

Committee: _____ Conservation Commission _____

Date: _____ July 16, 2015 _____

Time: _____ 7:00pm _____

Location: _____ 3rd Floor Town Hall _____

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

Members not present: _____ Lillabeth Weis _____

The meeting was called to order at: _____ 7:09pm _____

Meeting Motions / Actions and Summary of Discussions:

Discussion:

6 Heather Road EO -

Bill Manuel, Wetlands and Land Management, representing the Gesualdis.

Owners have sent a letter to the Commission to make a formal apology of sorts. (Letter previously sent, and Bill passed out another copy.) The owners obviously made a mistake. The owners have no contempt for the commission and would like to do everything they can do and need to get back into compliance. The owners have invited the Commission to come out for a site walk. I think it's important that you come out and visit the property.

Carl Shreder: While the homeowners were working with another Wetland Scientist who told them not to do this, and they did it anyway. How we got involved was via that Wetland Scientist.

Bill Manuel: I was not involved in previous hearings, but nevertheless, I am here and am trying to move forward and get the Gesualdi's back into compliance. See where it's come from since it's been done.

I would suggest that we move the planting plan back to September 1st. It's very hard to establish plants in the heat of the summer.

What we have here is very thick vegetation all the way down to the pond. There is a very narrow area that's open and it would be impractical to pull it up the banking. There's also a warranty issue. The float is 12'x20'. It's in line with what else is on the pond.

Carl Shreder: I would have to disagree with that.

Nick Feitz: I would be concerned that the water would sheet flow off the lawn and down the stairs and create erosion.

Bill Manuel: That's not the case, the lawn in that area is established and there is no sheet flow at that point. If you come out you'll see that.

Laura Replier: The enforcement order is to address the fact that work was done in the No Cut/No Disturb Area that was clearly marked. I'm not really concerned about how it's regenerating right now, we need to address that the work that was done in a place it should have never have been done in an un-permitted and clearly in not in an okay way. That's what the enforcement order is for, in my mind.

Bill Manuel: When you see the stairs and how the ground is stabilized, professionally, I cannot sit here in front of you and recommend, "Lets tear it all out", and then try to re-stabilize the bank. It makes no sense, and that's what I'd like you to see. If you need to address the violation in another way, I understand that. Certainly a portion of the buffer zone restoration plan will re-establish the portion of the no-cut zone that was cut over.

Nick Feitz: I'm concerned about the precedent that was set.

Rachel Bancroft: I feel like it's a stall until the summer is over.

Bill Manuel: I assure you it's not a stall, because we've done everything the Commission has asked, right up to this point here. I've given you a protocol on how we would take out the stairs and restore the bank.

Carl Shreder: I'd like to hear from the homeowners in their own words how and why this happened. You're coming in after the fact. I would like to see it corrected. DEP's recommendation on these things is to bring it back to its original state, then go from there.

Rachel Bancroft: I went back and looked at the original footage for the May 15th meeting, 2014. The Conservation Commission had moved in the Conservation monuments to be installed, closer to the house. I think they were sending a very clear message that the homeowners were not to go beyond the No Cut/No Disturb stone bounds with signs posted right on them. The original Orders of Conditions has in quotes, "7 Conservation markers placed 30' apart with plaques".

Bill Manuel: I am familiar with bringing people into compliance after the fact, by filing for a Notice of Intent. This is a situation where the property borders Rock Pond, it's a Great Pond, and it's in the jurisdiction of the Commonwealth. They have a right as a homeowner to utilize the water. In the right circumstances, it would be a permissible project to have a float on the pond. I don't see the logic in pulling out the steps and restoring the buffer zone. Then putting back in the stairs.

Steve Przyjemski: Some of the restorations plans that were submitted with partial, so not fully in compliance by the EO dates. As far as the site walk, I'd recommend against it, this is a discussion, not a Notice of Intent. I don't think it's an ideal way to gain information, that's more of a Notice of Intent. You can find a more gentle way to get down to the water without disturbing the area by building a walkway over it.

Bill Manuel: I'm not sure why there is such an aversion to coming back out to the site. If you try to pull out the steps and try to re-stabilize it, there's going to be some short-term danger of the next rainstorm washing it all into the pond.

Laura Replier: I'm looking at the much longer and larger issue of residents are doing this sort of thing all around both of our ponds. We need to make sure it doesn't continue. We've had a number of issues with work being done quite close to the ponds, quite destructive work, it's not okay. We granted some serious waivers for just the house alone on this lot. The ponds are a very sensitive environment that need protecting and they are not being protected well at the moment.

I'm also wondering where was the Harbormaster for Rock Pond when the dock was being installed that needed a permit? I'm also wondering where was the questioning of the homeowners by the dock company, "Do you have a permit for that dock?" Maybe we should be fining the company that installed the dock for not obtaining the proper permits for the dock installation.

Surely there is a way to terrace the site to establish the vegetation.

Carl Shreder: Do Commissioners want to go down and take a look at the site?

Steve Przyjemski: They are just asking for you to re-consider your EO. You can extend it if you are worried about the plants taking at this time of year.

Carl Shreder: The goal is also to restore as well as to protect. It's up to the Commission do you want to leave the EO as it is? Do you want to modify the EO by pushing the dates out? Do you want to do a site walk?

Laura Replier: The dates were that the restoration plan was due by our meeting today and float was to be removed by of today. Due to their warranty issues, etc. they are saying they need another 6 weeks before the float can be pulled.

Bill Manuel: There's a Notice of Intent filed after the fact to propose the very same thing. It's an approvable project. Everyone else around the pond has access to the pond. Professionally speaking to tear out the steps at this time of year and try to reestablish a slope is not the best option.

Steve Przyjemski: There are always better ways of doing it. The Commission never got an opportunity to have a discussion as to what the Commission would prefer. I would recommend keeping the EO as it is, and at the end readdressing after we see how it goes throughout the process and at the end address forgiving.

Rae Ann Baldwin: Motion - I propose that we leave the EO as it stands for 6 Heather Road.

Laura Replier: Seconds motion.

Motion carries unanimously.

Bill Manuel: I think there is one point that needs to be brought up. I alerted you when we talked about removing the float, we are reliant on another company, and you told me communication is key. As soon as we found out that we could not make that date, we communicated with the commission, so hopefully that aspect of the EO will be considered.

Steve Przyjemski: I can put that in the notes.

Bill Manuel: Is the commission intending to make another motion for a site walk?

Carl Shreder: I'm not seeing any interest in a site walk. Since there is an active OoC, any commissioner can go out with Steve at any time, as long as they have the permission of the landowner.

Steve Przyjemski: I can set up a site walk with anyone who wants to go.

Laura and Andrew would like to go out next week with Steve. Steve will set up with Mr. Manuel.

Hearings:

7:49pm Pond Street (GCC 2015-08; DEP#161-0806) NOI - NEW

Peter Durkee, Georgetown Highway Department

Brian Sullivan, with Bayside Engineering

abutter notification for 300'

Carl Shreder: Our bylaw is actually to notify everyone all around the pond for any kind of large activity that people can visually see. The commission would need to vote on whether we want to waive that requirement or not.

Laura Replier: Mr. Chairman I would like to make a motion to waive the full pond abutter notification for the Pond Street Project, GCC 2015-08.

Nick Feitz: seconds the motion.

Motion carries unanimously.

Brian Sullivan: Peter Durkee and the Highway Dept. would like to remove the existing the chain-link fence on Pond Street along both sides and install a crash tested guardrail with W beam, steel highway guard with I beams. Currently on the Westerly side of the road, the 6' chain-link fence runs about 400 feet and drops to 4' in a northerly direction. On the east side of the road, it's a 6' fence that runs along the back of the sidewalk, terminates at 67 Pond Street. Face of new guard rail is 24" off the edge of the pavement. The break in slope is 24" behind the guardrail. The existing fence is barrier for wildlife. We believe that removing the

chain link fence and installing the guard rail will allow connectivity for wildlife and is safety tested. Existing fence will not hold a car on the road. DEP had “no comments”.

Peter Durkee: There are screens at the flume. We will put a slip

Carl Shreder: I’m assuming you’re using DEP certified guard rails.

Steve Przyjemski: There’s a few spots where there is some erosion and I went over there with Peter and he will fix those spots.

Ed Powell Jr., 63 Pond Street - The ducks and the turtles have no place to cross right now. My parents about the project and are across the street from me. The 6’ fence is a real problem, they cannot see coming out of their driveway. I see no problems with the project.

Elizabeth Rose and Joe Hull, 90 Pond Street - We’re in favor of this project.

Joe and Linda Corkrian, Pond Street- We’re really happy it’s coming down.

Doug Gordon, 65 Pond Street - I’d like to thank Peter and the gentleman from Bayside. I look forward to the completion of the project.

Joe Hull 90 Pond Street - I think the big issue in my mind is aesthetics. This is the ugliest fence in the area. We are much in favor of getting rid of it and putting a secure guard rail in its place.

Carl Shreder: So people might have a view again as they walk or drive by and not have to look through mesh. I clearly think it’s an improvement for the wildlife too, they can cross without getting stuck on the road.

Laura Replier: We’ll need “Wildlife Crossing” signs now.

Linda Corkrian on Pond Street, I’m wondering if the side walk when your get to the other side of the street could be put in at a slope instead of a 45 degree angle so the turtles could more easily ramp up the sidewalk.

Steve Przyjemski: There’s no plan for regrading the side walk, it’s just removing the fence and putting in a guardrail.

Laura Replier: Mr. Chairman, I’d like to make a motion to approve the Pond Street (GCC 2015-08; DEP#161-0806) NOI

Rachel Bancroft: Seconds the motion.

Motion carries.

Applause!

Laura Replier: Makes a motion to close the hearing NOI for the Pond Street chain-link fence (GCC 2015-08; DEP#161-0806).

Rae Ann Baldwin: seconds the motion.

Motion carries unanimously.

75 West Main Street (GCC 2015-07; DEP#161-0807) NOI - NEW

Installation of concrete loading/fueling containment pad, installation of concrete pads for a pair of emergency generators, installation of a new concrete sidewalk, and restoration of broken asphalt surfaces.

Barry Davies, facility manager at Townsend Energy

Russ Barton with Wilcox & Barton

Chris Wood with Wilcox & Barton

Chris Wood: The facility is located at 75 West Main Street its Townsend Oil and Propane. Historically they've provided home heating oil delivery services. They have just over 70,000 gallons of oil storage on site. More recently they installed an underground propane storage tank. Last year, this time we identified items at the site that they would like to make improvements that require a Notice of Intent, mostly in respect to resurfacing concrete and asphalt. Resurfacing concrete and asphalt: Loading rack from the north, currently, part of SPCC (Oil Spill Prevention, Control and Counter measure Plan) plan. So any spills, incidental or accidental would be directed back into the containment dike.

Carl Shreder: If you could submit the SPCC plan to us as well as part of the package.

Chris Wood: We're still in the development phase, but yes, we will submit it.

Barry Davies: It's for if a major accident did occur in the yard, it's for containment and allows us to clean up properly.

Carl Shreder: It requires monthly inspections. It's a comprehensive program that makes sure the employer anticipates spills, and responds to spills and preventing them.

Chris Wood: Some of these improvements are to follow the SPCC plan. We want to put a concrete pad, concrete sidewalk adjacent to the office building for access, and re-surface asphalt, the same footprint.

Steve: The wetland is under the power lines.

Laura Replier: A large spill like that could travel a long way. Am I right thinking that?

Barry Davies: It's a steep slope down to the wetland, so we would like to implement the SPCC plan to protect that area.

Steve Przyjemski: Did you get DEP comments yet? When we checked earlier there was no close out for the DEP.

Chris Wood: No.

Steve Przyjemski: That just means that we can't close it out tonight, we can give feedback but just not close it out.

Russ Barton: To speak to your question about the groundwater at that spot flows away from the pond and towards that wetland.

Chris Wood: There are existing monitoring wells on the property, and we are proposing to replace three wells.

Carl Shreder: If any wells are going to be decommissioned, they should be capped.

Chris Wood: We haven't been able to locate them. When we cut and fill for the asphalt we will look for the top of the monitoring wells.

Barry Davies: If we do anything along that back access road, I would definitely like you (agent) to come out and show me what you want. You wanted me to shrink that road up and plant some vegetation in there. We're willing to do that. My boss doesn't want us to go off our site, even though we've gotten permission from National Grid to do some work there.

Russ Barton: There is a steep pitch down to the dike areas. The joints are all sealed. It's a really old dike, but a thick dike. We'll have to make sure that everything is contained.

Carl Shreder: Is this a National Heritage Site?

Steve Przyjemski: No.

Laura Replier: What would happen in a 100 year/ 500 year storm? With respect to flooding and taking containments out of the facility?

Barry Davies: We would have a skimmer, so the oil would be trapped in one location area, and then we would pump out the water.

Chris Wood: If the containment field fills up, we make sure, the dike can hold 700,000 gallons.

Carl Shreder: Make sure you resubmit a 24" x 36" hard copy with then latest revision date.

Laura Replier: Is there any point to vegetating that area? There are certain ways that plants can absorb contaminants.

Steve Przyjemski: We agreed in concept, but it's a tight spot, you're almost impacting their safety issue.

Barry Davies: We are trying to protect the public, we don't want people to be trying to contain 700,000 gallons of oil.

We're planning on putting a back-up generator that's propane because it's quieter. Diesel generators are extremely noisy and they turn on periodically. Being paved we can allow our trucks to come through the back way, where they can't really do that now.

Rae Ann Baldwin: You're improving what is there?

Barry: Yes.

Carl Shreder: Abutters?
Yes, but no comments.

Laura Replier: We're waiting for DEP comments.

Rae Ann Baldwin: Makes a motion to continue 75 West Main Street (GCC 2015-07; DEP#161-0807) NOI to August 20th at 7:00pm

Rachel Bancroft: Seconds motion.

Motion carries unanimously.

1 Industrial Way (GCC 2015-09; DEP# 161-0805) NOI - NEW

Stephen Caruso, owner,
Richard Nylan, atty,
Paul Marchionda, engineer

Green cards submitted.

Chip Nylan: We've been under an enforcement order for some time with respect to the block wall as well as the fill of wetlands. We've always agreed we would restore the wetlands and replicate in addition. We concluded the best thing to do was to remove the block wall and restore the area to the 1996 conditions. We had a wetland scientist prepare an extensive restoration plan. We've also included a plan to remove the block wall.

Paul Marchionda: Wetland areas to be restored to 1996 levels and replicated. Gentle slope 8:1 or 10:1 from wetlands to yard. 10:1 slope adjacent to the wetlands. Erosion control barrier would be installed 50' away from the wetlands. Trees, shrubs, wetland seed mix over the entire area, conservation mix behind the erosion control barrier.

It is going to really impact the way he runs his business. It wasn't an easy decision.

Chip Nylan: We didn't want to remove the wall because we felt was an effective sound barrier and protected the wetlands, but ultimately we can't do both.

Laura Replier: What is the erosion control barrier?

Paul Marchionda: Silt fence, silt sock

Laura Replier: So it's not permanent. I was just wondering about putting a small berm that's more permanent, to prevent runoff, and encroachment. (Trucks from backing into the wetlands). It looks so much better!

Laura Replier: The conservation mix could serve as a visual barrier for the trucks and that might absorb any oil based runoff.

Steve Przyjemski: I don't know if that's adequate for a business of this magnitude, I'd prefer to see something more permanent and functional.

Stephen Caruso: If we can move this in 10', I can put in the block in. I would rather leave the silt fence and maintain it.

Steve Przyjemski: I did get a 3rd party review estimate to confirm the wetland for the rest of the property. I was always calling this out at not having any real storm water plan.

Paul Marchionda: The rock wall up north...

Laura Replier: I think it would be helpful to have a gentle up before it goes down to the wetlands on the wetland side. No cut markers.

Steve Przyjemski: I like the berm for erosion, but I'm concerned about encroachment.

Andrew Currie: you could have a crushed stone berm which would be more durable for a stone yard.

Paul Marchionda: I'm in agreement with Steve if you put a block at the edge of wetland line it's a better to prevent encroachment as well as protect the wetlands.

Steve Przyjemski: The top of the project, we need to acknowledge it is part of the project. Have the buffers shown, 50', 75' and 100' and acknowledge its part of the project. The berm and the silt fence are proposed. Continue a block line along to the property line, to protect the resource area on that side. Markers should be every 30' or on the corners.

Double or triple plantings, it's kind of sparse. (Do 5' on center plus seed mix, this will better stabilize it.)

Laura Replier: Mr. Chairman I would like to make a motion to extend the wall to the north out to the property line and down to the trailer following the edge of the pile, increase the density of the plantings by a factor of 2 or 3 and plant 5' on center, install the block wall within the silt fence line as marked on plan, the "do not disturb" markers will be installed along the single layer block line, but visible above the block wall.

Paul Marchionda: Why don't I do a revised plan and e-mail it to you?

Laura Replier: Makes a motion to continue 1 Industrial Way (GCC 2015-09; DEP# 161-0805) NOI to the next meeting on August 20, 2015 @ 7:15pm with the changes as detailed earlier.

Rae Ann Baldwin: Seconds the motion.

Motion carries unanimously.

Chip Nylan: We still have the open 1996 Order of Conditions hanging out there. We've had the penalty, but there's no original out there...

Steve Przyjemski: We can close out everything together at the end and clean it all up. We have to close that out and all the Enforcement Orders. My recommendation is we do it at the end as a broad...Once this is done they will apply for a Certificate of Compliance, one for this project and one for the old one.

Chip Nylan: Could we just make sure the minutes reflect that, in case Paul or I am not here?

17-19 West Main Street (GCC 2015-10; DEP# 161-0808) - NOI - NEW

Greg Hochmuth, from Williams and Spragues, representing the Serenity Restaurant Group.
The Spot Restaurant

Not a lot of room back there. There is a wetland that stretches out and eventually connects behind the antique store, Sedler's. The buffer zone extends onto this parcel, as well as a lot of the abutting parcels. Septic system went in in 1998+/-, the Fast system went in because it was a smaller footprint. Fast systems work great as long as they are maintained properly. Restaurants are a little different because there's a grease trap, the waste is a little different than a residential flow. Our guess after talking to the Board of Health, is that it wasn't maintained properly. There has been some breakout, they are pumping it regularly 2-3x/week. There have been complaints from neighbors. Our clients inherited this problem.

Carl Shreder: Into the wetlands?

Greg Hochmuth: No, but it is evident. It is being considered an eminent threat to public health issue, which is why we are fast tracking it. The applicant already has a contractor lined up. We're proposing a same footprint, less than 2' purge sand soil and a deep water

table. Removing what is there, disposing of it properly off-site, building a new bed, backfill, pave and they will be done. No mound, no change in grade. The tanks are all staying, it's just the field. Because it's pavement we're recommending a silt sock to provide a level of protection for the resource area, which is about 75' away.

Steve Przyjemski: Has the Board of Health approved this system?

Greg Hochmuth: Yes, the Board of Health has ordered this to be repaired. They have this design and yes, they are onboard with getting this done as soon as possible.

The DEP issued a number: # 161-0808 with No Comments.

The restaurant owner was proactive and was out there almost every other day. Any time a system has to be pumped 3x in one year, it's an automatic failure.

Andrew Currie: How much down time would there be?

Greg Hochmuth: I really don't know.

Carl Shreder: Is it big enough for the current use?

Greg Hochmuth: Yes, it's sized for the use. Fast system requires quarterly maintenance program, there will be a lot of eyes on it. It definitely wasn't doing its job. It sounds like the system sealed itself up. Plan dated 7/1/2015 and stamped 7/2/2015.

Laura Replier: Makes a motion to approve the NOI for 17-19 West Main Street (GCC 2015-10; DEP# 161-0808), not accepting the wetland lines. Not during a rain event.

Rachel Bancroft: Seconds the motion.

Motion carries unanimously.

Laura Replier: Makes a motion to close 17-19 West Main Street (GCC 2015-10; DEP# 161-0808) - NOI.

Rae Ann Baldwin: Seconds motion.

Motion carries unanimously.

**175 Central Street (GCC 2014-25; DEP#161-0797) NOI - cont.
Garage and culvert.**

Drew Currie: Makes a motion to continue to September 17, 2015 at 7:00pm

Rachel Bancroft: seconds.

Motion carries unanimously.

**269 Central Street (GCC 2015-04; DEP# 161-0803) NOI - cont.
Miniature Golf Course and Cafe**

Nick Feitz: Makes a motion to continue to August 20, 2015 at 7:20pm.

Rachel Bancroft: Seconds motion.

Motion carries unanimously.

24 Summer Street EO

- Restoration plan was supposed to be in by today, I haven't heard anything.

Rachel Bancroft: Makes a motion to approve the bills as read by Steve.

Nick Feitz:/Rae Ann Baldwin: Second the motion.

Motion carries unanimously.

Laura was out releasing 6 Blandings' Turtle Hatchlings at West Street. They started about the size of a quarter last August, and are now about 130 grams. They've all been marked with a number. All the scoots were numbered and notched telling us what year they were hatched and what number they were.

Rae Ann Baldwin: Makes a motion to close the meeting.

Laura Replier: Seconds the motion.

Motion passes unanimously.

Meeting closed at: 9:31pm

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: _____ 9:31pm _____

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)