far as what the next phases are?

Steve Przyjemski: That's where I come in. You can call or e-mail me, if people want to get together so I don't have to do this multiple times, that's my role, I'm the agent. This is the Commission, they make the decisions, I just facilitate let everyone know what is what.

James Oerth 2 Chaplin Hills Road: As part of the resource consideration, is the water table and aquifer all that considered?

Carl Shreder: Ultimately that does come into play in terms of activity out there, absolutely. Yes, we need to look into what feeds them, sure. It can be long and complex especially on a large parcel.

James Oerth: I imagine that a development of this size, you're going to redirect all that water and pass it right through the town and on to the next one.

Carl Shreder: As I understand it, it's not permitted in a development that causes water to be redirected and cause damage to other people's property. That's part of the process that that does not occur. You cannot redirect all your storm water to someone else's land, that's not legal.

James Oerth: I want it to go down into the ground.

Carl Shreder: That's why you design storm water systems, infiltration systems, these are things that have to be factored in. They add impervious things and such, but we're getting way ahead of ourselves.

James Pizza 33 Nelson Street: I had flags going through my property, 31, 33, and 35 in the springtime. Did you put those in also?

Fred Fahey: We were looking at alternative access sites to the site. I can't remember which address we were negotiating.

James Pizza: 31 Nelson Street.

Fred Fahey: I can't remember which address we were negotiating to purchase their property, obviously we had to flag it to see if it was any better, than any of our other pieces, so that's probably where the flags came from.

That was a separate flagging that's not part of the ANRAD.

James Pizza: That access isn't going to happen on Nelson Street? It's off the table?

Fred Fahey: Correct.

Abutter: I had a question for Meredith, or the Commission in general, and I'm only armed with High School Biology. My property is overrun with frogs at night, so my assumption is there are vernal pools back on this land. Is it typical when a review is done at the end of summer and this stuff is dry that potential vernal pools wouldn't be identified that would be identified in the spring?

Meredith Borenstein: You have to assess vernal pools in the spring. You can't do a wildlife assessment in the fall, only in the spring. I was just flagging wetlands.

Abutter: You made a comment that there are no vernal pools.

Steve Przyjemski: There are no known vernal pools.

Meredith Borenstein: I was just looking at a map.

Carl Shreder: If we see something suspect, our regulations say we presume it is until it's proven otherwise. The commissioners will let you know tonight when the next hearing is, and it will be posted on the Town Hall site. Steve is our full-time agent, he can keep you up to speed.

Meredith Borenstein: I was wondering if you have engaged a peer reviewer at this time.

Carl Shreder: We made a motion to authorize our agent to contract a 3rd party peer review. That's going to happen in the spring as our regulations indicate.

Meredith Borenstein: I have a request for the commission to consider, to engage the peer reviewer now, herbaceous vegetation is still intact. Can the peer reviewer decide?

Carl Shreder: We're trying to follow our regulations that has been developed over many years.

Meredith Borenstein: I understand, it was just a request.

Steve Przyjemski: They already voted on that.

Carl Shreder: Steve can write the purchase order to do the work, but the actual date will be after April 15th, and then we can go on a site walk. The next hearing will be post that review so we have some data to look at. At that point we would set up an extra site walk, and I'm assuming you would be able to go on that site walk too? Or someone from your office?

Meredith Borenstein: Meredith Borenstein: Sure.

Abutter: Just for the record, on behalf of everyone in this room, we appreciate the commission sticking by the regulations to delay the review until after April 15th.

Steve Przyjemski: Can I just give some feedback on the site plan? It would be really, really nice if for the next meeting we could have a plan to present that's viewable to everyone on the board. Also the plan should be cleaned up a bit. The buffers (50', 75' & 100') should be removed, if we're not talking about buffers to clean up the plan. Colorize the plan so people can distinguish the sites. Show the resources that are off-site.

Carl Shreder: And to make it viewable on camera.

Fred Fahey: I don't want them to think we're not prepared. These are things that are not normally asked for at this point. This is so preliminary. That to even have discussions with the public is not even normal.

Carl Shreder: It is a public hearing. I opened it up to the public, I don't want to shut them off.

Fred Fahey: I understand. I don't want them to think we're not prepared, it's just not normal to bring them to the submittal hearing, that's my point. We're just trying to establish the wetlands. We have no other plan until we know what the wetlands are.

Laura Replier: Mr. Chairman I'd like to make motion to continue Chaplin Hill Road, Brook Street and Central Street (GCC 2015-13) ANRAD to May 19, 2016 at 7:00pm.

Nick Feitz: seconds the motion.

Motion carries unanimously.

Rae Ann Baldwin: Makes a motion to approve the bills as read by Steve.

Laura Replier: seconds the motion.

Motion carries unanimously.

Lillabeth Weis: Makes a motion to approve the minutes for 9/17/15.

Laura Replier: seconds the motion.

Motion carries unanimously.

Steve Przyjemski: Update on the Open Space Plan: By the next meeting you will have the update of the latest and greatest draft. I'm hoping we can remove the draft component, but that's for you all to decide. We'll try to get it out in the next 2-3 weeks, so you can review it before the meeting.

Carl Shreder: Please review it, because we do want to bring this to fruition and we have to submit it to the state.

Steve Przyjemski: Lillabeth is the Conservation Commission rep for CPC.

Lillabeth Weis: CPC there's been money set aside for several projects.

Steve Przyjemski: There's 2 or 3 accounts for Open Space access and improvements, and 2 or 3 for Pentucket Pond aquatic management.

Lillabeth Weis: They are anxious to move on them. There was money set aside for addressing that aggressive pond weed, fanwort, in Pentucket Pond.

Steve Przyjemski: There are 3 accounts set aside for that. One has \$600, one has \$60,000 and one has \$15,000.

Lillabeth Weis: I was asking them if there is a way for us to use some of that money to investigate a more organic way to treat it other than dumping herbicide into the pond.

Carl Shreder: We worked this issue for a good part of a year and a half. The only other method is drawdown. We ran into difficulties with National Heritage for doing that. They wanted us to buy a computer controlled dam so we could regulate and monitor the drawdown of

the state's pond. That's quite expensive to do that. Basically it's a simple process to draw down the pond.

Lillabeth Weis: There's something to do with the dam, that wasn't working right though.

Steve Przyjemski: It's not controllable enough. We can't adjust it. We have a gate, it's in, and it's out. They want us to be able to control it to the inch and to manage it on a daily basis according to all this criteria, and no one could figure out what the criteria was appropriate.

Carl Shreder: So I asked them for funding, and they said they had no funding for that.

Steve Przyjemski: I was looking to use those funds for another purpose. I don't know if we can redistribute it. So I was looking to go to CPC for this coming cycle using the money from fanwort, for treating or at least evaluating what the best solution for milfoil in Rock Pond would be. Often it's herbicides.

ACT is the only licensed company to treat ponds with herbicides in Massachusetts. (Sonar is what we used before at \$4000/gallon.)

Laura Replier: We looked at a lot of alternatives. We looked at drawn down that was complicated by the dam, and an endangered fish called the Bridle shiner, we looked at benthic layers - thick matting laid on the bottom of the pond to smother the fanwort. None of those were judged to be effective: the benthic layer was not going to be effective at all - every piece that broke off formed a new plant, drawn down - more destructive than effective, hand weeding, nothing was as effective as sonar. We were about to lose the pond. The concentrations needed were so minuscule that it would kill the fanwort and not affect the water quality.

Carl Shreder: It's effective, but only for a few years. It's something you have to keep doing in perpetuity. Once you have an invasion that starts, you can only hold it at bay.

Steve Przyjemski: We did two treatments. The first treatment was around \$40,000, and the second was around \$50,000. That's why we asked for \$60,000.

Steve Przyjemski: For a drawn down, you want to hit the lowest level right before the first freeze to kill the roots, but be able to fill it up in time to protect all the endangered species. There's no guarantees. National Heritage didn't say, "No", but we never came to any conclusions. Abutters on Rock Pond, re: milfoil, have brought ACT in for a quick and dirty survey of the pond, and it's everywhere.

Lillabeth Weis: Herbicide, only keeps it at bay. We do some research on microbes, to see if there's anything new to kill it back.

Steve Przyjemski: We can ask the experts if there's anything new. They will be in front of you, so you can ask those questions. We can hire a 3rd party review to look at both.

Carl Shreder: In the future, we should filing for both ponds and get the money set up to treat for both ponds at the same time.

Lillabeth Weis: I don't know about ponds, but when you use herbicides, you set up a situation where the only thing that can grow are invasives.

Carl Shreder: Bob Morehouse recently passed away, he spent many years contributing to purchase Camp Denison and rehabilitating it. I'd like to have a moment of silence for Bob. He contributed a lot to the protection of resources in the town.

Thank you.

Andrew Currie: Jim Lacey wants to resubmit plans to increase the quality of the roadway. I met with Bob 4 or 5 times this last week because of this and I could see his intensity and I could see why he did a lot for the town, and pushed forward to get things done.

Steve Przyjemski: Bob donated a large part of the land of Wheeler Brook farm for a conservation restriction. He was passionate about agriculture.

Laura Replier: He certainly spread a lot of joy about agriculture throughout the town. He really pushed the cause of agriculture and conservation way forward for so many children and families.

Carl Shreder: Agriculture is disappearing rapidly from this part of the country. People don't have any sense of agriculture, it's so distant. They are very much removed from their food source.

Lillabeth Weis: Makes a motion to close the meeting.

Laura Replier: Seconds the motion.

Motion passes unanimously.

Meeting closed at 8:22pm.

Discussion:

List of Documents and Other Exhibits used at Meeting:

Documents and Other Exhibits used at meeting will be available for review at: ___the Conservation Office_____

(Office)

Meeting was adjourned at: _____ 8:22pm_____

Next meeting:

Date: _____ November 12, 2015_____

Time: _____ 7:00pm_____

Place: _____ 2nd Floor Meeting Room_____

Respectfully submitted,

Chairman: _____
(Signature)

Minutes approved by Committee on: __November 12, 2015__
(Date)