

Committee: Conservation Commission

Date: January 21, 2021

Time: 7:00 PM

Location: Zoom

Commissioners present: Carl Shreder, Laura Repplier, Tom Howland, Rachel Bancroft, Rebecca Chane, Chris Candia, and Elisabeth Clark

Staff members present: Steve Przyjemski

Minutes: Transcribed and revised by Julie Cantara; Re-revised by Laura Repplier

The meeting was called to order at: 7:00 PM

Conservation Commission
1/21/2021

Carl Shreder starts the meeting by reading off the following:

This Public Hearing is being conducted in a way that is an attempt to satisfy the Open Meeting Law, and other State Laws pertaining to the Public Hearings of the Town's Public Bodies pursuant to Chapter 53 of the Acts of 2020, as recently amended by Chapter 201 of the Acts of 2020. It is a good faith, best effort to comply with the Executive Order waiving certain provisions of G. L. c. 30A, sec. 20 during the COVID -19 pandemic. Internet based technologies will be used by the Conservation Commission to conduct Public Meetings and Hearings until the Executive Order is rescinded, or the State of Emergency is terminated.

HEARINGS

47 West Street (DEP# 161-0889) – State NOI - (cont.)

Construction of a 16-unit senior housing development.

Continued to February 18, 2021 at 7:30 PM.

Rachel: Makes a motion to continue the hearing to February 18, 2021 at 7:30 PM.
Rebecca: Seconds motion.

ROLL CALL

Rachel Bancroft	AYE
Rebecca Chane	AYE
Elisabeth Clark	AYE
Laura Repplier	AYE
Tom Howland	AYE
Chris Candia	AYE
Carl Shreder	AYE

Motion carries unanimously.

Carleton Drive – Map 15 / Lot 46 (DEP# 161-0891; GCC# 2019-19) NOI – (cont.)

New transfer station.

Present:

Jason Mello	Applicant
Nancy McCann	Attorney
Michael Laham	Morin-Cameron
Rich Kirby	LEC Environmental

Nancy starts by stating that the Notice of Intent was filed in November 2019, followed by an ANRAD. She also stated that the transfer station to replace the East Main Street facility is modern, fully compliant, user friendly with residential drop-off area, and an enclosed 15,000 sq ft waste handling area.

Carl questions what would happen if someone has chemicals in their trash bags.

Jason stated that they don't accept hazardous waste or liquids; years ago, the DEP allowed them to rip open the bags, and now they're not allowed to.

Rachel asked what happens if there's a leak in the bag(s) and what happens to materials in the driveway and at the entrance. Jason says he will check that and get back with more info.

Nancy responds by saying that the transfer station isn't a final destination, but a sorting station – everything that comes in goes out within 72 hrs. The Peer Review was completed in June, but due to COVID, the Commission wasn't holding hearings. MEFA process has been completed, and they are ongoing with the Planning Board.

Michael Laham states that all waste brought in will be in specially designed containers, or brought inside, so no liquids will be outside. It will be handled with an industrial waste water holding tank (tight tank).

Carl states that those materials would be categorized as hazardous waste, so would need a temporary or permanent ID number through EPA to dispose of those materials. Mr. Latham agrees that the materials in the industrial holding tank would need to be disposed of according to EPA requirements. They would have to be manifest off-site.

Michael shares the Site Plans. Rich joined in to outline the resources on the site including BVWs, intermittent stream, 2 vernal pools, meadow, isolated wetland, and forested wetland off-site. Meadow area includes piles of debris which will be cleaned up as part of mitigation.

Michael points out that it got through both Peer Review groups – BSC and Larry Graham - for storm water management – latest revision date is 5/12/2020. They originally had a 30' driveway, but they can make it 28', as they were asked to reduce the size.

Carl asks why they can't use the original gravel access road that was approved on the site, and states that he was on the Commission at the time, and that's why they approved it; because they were able to get a plan that no wetlands filling was required. The Commissioners felt that was the best they could do, and he feels that they still have the potential to do that.

Michael said that question was raised in their initial application, and BSC pressed further for alternatives analysis. Michael explains that the existing driveway ended up bifurcating the larger wetland system, and basically created a causeway with an elevated driveway / gravel path. That was how it was originally done, and that's the current condition today. This new plan is what they feel is the preferred alternative, and BSC agreed.

There is wildlife passage at the bifurcated wetland area on the gravel path, connecting the large wetland on site and across, by I95.

Carl pointed out that the disturbance in that area has already been done. Michael said it wasn't properly constructed or properly functioning. The benefit of the new plan, up at the finger-like wetland areas at the new entrance, a forested wetland with pine, is that it directly abuts existing pavement, consolidates the development along the industrial area, cutting off the tips of the wetlands at that point. Allows restoring of the buffer zone at the old culverted wetland crossing and restoring the buffer zone. Adding a wall at the new driveway (where the finger wetlands are removed) creates a harder edge.

Carl asked if they could do the same kind of wall on the other side, too. Rich stepped in to say that the way it's laid out now allows the facility to face the highway, and the noise is directed toward route 95 – whereas if they were coming in along the old gravel track from the end of the cul-de-sac, the noise would be directed toward the residential development. They're looking at it as a chance to restore the habitat continuity. Between the relatively higher value wetlands on this property that are more or less forested, and the wetlands and the forested land that's along the Route 95 corridor. They're day lighting the stream, which gives stream continuity, they're creating additional wetlands in there, and basically restoring this fragmented habitat here. There are pros and cons on both sides, but Rich thinks, and he thinks that BSC agrees that focusing the development in the roadway on the west side, adjacent to existing industrial development, makes sense for overall ecological consideration. This design was the winner with comparing the different options.

Rebecca asks Rich to explain the pool area. Rich stated that they did a survey they noted an intermittent stream and some puddling of water in there, and they looked for qualification as a vernal pool but it doesn't meet the standards. Carl states that it might meet the local standards. Rich stated there were no vernal pool species observed in there. Carl asked if they did a study out there, and Rich stated that they did a study during the ANRAD process, and that information was submitted as part of the ANRAD. It's just a survey line indicating the edge of the water.

Michael reads what BSC said about the driveway: "BSC also concurs with the Applicant that the proposed location for the entrance road, along the Western edge of the site, is preferable to using and expanding the existing dirt road. The proposed removal of the existing dirt road and culvert, and reconnection of the stream and BVW along with the proposed wetland and buffer zone restoration replication, appears to be ecologically more beneficial than avoiding impacts to the Western most ends of the existing BVW. BSC also notes that the Applicant has reduced the width of the entrance road to 28 feet, and shifted it further West, away from the BVW; has proposed the use of retaining walls to limit grading and is now including run-off from the adjacent properties' industrial parking lot in this site's storm water management, thus further minimizing impacts. The Applicant has also provided a written request for exceptions to the Bylaw. The reasons for those exceptions in the measures taken to avoid and minimize impacts." Michael states that it was BSC's position as well after reviewing their alternative analysis and information discussed. Michael concluded with the presentation, explaining details to where the parking will be, where the trash will be handled, where the bins will be. Catch basins provide 25% TSS removal. He states that the soils are favorable for ground water re-charge, that they're compliant with the Massachusetts storm water handbook, as reviewed and signed off on by Larry Graham. There will be a small septic, underground electric, communication lines, a gas and water service brought in.

Michael asks to go over the special condition setbacks, the exceptions that they requested. He wants to formally state them again, even though he stated them in the first hearing. Under Section 14.1, they have the required minimum no-disturbance zones – they requested an exception to allow a reduced no-disturbance zone from the BVW. The proposed project requires 3,335 square feet of wetland alteration, which also includes construction activity in the buffer zone, between 0 and 100 feet from the wetlands. The majority of the operational area is located outside of the 100ft buffer zone; however, a portion of the pavement, grading, and retaining walls are

located between 0 and 100 feet of the wetland. The other exception they're requesting is under Section 15.1, required minimum setbacks – there's a special condition setback required for any new non-vegetated area or structure of 100 feet to wetlands. The descriptions are the same, but those are the two exceptions they're requesting.

Michael turns it over to Rich, who gives an overview. Carl states that the old road is growing back in already and is restoring itself. Rich says that many of the plants are exotic invasives growing out of non-native fill. States that they're not talking about high value wetlands, and he goes over the restoration plans. Rich states that the Applicant will mow the meadow each year, in the fall. Carl asks who would be monitoring it, and Rich said that LEC Environmental will monitor the invasives, etc. (not mowing) for 3 years, at least twice a year. Everything will be outlined in their annual reports.

Liz asked about access for mowing; she asked how they would access the meadow from the facility to mow it. Rich stated that there's a gate in the chain link fence that's proposed, with a little bit of a gradient to get the mower down in that area. Liz asked how that area is going to be protected from storm water run-off, with it being graded down into the wetlands. Rich stated that it would be stabilized and vegetated, and that it would basically be part of the meadow itself. He stated that with the mowing equipment going in there only once a year in the fall, after the growing season, he doesn't anticipate there being an erosion issue.

Rachel asks how far the property line is from the highway, and Michael responded that it's approximately 77 feet, and it goes to 100 feet from where he first drew the line.

Rachel wanted it noted that this hearing wasn't held off due to COVID, but rather due to the Applicant asking for continuations, etc.

Nancy stated that the Conservation Commission voted in December of 2019 to wait for the Peer Review, and since the Peer Review wasn't complete until June of 2020, the Commission wasn't meeting at that time. Rich asks Michael to pull up sheet C-6. Rich states that this sheet gives explicit details to the Contractor, on how the restorative efforts are to be implemented, under the supervision of (he hopes) LEC. Michael goes over the BSC Peer Review. There were three remaining points that BSC suggested that input from the Commission might be useful.

The first point has to do with Bylaw Section 8.7.1, which would require that all wetland areas are restored, prior to the construction of the structure, and during the first phase of the construction. He asked Mike to go back to the mitigation plan, and states that they have no problem doing that; the only item is the areas of temporary alteration associated with the proposed roadway and retaining wall – the areas in blue will be restored in time, but they can't be restored until after they're altered.

Here are the three items in question:

- Requires that all areas of restoration to be restored, but they can't wait until a wall is built.
- They originally offered 2 years of monitoring, but BSC wanted more, so they increased it to 3 years.
- They asked who would monitor it: BSC, or Steve? They'd like LEC Environmental to monitor, but Steve's welcome to as well.

Carl asked if they could move the road closer to the property line. Michael stated that they don't have as much swing, and it's a drainage path into wetlands (current conditions). Carl doesn't see the value to the wetlands.

Carl asked if a wildlife survey had been done. Rich stated that a survey had been done, and that the land wasn't providing a great vernal pool habitat, and there was not much of that on this site.

Rachel asked for confirmation that the failure rate for human created wetlands is approximately 40-60%. Carl stated that the numbers sounded right. Rich stated that it wasn't his experience that the failure rate was that high.

Rebecca voiced concern over the snow removal plan, as it's in the area of the vernal pool. Rich said they're not changing the amount of water. Rebecca stated except for the snow pile in the lower right-hand corner. Michael stated that any snow would be draining to the storm water management systems.

Rebecca asked for confirmation that their storm water standards are following the State and Georgetown's regulations. Rich and Michael stated yes. Rebecca asked if the 2008 State regs looked into increased rainfalls, or flooding due to climate warming. Michael stated that locally, they typically use the higher rainfall rates, which is usually what most local requirements require. Michael stated that we'd be using the Cornell numbers, or the Northeast Climate Center numbers. Rebecca asked Michael if they used the Cornell numbers, and he stated that it appears that it was not, so most likely our local standards don't require that. He thinks this will be the answer, since it was Peer Reviewed. The 100-year rate is 6.5" in the Drainage Report.

Carl asked if there would be facilities and a septic as well. Michael stated that there will be a small septic system, and that it will be designed and approved by the Board of Health separately.

Carl states that the Commission has received some letters of opposition from residents, at least 15. Carl stated that all of the Commissioners has received all of them, and will factor them in the decision-making process.

Nancy stated that the Applicant would like copies of those letters, and Steve said that they'd be sent out.

Rich stated that shares a slide labeled *Public Benefits*, and gives an overview. Below is what was presented at the meeting:

Public Benefits

- Wetland Replication at a >2:1 ratio and measuring roughly 6,700 square feet is proposed, which will increase the amount of wetlands on the site compared to existing conditions.
- Culvert removal and roughly 65 feet of Stream Restoration will restore stream continuity on either side of the cart path.
- Buffer Zone Restoration measuring 17,500+ square feet along the cart path north and south of the Wetland Replication Area and Stream Restoration is proposed by removing fill and establishing a native plant community.
- Roughly 65,400 square feet of Buffer Zone Enhancement is proposed within the northern portion of the site, where scattered piles of unstable fill, trash, and debris will be removed and the land will be restored with a native meadow seed mix. An annual mowing schedule will maintain this meadow habitat.
- The Wetland Replication, Stream Restoration, Buffer Zone Restoration, and Buffer Zone Enhancement eliminate the existing habitat fragmentation created by the cart path, stream crossing, and disturbed portions of the meadow, and create a more continuous area of vegetated wetlands and Buffer Zone between Interstate 95 and the remaining developed land located along Carleton Drive.

Carl stated that they're also asking for many waivers, so it's not a public benefit.

Rebecca asked what the square footage of the impervious area that they're going to impact in this area. Rich defers to Mike. Rebecca states that it would be a negative impact to this area. Mike stated he would get the info, but asked for the hearing to continue while he gets the information. Carl requested that they send the Commission a copy of the *Public Benefits* slide, and Rich agreed to send. Rich stated that this information was included in the correspondence that the Commission has, but this slide is just consolidated.

Tom asked about a site walk visit for Commissioners. Carl stated that they had one, but it was pouring rain, and he would like another. Nancy stated that the Applicant is willing, and wants to know what they're looking for. Steve noted that they have done site walks this time of year before. Nancy is open to scheduling a site walk.

Everyone agrees to do a site walk on February 6th, 2021 at 10:00 AM.

Steve asks if it's ok for the public to attend, to which Carl replied that it was up to the Applicant. Nancy replied that the public is not allowed on the property, as the Applicant doesn't own the property.

Emma Driskill offers her property to the public, as she's an abutter. Nancy notes that it's a site view only – not part of a public hearing. Carl agrees.

Steve proposes that the public meet at the cul-de-sac at the end, as it's a public roadway.

Rebecca: Makes a motion to conduct a site walk on February 6, 2021 at 10:00 AM.
Rachel: Seconds motion.

ROLL CALL

Rachel Bancroft	AYE
Rebecca Chane	AYE
Laura Repplier	AYE
Chris Candia	AYE
Elisabeth Clark	AYE
Tom Howland	AYE
Carl Shreder	AYE

Motion carries unanimously.

CARL OPENS THE MEETING TO THE PUBLIC FOR QUESTIONS/COMMENTS:

John Duff: 6 Spaulding Road

1. What is the plan for the meadow?
Rich responds that they intend to maintain native plants.
2. Does Mr. Mello plan to expand the project?
Nancy responds that there will be no expansion into the meadow.
3. What's the plan for the rodents/rat populations?
Nancy responds that the site plan information was sent to the Planning Board. Jason Mello also states that the seagull and rodent control is regulated by the State.
4. Who in the Town told the Applicant to move locations?
Nancy responds that when they applied through the ZBA, they were advised then, and from Town Officials, that they needed to find another location.
5. What's the objection to the public going on the site walk?
Nancy states that it's a liability for the owner of the property.
6. Early meetings were held; when were they held, who in the Town said that the Applicant had to relocate, and where can they get copies of them?
Nancy responded that the information regarding the meetings were all available on the Georgetown website.
7. What about the noise pollution?
Carl stated that it would normally go through the Board of Health. Steve Przyjemski stated that it may also go through the Planning Board as well.
8. He also noted that he would like to see the property maintained for more than 3 years.

Steve Sadler: 7 Hillside Drive

1. Will trucks be taking the waste out?
Nancy stated that trucks will be taking the waste out. Jason Mello stated yes, and that they will be loaded inside.
2. There are no regulations on the books for a station to be enclosed. It was said to them that they were moving to another spot because of regulations stating that the transfer station was to be enclosed.
Jason stated that the transfer station was built in 1982, and that approximately 15 years ago, the DEP stated that they wanted everything enclosed. Jason stated that they couldn't do it, so they moved.
3. He noted that the Application states that if the Town doesn't approve it, they can enclose the other site.

4. What type of monitoring responsibilities do we have, if approved?

Steve Przyjemski recommended 3 years in all of its phases.

Emma Driskill: 3 Spaulding Road

1. There are beavers, lynx, coyotes; they said there was no wildlife out there.
Rich clarified that he didn't observe amphibians/reptiles in the vernal pool. He didn't say anything about the wildlife. Emma noted that there are animals, and that they probably have habitats in both areas.
2. Concerned about the lights, and trash that would be blowing across the meadow into the wetlands.
Nancy stated that the trash will be picked up, and Carl responded by saying that it will have to be managed.

Mike Birmingham: 12 True Lane

1. The Conservation Commission has never let wetland fillings, and couldn't that set a precedent for appeals, etc.?
Rich stated that they're not proposing any work within the vernal pool buffer zone. Michael stated that it would be better off in the long run.
2. Have they gotten a Scientist for the Town? I believe that there's another vernal pool that hasn't been mentioned.
Carl stated that they did a 3rd party review, and they confirmed that there were no additional vernal pools.
3. Has a wildlife study been done?
Michael Laham stated that there hasn't been one done. Steve Przyjemski noted that he would like to have a habitat study done.

Tracy Lasquade: 1 True Lane

1. The permit is still open at the old site. The tonnage hasn't been discussed; they originally wanted 300 tons, but now they want 500 tons.
Nancy stated that it's still an open application.
2. They keep leaving out the 500 tons.
Nancy stated that Carleton Drive has the permit, and it's not relevant.

Steve Przyjemski said to be cautious, because it's an open application and we can't presume what the ZBA will say.

Patrick Canny: 4 True Lane

1. Regarding pest controls; are poisons being used, and is there a plan on that?
Jason Mello stated that he will get more information from the pest control company.

Carl stated that we'll need SDS (Safety Data Sheets).

Jason says he has them, but the Planning Board and the DEP have to approve the rodent control problem.

2. Will poisons be used?
Jason Mello stated that he didn't know, and he will provide that information.

Rebecca and Laura voiced concern over poisons being used, and how it would affect the wildlife. The Commission also voiced concerns about the current wildlife habitat, and how this project would affect them.

Rachel: Makes a motion to have a 3rd party review for a wildlife habitat study.
Chris: Seconds motion.

Rachel: Re-motions to have the study conducted by BSC.
Chris: Re-seconded.

ROLL CALL

Rachel Bancroft	AYE
Rebecca Chane	AYE
Chris Candia	AYE
Elisabeth Clark	AYE
Tom Howland	AYE
Laura Repplier	AYE
Carl Shreder	AYE

Motion carries unanimously.

Laura: Makes a motion to continue the hearing to February 18, 2021 at 7:15 PM.
Tom: Seconds motion.

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Rebecca Chane	AYE
Elisabeth Clark	AYE
Tom Howland	AYE
Laura Repplier	AYE
Carl Shreder	AYE

Motion carries unanimously.

21 Tenney Street (NO DEP#; GCC# 2020-17) NOI – (new)

Convert a deck to a 3-seasons room.

The Agent explained that the hearing will need to be continued because the DEP# wasn't issued in time for the meeting. He suggested that it be continued to February 18, 2021 at 7:00 PM.

Laura: Makes a motion to continue the hearing to February 18, 2021 at 7:00 PM.

Tom: Seconds motion.

ROLL CALL

Rachel Bancroft	AYE
Rebecca Chane	AYE
Chris Candia	AYE
Elisabeth Clark	AYE
Tom Howland	AYE
Laura Repplier	AYE
Carl Shreder	AYE

Motion carries unanimously.

BUSINESS

MEETING MINUTES

Rachel: Makes a motion to approve the meeting minutes from December 17, 2020.

Tom: Seconds motion.

ROLL CALL

Rachel Bancroft	AYE
Rebecca Chane	AYE
Chris Candia	AYE
Elisabeth Clark	AYE
Laura Repplier	ABSTAINED
Tom Howland	AYE
Carl Shreder	AYE

Motion carries, and the minutes are approved.

COC REQUEST FOR 105-107 KING GEORGE DRIVE (DEP# 161-0486; GCC# 2002-15)

Rebecca: Makes a motion to approve the COC for 105-107 King George Drive.
Rachel: Seconds motion.

ROLL CALL

Rachel Bancroft	AYE
Rebecca Chane	AYE
Chris Candia	AYE
Elisabeth Clark	AYE
Tom Howland	AYE
Laura Repplier	AYE
Carl Shreder	AYE

Motion carries unanimously.

REQUEST FOR MINOR MODIFICATIONS TO OOC FOR 6 NORINO WAY (DEP# 161-0761; GCC# 161-0761)

Steve requests that this request be put on hold for now.

Rebecca: Makes a motion to close the meeting.
Chris: Seconds motion.

ROLL CALL

Chris Candia	AYE
Rachel Bancroft	AYE
Rebecca Chane	AYE
Elisabeth Clark	AYE
Tom Howland	AYE
Laura Repplier	AYE
Carl Shreder	AYE

Motion carries unanimously, and the meeting is closed at 9:40 PM.

Documents and other exhibits used at the meeting will be available for review at The Conservation Office.

Meeting was adjourned at: 9:40 PM

Minutes for the Conservation Commission meeting held on January 21, 2021 were approved by a roll call vote on March 18, 2021. The Chairman will sign/approve the original Minutes document dated January 21, 2021 when in-person meetings resume.

Minutes approved by Committee on: 3/18/2021
(Date)

Respectfully submitted,

Chairman: _____
(Signature)