

Committee: _____ Conservation Commission _____

Date: _____ June 18, 2015 _____

Time: _____ 7:00pm _____

Location: _____ 3rd Floor Town Hall _____

Members & Staff present: __Nick Feitz, Lillabeth Weis, Andrew Currie, Rachel Bancroft, Rae Ann Baldwin, Laura Replier, Carl Shreder & Steve Przyjemski, Susan Flint-Vincent

Members not present: _____

The meeting was called to order at: _____ 7:05pm _____

Minutes from the 5/14/15 meetings were reviewed and approved with No adjustments.

Rae Ann Baldwin: makes a motion to approve the minutes from 5/14/15.

Laura Replier: seconds the motion.

Motion passes by a majority.

Carl Shreder abstains.

Meeting Motions / Actions and Summary of Discussions:

Discussion:

Proposed Solar project:

Amelia Tracey, Next Sun Energy is a Massachusetts based solar development company out of Brookline, MA

Larry Shore, Silverstein Trust, landowner on Tenney St. for 30+ yrs.

Amelia Tracey: Proposed Solar farm on Larry's property. We discovered a lot more wetlands on site than expected when flagged over the winter. Concerned the project won't be feasible if the project has to be shrunk any further. Had many informal meetings with Steve, Howard Snyder (Town Planner) and the economic development committee, and walked the site with Steve.

What we are looking for is to put 2 separate arrays one on each of the parcels, (green hatched areas flagged over the winter), recognizing that the agent would have to walk them again with our wetlands scientist to verify the wetland line; in specific areas within the 50' buffer, will need to selectively cut the taller trees in the buffer so they don't shade the solar panels. Not clear cutting, proposing to replant lower native shrubs to create a nice habitat.

Carl Shreder: We can look at this as a commission, but we can't give you a official nod, or tell you should or shouldn't do it, because you haven't filed with us. Abutters have not been notified, the legal processes under a hearing have not been filed, we're just having a discussion.

Larry Shore: We thought it would be helpful to review the history of the land. My family has owned the land for over 30 years, when my family purchased it, it was zoned light industrial. Prior to that, it was used as a surface mine, owned by Sharon Contracting. The land was mined to provide the fill for the Route 95 expansion in approximately the early 70s. Our family did not pursue industrial development early on. The former gravel pit now has trees that have grown up. Solar would obviously benefit Silverstein Trust but also the Town of Georgetown with the tax revenue. Now that a lot of it is wetlands we have very limited options. Solar is very attractive because of its flexibility for the placement of the panels for an irregular lot. What do you see as things we need to consider so we can move forward?

Carl Shreder: If you are outside of our jurisdiction, you don't even need to be before us. We promulgate regulations based on our bylaws, so people have a definitive do not cross line and tells people where they can work. We do grant waivers, but there have to be good reasons for that to occur. Even with that there are potential impacts and damage.

Amelia Tracey: The reason we are before the board is to get a temperature reading of some sort. The reality is that Georgetown doesn't have any large scale solar projects yet. My company has the only contract that the Georgetown Municipal Utility will have for solar projects in town. We've done an exhaustive search in Georgetown for land that we can develop on. This site is the best site we've found unfortunately for the fact we have to ask for these waivers. This is an environmental project, it's a solar project in a municipal utility, so the direct benefit the town is more so than if it were in NStar or National Grid territory. This is going to save the rate payers money. This is a long term hedge against future rate hikes. It's a really good thing for a lot of reasons.

I'd like to spend some time talking about how we can come in with a successful project.

Carl Shreder: I would encourage you to file, but we can't legally give you a nod. While you're not in the resource area, you're actually changing the resource area, by cutting the overstory trees and allowing more sun to hit the resource area.

Laura Replier: When looking at granting waivers, we look at the public benefit, I have no idea how much output would be generated by a field this size. Is it a big field? A little field? A worth it field? A not-worth it field?

Amelia Tracey: The field will generate about 700 Kilowatts. For our company it's a small project. We pile-drive steel I beams, so when the project gets decommissioned, it just gets pulled out and recycled. There's no footings. The racking gets built on top of that and the panels get clicked onto the racking. 2-3 weeks of pile driving and erector set building, then the panels get put on. You're not talking about a parking lot that has a huge impervious surface. We do the Rolls Royce of drainage for solar sites. At the drip each panel there's going to be an 18" trench with stone gravel along the foot of each panel, so it doesn't sheet flow.

Cut any tree > 25' to the ground, then cut native shrubs.

Carl Shreder: You'll have to do maintenance.

Amelia Tracey: We are local in Massachusetts, and we have a crew that goes out and makes sure the panels are all operating correctly and also that all the conditions for the permits are upheld.

There will be a construction entrance, but no paving, maybe a small 10'x15' concrete pad.

We've done some projects: in Littleton we did a municipal utility project, 8x as big as this project, Middleborough, is also a municipal utility we're building in right now, 6 of the same sized project.

We've had a contract with Georgetown for over a year.

Rae Ann Baldwin: What is the lifetime of a project like this?

Amelia Tracey: The major component warranties are about 25 years. (At year 25 we would still expect it to be producing 75-80% of the power.) Maintenance, we have a full, dedicated team to maintain the site. We check the physical connections about 1x/quarter. We usually mow 2x/year.

Larry Shore: If we are to put in a building with a parking lot, it would have a much greater impact on the area. I have sat on the other side and want to be sensitive to the area.

Steve: My main concern is that you would be cutting 100% of the overstory right up to the wetland edge in some areas. It's mostly maple and poplar.

Lillabeth Weis: What are you proposing to plant back in?

Amelia Tracey: I haven't had gotten that far yet. I would probably hire a local landscape architect to help out with that. Red cedar, sweet pepper bush, cranberry bush, etc.

Lillabeth Weis: The more you do this in the area, the less rain we will get. So the landowner gets rent, and the power company buys the electric from your company. The tradeoff for the town is really a tradeoff between what's removed to create these things.

Last I knew about solar panels, it takes more energy to build them than they ever give back.

Amelia Tracey: Benefit to town:

- New tax revenue for the town
- Stable and consistent rate that can be hedged against future rate hikes.
- Roughly 5% of peak load
- Window to do solar in MA is closing

If we can't find a compromise it would be detrimental to the project.

Larry Shore: It was farmland owned by the Mooney family for most of the 20th century. It's part of a light industrial, and it may be reincarnated 30 years from now, something entirely different. We're trying to be very respectful for what the Conservation Commission deems as local vegetative growth. This has been helpful, so we know what your questions and concerns are, and areas we need to do more research.

Carl Shreder: The details are a little tricky, because we don't have all the details.

7:42pm 64-74 East Main Street (GCC 2015-03; DEP#161- 0802) NOI - (cont.)

Chris Spragues, from Williams and Spragues, representative of Mystra Realty Trust

We had a long wait to hear from comments from DEP, no comments.

Waiting on an approval from the Board of Health, just came thru on the 9th approving the septic system as submitted.

Carl Shreder: Steve, any other open items on this project.

Any abutters? Commissioners?

Laura Replier: We had concerns about Penn Brook.

Steve Przyjemski: This is just for septic system replacement, really reduced the scope of work, just the septic system, most of the leaching system is outside our jurisdiction.

Chris Spragues: We are moving all the pipes out of the buffer zone.

Laura Replier: As I recall there's a lot of improvement on what was there currently. There was a lot of sheet flow off the back and off of the parking lot.

Lillabeth Weis: Makes a motion to accept 7:42pm 64-74 East Main Street (GCC 2015-03; DEP#161- 0802) NOI

Laura Replier: Seconds.

Motion passes unanimously.

Lillabeth Weis: Makes a motion to close Notice of Intent for 64-74 East Main Street (GCC 2015-03; DEP#161- 0802).

Rachel: Seconds

Motion passes unanimously.

Discussion items:

1 Industrial Way

Richard Nysten, on behalf of the applicant, Stephen Caruso.

We filed a NOI, it wasn't within the 2 week window to make the meeting for this week.

Steve Przyjemski: I'd like to give a brief update of the enforcement, the fine check was dropped off on 6/4/15, 20 days after the date the commission had asked for. The NOI was dropped off on June 16th, 30 days late, the application is incomplete, no request for waiving fee, they are in not in-compliance.

NOI plan is different from what we previously talked about. In some ways it's better and in some ways its worse, but it's not what we agreed to. The biggest issue is the lack of compliance of fee payment.

Chip Nysten: In terms of the fee, the check being paid, my understanding was that we would pay it when we filed the Notice of Intent. We discussed at length, the wall that was out there, we decided to take it down. We were going to ask for waivers, to keep the wall, but we have decided to take it down and we'll have silt fence and erosion control at 50'. This took some time to get resolved, that's why the NOI was a little bit long.

Carl Shreder: Communication is key, just let the agent know what is going on.

Chip Nysten: I know that Paul Marchionda notified the commission's agent that we were going to be a little bit long.

We are filing an NOI for restoration, you don't fine for restoration.

Carl Shreder: That fee is completely separate from the filing fee, the disturbance fee doesn't exempt you from filing fees.

Chip Nysten: There is no disturbance of the ground if I'm removing the blocks. I think the language in the application is very clear. If we need to apply for a waiver, we'll apply for a waiver.

Carl Shreder: Hopefully we can get that cleared up. Don't make an assumption, if you're not getting a response, send an e-mail.

6 Heather Road EO

Bill Manual, from Wetlands and land Management in Danvers, MA representative of the Gesualdis

Bill Manual: Most recent of the EO was some cutting in the "no disturb buffer zone", installation of some stone steps down a banking, a dock and a float.

Secondary level of erosion control was requested by Steve and also the posting of the GCC and DEP#, and that was all done. We were directed to submit a restoration plan by June 15, 2015. It was submitted by e-mail on June the 12th. I believe the homeowners are in compliance to date.

Roughly ~150 sq ft

Carl Shreder: I'm a little confused about how we got here. There was an Order of Conditions that wasn't followed, and now we have an Enforcement Issue?

Bill Manual: Right, and I don't have anything more to add to that. But I will characterize what's been done. In terms of cutting in the "No disturb zone" it's roughly 1200 sq. ft. restoration. Roughly 175 sq. ft. are the stone steps, roughly 1050 sq. ft. was vegetation that was cut in the "No disturb zone". There's a polyethylene float system, anchored by 4 posts set into the substrate of the pond.

Carl Shreder: Sounds like permanent structure which means a chapter 91 permit from the state, have they applied for that?

Steve Przyjemski: Short answer, is no, they haven't.

Bill Manual: We would need to file for a Notice of Intent first. I've come up with a restoration plan that would involve restoring the vegetation in "this area". The Gesualdis would like to keep the float, and therefore would like to apply for a Notice of Intent, after the fact. Presumably the commission would permit that since it's a "Great Pond" they do have a right to have a float on the pond, presumably the Commission would allow some sort of access to it, that's up for discussion. They would like to keep the stone steps in order to access the float that we would apply for after the fact. I understand this is all out of sequence and that the commission will not be happy, nevertheless I'm here and that's the proposal.

Carl Shreder: What I would like to see, is the area that was disturbed, restored.

Steve Przyjemski: The Enforcement Order was to restore all areas, not just the areas you want to restore. I would disagree, every step of the way, right from the beginning, there hasn't been compliance.

Carl Shreder: I would like to have a discussion on how we got to where we are. There seems to be intent here.

Bill Manual: I don't have any answers for you. There was an Order of Conditions, there was some additional cutting, there were some steps installed and there was an Enforcement Order.

Steve Przyjemski: There was a lot of vegetation cleared, including stumps and roots dug out.

Nick Feitz: How will that affect the runoff now having the steps there? Will it be like a river going down?

Steve Przyjemski: It's a nightmare! It will channel all water from the house site down in that one direction.

Bill Manual: Once the cease and desist order was in place, the contractor did spread loam and seeded it. Frankly it was the best thing the Gesualdis could do for the site to stabilize the area. The homeowner thought the cease and desist didn't apply to the old Order of Conditions. Presently the grass has sprouted and there's a good cover of lawn.

The herbaceous root stock, Canada Mayflower, Bracken Fern, seedlings of former shrub growth has started to regenerate. My restoration plan is that you look on both sides and take that as a representative of what grows well there. I suggested 36 pieces of shrub stock to be installed within your time frame in August: sweet pepper bush, low bush blueberry, American Hazelnut, red oak, red maple. They are all native species, indigenous to that area.

The silt sock will have to be maintained for erosion control. There's a two year monitoring period, if you don't have a 75% survival plan, you would look what didn't work and why. Then we would replant.

Carl Shreder: This is not the normal process, where people do things, and they ask for permission after the fact, that's why it's an Enforcement Order.

Bill Manual: The site monitoring process will be an ongoing plan. I would be the one overseeing the site restoration, both installation and the watering schedule to make sure the plants are getting the proper care.

Commissioners are not happy the flagrancy of the violation.

Bill Manual: I'm assuming that the Commission would be able to issue an Order of Conditions and I'm also assuming that with the proper permitting the Gesualdis can have access to a float on the pond.

Steve Przyjemski: There's some obvious short term risks of removing it, but you can use erosion control and dams, so don't let that deter you from taking it out. That long term habitat, is more important. My recommendation is to fully restore, the enforcement order says to fully restore, not partially restore. Once it's stable, comeback and put in a raised walkway over the vegetation.

Bill Manual: We'd like to find a way back to compliance.

Carl Shreder: There's a process to follow.

Steve Przyjemski: The erosion control and the lack of DEP signs, it's a little over \$2000 in fines just for those. Cease and desist, they didn't seem to understand it applies to the whole property. But these mistakes keep happening.

Bill Manual: What I see is the applicant was in compliance with the terms of the EO in the time frame. There was a time frame of 5 days from receipt of the letter, to get the signs up and put down the erosion control. I don't think there should be any fines.

Steve Przyjemski: The boiler plate is \$300/day for what they did.

Carl Shreder: My concern is putting the ...

Bill Manual: The float is not a permanent structure. It just sits on the surface of the water, nothing is pounded into the ground.

I'd like to file an application to approve the float.

Steve Przyjemski: DEP says you should legally remove the dock immediately. If you leave the float in people are going to trample down through the area we're trying to restore, so I think we should have the ...

Laura Replier: Remove the walkway, restore the substrate of that area, and restore all the vegetation on the other side of the "No cut/ No disturb" area, and work with the agent. Do we want to specify that they have to remove the dock?

Rae Ann Baldwin: I think they are going to have to remove the dock.

Bill Manual: The dock is there, it's floating, I don't see why we can't bring it into compliance as quickly as possible.

Steve Przyjemski: The dock is not the issue, it's the access to the dock. You have a right to have a dock, but you need to go through the right channels.

Laura Replier: Makes a Motion to amend the existing EO the homeowners will remove the existing walkway down to the pond, fully restore the substrate to the conditions exactly the way it was before, the vegetation will be restored to how it was before, and remove the dock.

Rachel Bancroft: Seconds the motion.

Bill Manual: The Company that installed the float will have to remove it. (It was installed via the boat ramp across the pond.)

Laura Replier: Makes a Motion to amend the existing EO on 6 Heather Road with the following conditions: the homeowners will fully removing the existing stone walkway from the back yard down to the pond, fully restore the substrate to the conditions exactly the way it was before, the vegetation will be fully restored to the way it was before, and remove the dock.

The restoration plan shall be submitted by our next meeting, July 16, 2015 for approval. Move the dock by our next meeting. Non-compliance \$300/day after July 16, 2015 for the plan, two months for the restoration work from now to August 14, 2015.

Rachel Bancroft: Seconds the motion.

Bill Manual: The Homeowners cannot remove the dock themselves, they will need to get a company together to remove the dock. Slope restoration work will take 1/2 day and the plants will be in 1 gallon pots, and can be installed in a couple of hours.

The stones are dry set, there's no mortar.

Motion passes unanimously.

24 Summer Street, EO

Chris Conway, homeowner

Steve Przyjemski: The homeowner cleared their backyard all the way down to a perennial stream, including the vegetative buffer. I was not there and did not see the pre-existing conditions, but Susan and the Building Inspector allowed the homeowner to finish cutting up the remainder of the tree that was already down, but they were advised not to do any additional work until the commission was contacted. Fast forward three months, and all of the trees have been cut down and fill was added, none of this matters because its in a flood plain. Because it's in a Flood Plain, the commission cannot grant waivers the fill has to come out and be revegetated. They can ask for a waiver and turn it into a lawn, but they would need to apply for that process which they haven't done. The Board of Health had some septic issues so we have a pretty accurate idea of "Edge of Lawn".

Chris Conway: In November, we had a tree near the stream, and old crabapple tree, choked by poison ivy, tree came down from high winds, the stream and the road and bridge. My recollection of the discussion was really around the tree, we didn't get into wetlands or buffer zones, etc. We shifted over to the septic system, and had dug test pits and we were worried about passing Title V. Tough winter, not a lot of vegetation, Town had dumped a lot of snow in there. We wanted to make the area more useable for us. I was not aware there was any issue with the wetlands or flood plains, I did the work myself, I spread gravel and dirt. We hydro-seeded to get it stabilized as quickly as possible. What we always anticipated was to utilize the space more effectively, I have 3 small children and 2 dogs, but in some nice trees, sugar maples and beehives. We blended the area and top-dressed it.

Carl Shreder: We have Flood Plains, Wetlands Protection Act, Riverfront, so there's 200' buffer zone. How many yards of soil did you put down?

Chris Conway: 3 truckloads, I don't know how many yards that is. Two of soil and 1 of top soil. That's how we got there. Steve said one of the board members had notified him and he had come down to check it out.

Steve Przyjemski: Chis was very responsive. I didn't write the Enforcement Order at the time. Tonight will be the first time we will have something put on paper, so if you guys make a motion...

Carl Shreder: We have to have as a control mechanism so, we need to put an enforcement order in place.

Steve Przyjemski: Did you use a chainsaw to remove any other trees?

Chris Conway: Two other trees near my kids swing set. They were two Catalpa trees. They were leaning toward the power lines. Then the apple tree near the stream. I used a guy we found on Craig's list to cut the trees. We were never trying to be deceitful, or to hurt the area. We've always had a passion for our lawn and our area. We wanted to make it useable and plant some organic garden beds and replant some trees. I wanted to be able to tap some maples and it was good for the bees. I can't afford large fines. We have a small house with three kids. I have a lot of fines associated with them.

There's a waterfall under the bridge, with any significant storm event, the water backs up and floods up stream, but our land has never really been impacted.

Steve Przyjemski: The law says, technically all the soil has to be removed, 100%, not discretionary. The underlying has to be fully restored. You can decide how much you want to allow.

Chris Conway: I want to apologize, because I was not aware of this. We thought we were doing this with the best of intentions for the bees, putting in organic gardens, we had no knowledge of this.

Carl Shreder: We first have to put an enforcement order in place, then the first thing you need to do is work on the restoration of the flood plain, from that point we can work on a Notice of Intent, or we can do it all under an Enforcement Order, it's really up to the Commission. We're trying to reduce the impact on the resource area. We have to contend with the Wetland Protection Act; Local Bylaws, 50' no-cut, no-disturb; Federal Regulations for Flood Plain; Riverfront Protection Act, permission within 200' from river.

Steve Przyjemski: We should figure out where we want to end up and put together a game plan.

Laura Replier: Mr. Chairman I would like to issue an EO on 24 Summer Street no work on the property without approval from the commission, install siltation fence within 5 days, restoration plan to be in place by the next meeting.

Rachel Bancroft: Seconds the motion.

Motion passes unanimously.

Hearings: 175 Central Street (GCC 2014-25; DEP# 161-0797) NOI - (cont.) Septic System replacement and repair

Steve Przyjemski: Applicant requests a continuation.

Laura Replier: Makes a motion to continue 175 Central Street (GCC 2014-25; DEP# 161-0797) to July 16th, at 7:00pm

Rachel Bancroft: Seconds.

Motion passes unanimously.

269 Central Street (GCC 2015-04; DEP#161-0803) NOI - (cont.)

Applicant asks for a continuation to the next meeting.

Lillabeth Weis makes a motion to continue 269 Central Street (GCC 2015-04; DEP#161-0803) NOI to July 16th at 7:15pm.

Rachel Bancroft seconds the motion.

Motion passes unanimously.

Workshop in the Woods

Contract passed around to sign. Certificate of Insurance came through.

Steve Przyjemski: Historically the Commission has given money to fund two scholarships for Georgetown kids.

Carl Shreder: It would be nice to have the program have some conservation educational value. It would be nice to get the curriculum from them.

These are new folks running this, this year.

Steve Przyjemski: I think they are sticking closely to Stacy's model, I don't know that for a fact though.

Laura Replier: I would like to make a motion to provide funds for two scholarships to Workshop in the Woods for two Georgetown students, ~\$1200.

Rachel Bancroft: Seconds the motion.

Motion passes unanimously.

Abandoned Structure on ConCom land

Steve Przyjemski: Just a heads up that this is one of the things we're working on with the Georgetown PD and the Georgetown Highway Department. It's a 10' x 12' structure.

Rachel Bancroft: Makes a motion to pay the bills.

Rae Ann Baldwin: Seconds the motion.

Motion passes unanimously.

Laura Replier: Makes a motion to reappoint Bob Apprich and Jim Lacey to the Camp Dension Committee.

Rachel Bancroft: seconds.

Laura Replier: Makes a motion to close the meeting.

Rachel Bancroft: Seconds the motion.

Meeting closed at 9:00 pm.

List of Documents and Other Exhibits used at Meeting:

Documents and Other Exhibits used at meeting will be available for review at: _____

(Office)

Meeting was adjourned at: _____ 9:00pm _____

Next meeting:

Date: _____ July 16, 2015 _____

Time: _____ 7:00pm _____

Place: _____ 3rd Floor Meeting Room _____

Respectfully submitted,

Chairman: _____
(Signature)

Minutes approved by Committee on: __ June 18, 2015 __
(Date)