

Committee: \_\_\_\_\_ Conservation \_\_\_\_\_

Date: \_\_\_\_\_ March 19, 2015 \_\_\_\_\_

Time: \_\_\_\_\_ 7:00pm \_\_\_\_\_

Location: \_\_\_\_\_ 3<sup>rd</sup> Floor Town Hall \_\_\_\_\_

Members & Staff present: \_\_\_ Carl Shreder, Laura Repplier, Andrew Currie, Nick Feitz, Lillabeth Weiss, Rachel Bancroft, Steve Pryzjenski, and Susan Flint-Vincent \_\_\_\_\_

Members and Staff not present: \_\_\_\_\_ John Bell \_\_\_\_\_

The meeting was called to order at: \_\_\_\_\_ 7:08pm \_\_\_\_\_

Minutes from the \_\_\_\_\_ Meeting were reviewed and approved with \_\_\_\_\_ adjustments.  
(Date)

Meeting Motions / Actions and Summary of Discussions:

**211 Pond Street (GCC2014-24; DEP#161-0796) NOI**

Laura made a motion to continue until April 16, 2015 at 7:00pm.  
Rachel seconds the motion.  
Motion passes unanimously.

**Letter for Tidd's Junkyard** – Commissioners agree to sign-off on “No more Sampling” letter, unless further contamination is found.

**Support letter for Parker River Clean Water Association Turtle Head start Program** – Conservation Commission has agreed to pledge a total of \$4000 for a two year period. This also helps with an Environmental Trust Application for a grant.

This is the same protocol as before, bringing in baby turtles to classrooms to help them reach a size that gives them a better shot by the time they are released into the wild.

**Laura:** Statistics are that if they are left on their own in the wild out of 1000, 8 will reach maturity and grow up to breeding size. Head start the turtles for one winter season (you can't keep them over a year because then they lose their ability to get food and fend for themselves) 300 will survive to breeding age.

I have two (turtles) in my classroom, they were 8 grams when we got them and are now 62 grams, they will be almost 100 grams by the time they are released in May. Reaching that size in the wild would take 3-4 years because of that long brumating period they have over the winter. The Blanding's take 8-13 years to reach maturity to breed. They travel long distances, so the road kill factor is huge. That's why they are endangered. Their habitat, like our West Street fields, are very attractive.

**Lillabeth:** Mr. Chairman, I make a motion to authorize Carl to sign the letter from the Parker River Clean Water Association to the Environmental Trust for the head start program for the Blanding's turtles.

**Rachel** seconds the motion.

The motion authorizing the Commissions support of the Blanding's' Turtles Head start program passes unanimously.

**Nick:** Makes a motion to pay the bills as read by Steve.

**Lillabeth** seconds the motion.

Motion to pay the bills as read by Steve passes unanimously.

**175 Central Street (GCC2014-25; DEP#161-0797) – NOI**

Steve: The applicant asked for more time.

**Laura:** Mr. Chairman I make a motion to continue 175 Central Street (GCC2014-25; DEP#161-0797) – NOI To April 16, 2015 at 7:15pm.

**Rachel** seconds the motion.

The motion carries unanimously.

**Workshop in the Woods Legal Contract is up for signatures.**

**Steve P:** There's a new group that's taking over Workshop in the Woods. They are getting ready for the new season. The Commission is the signing the legal contract with the Workshop in the Woods. They added in a condition for water usage, for the applicants to pay a portion of the water bill during that time because they use such a large amount of water. If you haven't had time to review it we can vote on it at a subsequent meeting.

**Laura:** They have not raised their rent this year because they are a new organization and they want to be supportive of them. They had also raised Stacey's rent last year and didn't feel the need to raise it again this year.

**Nick:** We should get a Certificate of Insurance verifying that they have coverage for at least a million bucks.

**Andrew:** It's for a million. There's an indemnification statement in here. (the contract from WIW)

**Carl:** We should have a current copy of their Certificate of Insurance on file for these folks.

**Steve P:** Historically the commission has sponsored 2 children at \$600 each/session for local Georgetown families that cannot afford to send their children to the camp.

I'll put the contract on the agenda for the next meeting to give the commissioners a chance to review the contract more thoroughly.

**304 Central Street (GCC2014-26; DEP#161-0798) NOI**

**Brian Cassidy,** Atty on behalf of the applicant James Motzkin

**Bill Manuel,** Wetlands Land Management

**Bill:** We've come up with a scenario where we've chopped off a bit of the farmer's porch and to move the structure up and out of 75' no build buffer and 100' from the river and 100' from the annual high water.

We've eliminated a storm water treatment basin that chewed up vegetation and area within the 100' buffer zone and put in underground infiltration chamber to handle the roof runoff and infiltrate that into the ground outside of the 100' buffer. We will restore ~2530 sq. ft. once the barn is taken down. 1 ½ x convert lawn (~1400 sq. ft.) to brush/marine habitat, put shrubs 850 sq. ft. to further naturalize. Any area to the south of the "no disturb" bounds will cease to mow. Totaling almost 4000 sq. ft. of riverfront restoration area. Put in some pines to screen the barn from the house.

**Brian:** We spoke to the Historical Commission and they were trying to raise the money to move the barn. In the old scenario, the barn would have to have come down right away. In this scenario, it's not imperative that the barn be taken down now. We could give them some more time to come up with the money they need to move the barn.

**Carl:** The Commission (Conservation) can approve the removal of the barn on this NOI.

**Brian:** That is our intent.

**Steve P:** The old road to the barn, there's a presumption that the road will be returned to natural state, but it's not shown on the plan. Stone no-cut bounds, will go in during the initial construction. Am I hearing that right that we'll have first right of refusal on the barn for 3 years? Or is that more of a discussion?

**Brian:** No, it's a discussion issue. We're going to continue to have on-going discussions with historic people. There is a time window of 3 years for the Order of Conditions. I rather not be bound by language, but we are working with them. The framing and timbers inside are more historic, than the sheathing and the roofing and so on.

**Laura:** I would rather the foundation not be filled, it's so beautiful and historic. It's a not going to create a dangerous hole situation, it's more of a wall than a hole. It's like a walk-out. Plus it's filling inside the 75' buffer, so I'd rather it not be filled.

**Brian:** The new site of the barn would not be into a hill, so it would just be wood below the sill now sitting on the wall. My only concern in terms of the drop off would be a safety hazard. Maybe we could do something with minimal filling against the wall to leave as much of it exposed as possible. I think that a 3' drop is really getting into a safety issue here.

**Bill:** Under the barn its rubble and sand, we would need to decompact the pan and augment with soil.

**Brian:** There would have to be some fill for the plantings. We can try to minimize the amount of filling so we can expose as much of the stone foundation as possible.

**Lillabeth:** Warns about being careful about where you get your fill because you could be bringing in invasives. She would rather see the area augered to break up the pan, then add some fill.

**Carl:** I'm happy with where the new building is located and the excellent job you did to get it out of the resource area. Do you want to put language in the Order of Conditions re: the barn issue?

**Brian:** I respectfully think the language is beyond the bounds of the Commission jurisdiction in terms of the obligation. Mr. Motzkin is voluntarily giving the town a gift. We will continue to talk to the town, but if it's something the town cannot do, at some point the barn needs to come down. I don't want to tie Mr. Motzkin's hands from alternative opportunities. CPC is not the only way to get the \$60,000 to take down the barn.

**Steve P:** I've heard a commitment that they are willing to work with the Historic commission.

**Brian:** I can't put a time limit on that, but if something comes up sooner, I don't want to see my clients hands tied. The barn doesn't have any historic designation.

**Carl:** Maybe a memorandum of understanding with the Historic Commission of trying to save the barn or move it?

**Brian:** We can do that outside of the Order of Conditions.

**Carl:** I don't know if we can hold it up for that, they are doing what we have asked. I don't think we can give conditions for working with the Historic Commission. Just that they are willing to save the barn or move it.

**Laura:** I think it's worth a lot of money in terms of architectural features.

**Laura:** Mr. Chairman, I would like to make a motion that we accept the NOI for 304 Central Street plan revision date 3/10/15, not accepting the wetland line, with the understanding that the applicant will work with the Historic Commission as much as possible protecting the historical barn. Let the applicant work with the agent in the field to make any necessary adjustments re: leaving the stone foundation in place unless the Historic Commission is able to move it.

**Lillabeth:** Restoration with Quaking aspen, chokecherry and white pine, working with the agent for more of an understory in the field.

**Lillabeth:** If someone else wants the barn, and will save it and rebuild it, I don't see anything wrong with that. It doesn't have to be the Historical Commission.

**Andrew:** Seconds the motion.

Motion carries unanimously.

**Lillabeth:** Makes a motion to close 304 Central Street (**GCC 2014-26; DEP#161-0798**) **NOI**

**Laura:** Seconds the motion.

Motion to close 304 Central Street (**GCC2014-26; DEP#161-0798**) **NOI** carries unanimously.

**340 North Street (GCC 2015-01; DEP# 161-0801) NOI**

**Steve P:** The DEP# was issued.

**Nick:** Makes a motion to approve 340 North Street (**GCC 2015-01; DEP# 161-0801**) **NOI**.

**Rachel** seconds the motion.

Motion carries unanimously.

**Laura:** Makes a motion to close 340 North Street (**GCC 2015-01; DEP# 161-0801**) **NOI**.

**Nick:** Seconds the motion.

Motion carries unanimously.

**14 Hillside Drive (GCC 2015-02; DEP# 161-0800) NOI**

**Andrew Greenfield,** owner

**Matt Stienell,** Millenium Engineering, engineer

Green cards turned in by Matt Stienell.

Part of original development for Hillside Drive for Camelot Realty. He would like to do a little addition off his porch and move the garage.

Found two outstanding OoCs, one was redundant. The first was from the original development back in 2000 OoC, work was never started, and the second one was a revised updated plan 2003.

West Environmental did a wetland delineation in December. As built, existing conditions that we've started our project with.

The actual footprint of the house is smaller than the original plan, and shaped slightly different. The deck is moved closer to the wetlands, but it is smaller as well. We believe the differences to be negligible. The hammerhead on the driveway was never put in. There's a patio and gravel under the deck currently. Under the decision impervious and there's impervious stone in front of the deck.

**Steve P:** The CoCs are unable to be closed out because I cannot visually inspect the property because it is under 2' of snow. I can handle this offline. I can recommend moving forward with the Notice of Intent for the newest project.

Commission is okay moving forward with the new NOI.

**Matt:** The majority of the new work is outside of the 100' buffer. Redhammer Construction, is the builder. Andrew Courtney contacted Millennium Engineering, their crew staked out where they wanted to do the addition and we sent a survey crew out to investigate the site. The result is the proposed construction of a 20' x 18' garage flush with the face of the existing side of the building, to the rear, which would then interfere with the existing deck, so a new deck is being proposed, 18' x 18' behind the garage. The only portion of the property that would be within the buffer zone is a little bit of the garage and a small portion of the driveway to make it easier access to pulling into the garage. The deck is outside the buffer. There is a rather steep slope there, applicant agreed that the guard rail would be installed, post and rope or post and rail system.

There is a (granite) Bound is outside the 100' buffer, applicant would like to move the bound, so he could move a shed down closer to the 50' buffer, where the other bounds are located.. The no cut bounds are mostly at 50' then it bumps out to 100', probably to mitigate somewhere else in the subdivision.

**Steve P:** The deck, the driveway, the guard rail are all outside the bounds. We haven't ever moved the stone bounds, most likely it was to mitigate for somewhere else in the subdivision where they were closer than 50', but I don't have that information right now. I'll have to go back and look at the minutes.

**Carl:** As a rule we've never allowed bounds to get moved because we get those requests quite often. They are supposed to be there in perpetuity, not just for people's convenience to move them around.

**Matt:** The applicant has said he would be amenable to planting uplands. The applicant would like to clear pricker bushes, take out some sticks and leaves so his children can play there safely.

**Andrew Greenfield:** Is there an option for the Commission to give me some flexibility to do some of this work, again no building, no cutting, to help clean up that area, without moving the bound?

**Steve P:** So if we kept the "no cut bounds" where they are, you can still do your whole project because that meets the regulations. I don't see it giving any latitude, it's working with anyone that comes in that has issues with poison ivy and invasives, and things that make it very difficult to use that area. I can work with you off-line, you don't even have to go to the commission for something like that.

**Andrew:** There is a natural contour on the property and a stone wall and a drop off. It would be a natural point, to prohibit further work.

**Matt:** I like the idea of working with Steve on this. I would like to see if the Commission is open to language the area being defined as between the wall, so it is in the minutes, it doesn't have to be part of anything else.

**Steve:** I'll document our discussion so you have that for your records.

**David Surface, 2 Little Hill Lane:** The condo association requires proof of permits, proof of permission to do things. This adds another layer. We would like to see the language documented, so the homeowner has it and can show the condo association. We obviously discourage homeowners, from encroaching into Conservation Land. To protect Andrew someday for when he wants to sell the house, if he is ever challenged about the work, he can show that he has permission. He will have proof he did this legally, and can pass that on to the next homeowner. I would not be surprised if the marker is in the wrong spot. If that is determined to be the case, I would ask the Commission to consider moving it.

As an abutter, I support it, and the condo association supports the project. Maybe a letter afterwards, "We're satisfied that this has been done with the Commissions permission."

**Carl:** I personally would like to see the bounds stay, close the rest of it out and let the applicant work with the agent on site to do any modifications.

**Matt:** Hearing the discussion and the concerns of the Commission, we are comfortable with removing that from our application. We have revised plans here showing everything that's on this plan minus the bound removal. If the Commission is willing to include it in their motion that they would approve us working with Steve to do some limited clearing, we would be happy to withdraw that plan and move forward with a plan that doesn't require a bound move.

**Laura:** Mr. Chairman, I would like to make a motion to accept the NOI for 14 Hillside Drive (**GCC 2015-02; DEP# 161-0800**) NOI, with the plan dated 2/25/15, entitled, "Remove Proposed 'no disturbance' line change", not accepting the wetland line.

**Rachel:** Seconds the motion.

Motion passes unanimously.

**Lillabeth:** Makes a motion to close (**GCC 2015-02; DEP# 161-0800**) NOI.

**Laura:** seconds the motion to close.

Motion passes unanimously.

**64-74 East Main Street (GCC 2015-03; DEP# 161-0802) NOI (cont.)**

**Chris Spragues**, Engineering firm Williams and Spragues  
Representative on behalf of Mystra Trust Realty, Constantine G. Scrivanos, Trustee

The existing septic system is 22-23 years old. Would like to pull the septic tank, leaching fields and pump chambers out of the buffer zone to the resource area as part of the improvements. Currently grease trap and septic tank behind Dunkin Donuts, 2 septic tanks and a pump chamber are all behind the building. We propose moving the septic tanks and pump chamber outside the 100' buffer zone and outside the 200' riverfront. The wall will need to be reconstructed. 3 new sewered manholes will be grouted and gasketed to prevent leakage. That's required to get the wastewater by gravity up to that first septic tank. FEMA has established the elevation 80.6' as the 100 year flood plain, proposing innovated septic system, Presby Environmental pipe system. There's no proposed work in the bordering vegetative wetlands, the BLSF or the established flood hazard area, or along the bank of the river. Calculate daily flow the leaching area can handle, divide that into 3 or 4 doses and pump waste water into alternating chambers allowing the wastewater to percolate back into the ground.

This property is also in the Water Resource District. We secured a special permit from the ZBA for the Water Resource system, for the original system. In February the ZBA issued a special permit for an upgraded system.

**Chris:** Turned in green cards.

**Steve P:** As far as I'm concerned, the upgrade is found by moving outside the resource area, so while it is larger, it is moving everything outside of the resource area. The DEP has not commented on this project, so we cannot close it tonight.

**Chris:** The top of the current leaching field is at an elevation of 86', the final grade is 83'. Continue to leave the grease trap behind Dunkin Donuts, existing septic on far side of building, that we would like to convert to another grease trap, that would remain in place for potential future use. Has an overflow to the septic system. Pump chamber is alarmed to alert tenants if there was ever a problem with the pump chamber, the alarm would sound. Above 2000 gallons a day DEP requires a dual pump system.

**Carl:** I'm satisfied with the design of this project, it's a great improvement. It's about as good as you're going to get.

**Chris:** Full disclosure, there a 5 manholes, alongside the end of the building. We would like to request to pave the area of the manholes with pervious material to protect the manholes from being dislodged. This will also help to hold the retaining wall in place as well. Almost all of it is outside the 200' Riverfront area.

**Nick:** Makes a motion to continue **64-74 East Main Street (GCC 2015-03; DEP# 161-0802) NOI**  
To April 16, 2015 at 7:30pm.

**Sharon Freeman**, 50 East Main Street: She is an abutter and gave her approval of the project.

**Rachel:** She seconded the motion.

Motion carries unanimously.

**Discussion Items:**

**One Industrial Way**

**Chip Nylen**, Atty representing Caruso and McGovern

**Steven Caruso**, Owner of Caruso and McGovern

**Paul Marchionda**, Marchionda Associates

**Paul Marchionda:** We are willing to put a structural wall 50' from the proposed restored wetlands on one side and 30' from the proposed restored wetlands on the other side. We can condense some piles and move some to the left. We are proposing to restore 2420 sq. ft. of wetlands and replicate another 720 sq. ft. of wetlands, there are 660 sq. ft. not restored, and 530 sq. ft. of new wetlands for a total of an additional 590 sq. ft. of wetlands that was not there in 1996. Steve had asked if we could stack up blocks on the western boundary of the site to prevent erosion into the wetlands on that side. We agreed, and put it on the plan.

**Steve P:** The original Order of Conditions had a special condition that saying, "No fill, no material will be placed within 50' of a wetland." So when I mentioned putting the walls at 50' that was based on the regulations, some science and the original decision. 25' definitely doesn't satisfy the conditions of the original order.

There's two things that are going on. More recent violations, and older on going violations. There is no DEP sign, it was probably there for the first 3 or 4 years then fell down. There's a whole bunch of different conditions: The one that sticks out to me the most is the "No fill, no material within the 50' buffer." There's no dollar value associated with that, it's up to you to put a dollar amount/day since 1996. I calculated the enforcement action we took more recently in August. The three I still believe are relevant. The way it was written was per violation/day. There's they have incurred \$180,000 worth of fines as of today. Historically the Commission forgives some of the fines, and not others.

**Chip:** We believe that we have complied with all of the items of the enforcement except recording the previous Order of Conditions, which we were willing to do as soon as we got this matter resolved. We had to submit borings, which we did immediately; we had to submit a plan, which we did immediately; there were five items, and we complied with all of them. We have equipment and can help restore wetlands off-site, if there's something you're interested in. The DEP calls the program, "A Supplemental Environmental Program", it's like community service.

**Carl:** Businesses have to address this all the time, if the site isn't adequate for your operations, you have to have another site. It's a business decision.

You can't have a business model that you are violating rules and regulation, that's not a business model. This is the 21<sup>st</sup> century in Massachusetts, you HAVE to comply with the rules and regs if you want to run a business.

**Steve P:** Reduction of scope of work, is a possibility.

**Carl:** Are we locked into the placement of the piles?

**Steve Caruso:** We will have to rearrange some of the piles, but there aren't a lot of places we can put them due to safety, maneuverability and aesthetics. We keep a very clean site.

**Laura:** I'm prepared to accept this proposal for the wall where it is. With this restoration as laid out in this plan they have given us today. It meets our goals of getting the wall away from the buffer, away from the wetland

providing a bigger buffer. In addition to accepting this which allows Mr. Caruso to get back to business, we need to have a fine levied that reflects the severity of the infringement of the regulations, to maintain a precedent. We need to come up with some sort of example that makes it clear that this is NOT okay and it CAN'T happen.

**Rachel:** I agree with that, but I would like to see fully restored wetlands with the protecting buffer at 50' and 40' respectively.

Technically I'd like to see the entire wall at 50', but I understand keeping the business viable.

**Lillabeth:** Restoring wetlands is going to be hugely expensive, to me that's a fine.

**Steve P:** If anyone could do it at lower cost, it's someone who has all the equipment on site.

**Laura:** Re-engineering the wall as a structurally engineered wall will also be costly, to get it further away.

**Nick:** It's a clean operation. The yard was immaculate. You take care of business, you're good to have in the town. I want to keep you here. I'm happy with what Laura was laying out, that the wetlands will be restored, and the wall is important, for keeping runoff and pollution out of the resources and for safety reasons.

**Steve Caruso:** This is costing me a lot of money to have these guys here for 3 hours. I want to get this thing done. This wall is going to be expensive.

**Carl:** They have definitely made improvements to the site, I just question whether it's enough.

**Andrew:** What about a storm water management plan?

**Steve P:** Yes, they need to do a design. Neither the Order of Conditions, nor the Enforcement Order were ever registered.

**Lillabeth:** Looking at the site, I would redesign the site.

**Laura:** I would like to make a motion that we accept the proposal that's been given to us today, (plan dated 3/16/15) including the restoration, the replication, the limit of work and the wall, etc. are to be put where it has been proposed today and that we clearly document all the wrongdoings in this episode, along with all of the different proposals that show how we have moved them back to protect ourselves against precedents and we levee a \$5000 fine, to demonstrate that this is a clear case of wrong-doing, that will not be carried forward in an NOI situation in the future.

**Nick:** Seconds the motion.

**Rachel:** I'm not comfortable on where it is. Either keep the limit of work at 50' or level a heavier fine and have the wall closer to the wetlands.

**Andrew:** I personally feel like the fine should be more. I would like to make an amendment to raise the fine to \$15,000.

**Rachel:** Seconds the motion, to raise the fine to \$15,000 and to leave the limit of work as drawn.

**Laura:** I amend my motion to amend the Enforcement Order.

**Nick:** Seconds the motion.

**Roll call:** Laura – aye, Nick – aye, Rachel – opposed, Andrew – aye, Lillabeth – abstains

**Lillabeth** makes a motion to close the meeting.



**Rachel** seconds the motion.

Motion to close passes unanimously.

Meeting closed at 11:14pm.

Documents and Other Exhibits used at Meeting:

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Documents and Other Exhibits used at meeting will be available for review at:     The Conservation Office

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*(Office)*

Meeting was adjourned at: \_\_\_\_\_ 11:14pm \_\_\_\_\_

Next meeting:

Date:     April 16, 2015    

Time:           7:00pm          

Place:           3<sup>rd</sup> floor Meeting Room, Town Hall          

Respectfully submitted,

Chairman: \_\_\_\_\_  
*(Signature)*

Minutes approved by Committee

on: \_\_\_\_\_  
*(Date)*