

Committee: Conservation Commission

Date: March 18, 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 and Julie Cantara

The meeting was called to order at: 7:03 PM

Conservation Commission 3/18/2021

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will be used by the Conservation Commission to conduct Public Meetings and Hearings until the Executive Order is rescinded, or the State of Emergency is terminated.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

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

Convert a deck to a 3-seasons room.

The Applicant didn't attend the Zoom meeting. Steve stated that because waivers are being requested, it should be continued. He suggested that it be continued to April 15, 2021 at 7:15 PM.

Laura: Makes a motion to continue the hearing to April 15, 2021 at 7:15 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.

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

New transfer station.

Present:

Nancy McCann	Attorney
Brian Madden	Wildlife Scientist from LEC Environmental
Rich Kirby	Wetland Consultant from LEC Environmental
Mike Laham	Project Engineer from Morin-Cameron Group
Jason Mello	Applicant

Comments from the public:

John Duff
Emma Driskill
John Samel
Theodora Capaldo
Steve Sadler
Kathy Birmingham
Tracy Lasquade
Patrick Canny
Mike Birmingham

Nancy: We last met in January, at the January 21st meeting. We had a site view scheduled for February, but was canceled due to snow on the ground. They were also discussing the wildlife habitat assessment; since that meeting there have been some communication between our Scientist and your Agent about the assessment, and we have prepared what we think is a comprehensive scope for that wildlife assessment, and we'd like to review that with you and hopefully come to terms with the scope of that assessment.

* Nancy turns it over to Brian Madden.

* Brian shares his screen with a slide labeled *Wildlife-Habitat-Evaluation-Carleton Drive, Georgetown – (15-46)*

Brian: This reviews the scope for the supplemental wildlife habitat evaluation, building off of what was previously completed out there. Just to reiterate; back between April 4th to May 30th 2019, there were a total of nine field investigations, conducting a vernal pool assessment across the property. Additionally, there was some wetland delineation work that was done on May 7th, May 10th, and June 10th, 2019, and some supplemental wetland impact area replication analysis in March 2020. Moving forward and building off of that prior work; we're proposing to conduct a total of five supplemental wildlife habitat evaluations in the spring, including at least one site visit within one hour of sunrise, and a separate one within one hour of sunset, to maximize wildlife habitat observations and target times when certain species are active. During that evaluation we'll document any unique habitat features, actual wildlife habitat utilization, and/or evidence of presence of wildlife. We're going to further document important wildlife habitat functions relating to food, shelter, migratory and over-wintering areas or breeding areas, in accordance with the state DEP Wildlife Habitat Guidance documents, and Bylaw Regulations - ultimately building towards completion of a wildlife habitat evaluation report, which will be submitted to the Commission in the Peer Review. That will provide a Cumulative Comprehensive Development Impact Analysis to have a significant adverse impact, either project specific or cumulative, on wildlife habitat – that's just a quote taken directly from the Regulations. Providing a recommendation for whether or not additional mitigation measures to avoid/minimize wildlife habitat impacts and/or if there's any additional restoration or enhancement of wildlife habitat would be necessary associated with the work. That's the broad strokes of what we're proposing to do moving forward.

* Brian asked if Rich wanted to jump in with anything else, or turn it over to questions or discussion.

Nancy: Brian, can you go through items 1 and 2 again so that we're very clear on all of the work that we're proposing?

Brian: In terms of the five supplemental wildlife evaluations?

Nancy: Yeah, items 1 and 2 which really states specifically five supplemental evaluations in the spring, including at least one – perhaps you could read those specifically so that we have the actual wording in the record of what it is that we are proposing to do.

Brian: We'll conduct five supplemental wildlife habitat evaluations in the spring of 2021, including at least one site visit within one hour of sunset and sunrise each, to maximize wildlife habitat observations and target times, when certain species are typically more active. LEC will document any unique habitat features, actual wildlife habitat utilization, and evidence of the presence of wildlife; including, but not necessarily limited to, vocalizations/calls/sounds and wildlife signs such as tracks, scat, burrows, browse-marks, nests, feathers, bone fragments, etc.

Carl: When you're doing the assessment early morning, are you using any kind of cams or anything, or are you just visually going out there and trying to observe? Because obviously many species are quite susceptible to human noise, and aren't going to make themselves very visible if they hear people tromping around out there.

Brian: I do these evaluations quite often, so you try to obviously be stealth, and there's enough network of paths through here that you're not crashing through vegetation necessarily disturbing any species. I'll be using binoculars to view from a distance, but we also do have a couple of game cameras set up currently.

Liz Clark: Can you describe what each of these site visits will entail? How long is it? You just mentioned using binoculars, but if you could go through the length of time that you'll spend there, any kind of survey techniques you're going to use; just curious about those details.

Brian: Duration: I would say at a minimum, three hours, up to five or six hours, possibly. Certainly, we'd get there early morning at sunset, sunrise, and try to exhaustively cover the site. Often that comes in the form of walking transects and/or meander types transects surveys. Obviously, keying out certain habitat features, and spending an appropriate amount of time within each habitat cover type, to fully get a representation of the wildlife habitat associated with each area. Again; we've been out there already quite extensively, and are very familiar with the site and the characteristics, and that will all be building off of the prior work as well.

Carl: Do you use any flare type technology? After the pre-sunrise, or after sunset?

Brian: Not necessarily. I think some of the game cameras do have...

Carl: They all have that capability.

Brian: Yeah.

Nancy: Rich – do the cameras that we have out on site now, would they satisfy that?

Rich: I think they have infrared capability, yeah.

Steve P: How many cameras?

Brian: We have four set up on the site.

Rachel: Question: Capability versus having it turned on all the time - a motion detective capability of the infrared.

Brian: They're motion detected. The batteries that are in there will last up to six months. They're being checked every other day, every few days. Any images of wildlife observed will be recorded and downloaded for presentations to the Commission at the end of our report. They're triggered when anything moves. In fact, one of them already has several hundred images of the branches blowing in the wind because it's triggering the camera to go off. But we have large sim cards in there, and they're being replaced as needed, so we always are able to capture images.

Rachel: Ok, great. Thank you.

Carl: Steve, is our 3rd party online? Does BSC have any comments about the scope?

Steve P: I don't see Gillian. I did invite Gillian, their Biology expert, but I do not see her online. I just texted her and I haven't heard back. I think I can represent some of the questions and concerns because her and I work on it together. I think some of the concerns are the limited boots on the ground. The estimated 15 to 30 hours of boots on the ground - the game cameras aren't picking up the amphibians, they're picking up coyotes and large critters. The 15 to 30 hours, in our opinion, it's not a very in-depth review. The tracking of the game cameras is a great concept, but you're only out there with boots on the ground. The Vernal Pool Physical Assessment is boots on the ground. The two other similar projects I've worked on since I've been in Georgetown involved some drift fencing and pitfall traps, and there are some options where you can use game cameras in conjunction with those so that they don't cost as much, and you don't have to check on them. When you have a bucket, you have to check on it twice a day. With a camera in conjunction with one of these drift fences is way more cost effective, and you can pick up more data. And yes, you can't always interpret the pictures perfectly, but it captures 24/7 data for 2, 3, 4, or 5 weeks at a time versus the 15 to 20 hours that the Applicant is proposing. I think I was looking for something in the middle, because I don't think what they're doing, and Gillian agrees, it's not enough; but I think that what Gillian's proposing is probably too much. You know, a thousand feet of drift fencing would be great, but it's a little bit much, so maybe something in the middle where drift fence is used in capturing data 24/7.

Carl: Once this drift fencing is set up, nobody has to be there to monitor it, so there's not a huge labor associated with that once it's set up.

Steve P: There's a lot of labor involved in setting it up. If you're using a bucket pitfall technique, then you have to go out twice a day to check on it. But if you have a drift net with a camera attached, you don't have to check on it daily; you check on it two or three days, just like that game cameras they're already using, so they can check on them all at the same time. The only real cost for the Applicant would be setting up the drift fences. I think that was the direction that Gillian and I were leaning in, which is why I didn't approve their proposal. I don't think it goes far enough; it doesn't capture the amphibians and the reptiles. It captures a coyote running through, or a rabbit - not the turtles, the frogs, the salamanders. I think that a drift fence is critical in determining that kind of group of critters.

Laura: Carl, can I ask a question?

Carl: Yes, you may.

Laura: Steve, can you give us some more of a description of the pit traps and the drift fencing? I'm not familiar with the drift fencing; how it works, what it is, etc. Also - when is this study starting? Because I feel like the amphibian migration would well start tonight, and we might lose that if we don't get on the ball and get that done.

Steve P: I was trying to draw this without going to a Conservation Commission meeting, and I made some new suggestions to the Applicant and they were pushing back, feeling that their proposal was enough. So again, I do agree. We're close to missing that window, and if we don't agree tonight – I talked to Nancy earlier today and suggested that we need to come to some consensus, because if we don't, we might have to wait until next spring to do this. We have to nail this down tonight. Now, the drift fence. You know that black mesh fencing that we use for erosion control a lot of the times, Laura? It's like an old school erosion control; you pretty much install that, dug into the ground, and at either end you install a 5-gallon bucket dug into the ground, so as the critters hit the fence, they walk down it and fall into the bucket. You come in the next morning or that night, and you look in the bucket, and take whatever critter is out; say there's a salamander, there's a frog, there's a turtle – you pick it up, inventory it and let it go. The other option is a camera that does the same thing, instead of a bucket there's a camera that's closer to the ground and it picks up that critter. It doesn't require being checked as much, but it's also not as accurate because you know, you get a fuzzy picture of a salamander looking left instead of right, you might not be able to tell what type it is.

Carl: You still have to go release it, correct?

Steve P: No.

Carl: You wouldn't have a bucket; you'd just have like a funnel and a camera we'd be watching as the critters head towards where the camera is set up.

Steve P: I've only seen the bucket technique used; I've never seen a camera one. I just think the camera is set up at a critical spot down the fence, I've never seen one installed. I have personally used the bucket traps before; I don't know the technical design of a camera one so I can't speak more to that. But you could install 1,000 linear feet of this fencing in sections, in areas that you think they're migrating, and that's where I think the delta is in this discussion. It's not doing 2,000 linear feet, it's doing three or four hundred linear feet to capture a little bit more data 24/7 on the ground, versus 15 to 30 hours, hoping that someone stumbles across something walking past. I do this all day; I probably walk past 100 turtles a week, so I think the fencing is a better technique to truly assess what's on the site.

Nancy: Mr. Chairman, can I ask Brian Madden and Rich Kirby to weigh in on that? Because I'm not an expert on this kind of thing.

Carl: Please do.

Rich: Brian, do you want to go first?

Brian: I would speak to the drift fencing with the cameras set up. In order to have that effective, you're going to have to clear out a certain amount of area in front of the fencing to be able to get an image captured. Otherwise, if there's herbaceous cover or any sort of vegetation material in front of the camera along the edge of the silt fencing, it's not going to pick up anything. And the pitfall traps may not be entirely inclusive of what is going on in terms of, is an amphibian migrating to a pool to breed, or just simple migration? Looking at these resource areas more specifically, we're going to find whether or not these species are nexus between the different areas, and know where they're migrating to and from. This is not a setting that's entirely out in the middle of nowhere; there are site constraints based on the surrounding development. I think you're going to

come to the same conclusions, looking at the individual resource areas very comprehensively - and trust me, it will be extensively searched.

Carl: Do you essentially come up with a statistical confidence interval as far as, when you collect your data this way, if you're out X-amount of hours, what kind of confidence in it would I expect; 95 if you're accurate or if we're collecting data, it's important to know how much data we're collecting and how accurate it is.

Brian: I think based on past experience; we can rely heavily on that. I would have a high level of confidence in the final conclusion report - ultimately what we prepare and submit.

Rachel: I have a quick question. Based on the fact that there are several very endangered species in Georgetown alone, found mostly here; how would that be handled, since they're not found in other places? How would you be able to say statistically what the likelihood of where they're headed, what they're doing, whether they're there to breed, whether they're there to just walk through to get to where they're breeding, etc., since they're only found here, for the most part?

Brian: I think it's important to note that the site is not mapped within a priority habitat for rare species by National Heritage, and I think the surrounding habitat landscape factors into that, certainly, but I think any concerns relative to a rare species overlaps with general wildlife; whether it be reptiles, amphibians, etc., that I think it would be addressed in an appropriate fashion, along with general wildlife.

Steve P: The other thing, Rachel, is my proposal. I mentioned the drift fence as above and beyond what they're proposing. They're still going to do their walk throughs in that 15 to 30 hours, looking in the vernal pools and looking for critters, so this is in addition and it's added value. I think that's important.

Rachel: That's very important.

Steve P: I should've stated that. That's what I was looking for in addition to, not substituting their proposal.

Rachel: Ok.

Steve P: I agree with a lot of the stuff they're working on. The game cameras, the assessment, all of that stuff is great. I'm just looking for a little bit more; not replacing all of their great ideas with mine, but in conjunction with.

Rachel: In addition to; understood.

Rich: Mr. Chairman, if I could just add to Brian's comments.

Carl: Go ahead, please do.

Rich: With regard to the vernal pools on the site, and utilization of those pools: we did do an extensive evaluation in 2019 in the vernal pool season, in advance of filing the ANRAD. We looked at a number of sites, a number of areas throughout the site that could potentially be vernal pools. We evaluated those areas every week for nine weeks during the hydro period. We identified one area that qualifies as a vernal pool under the State Act, for the presence of Wood Frog egg masses, and American Toad egg masses. The Wood Frog is an obligate vernal pool species, and the American Toad is a facultative one. There was another potential vernal pool as we called it, in the Northern portion of the site, that qualifies as a vernal pool under the Bylaw only,

because it only had American Toad tadpoles or egg masses in it. In fact, we've described all of this in the ANRAD. We talked about how within that wetland, within the Southerly portion of the site, no obligative vernal pool species were observed during that time. During BSC's Peer Review of that ANRAD, the only comment they had with regard to the extent of our delineation, was to modify how we showed them on the plan. Indicating in their September 26th (the second Peer Review Letter in 2019), that no further action is required. The Commission issued an ORAD on December 4, 2019, finding that the resource areas are accurate. When we filed the Notice of Intent in December 2019, in BSC's Peer Review Letter, there was no question about vernal pools; they had asked us to comply with the wildlife habitat standards outlined in the Bylaw. We prepared language and did the field work to demonstrate compliance with those standards, and BSC indicated in their June 16, 2020 letter, that BSC concurs that what we were proposing was reasonable mitigation. It's a little frustrating. I understand where the Commission is coming from, but it's frustrating now at this point to throw up the wildlife habitat evaluation flag. We're willing to do it, but the drift fence and the pitfall traps, or these low to the ground cameras; National Heritage rarely requires that level of study for sites that are mapped as priority habitats, and the majority of this work is occurring within previously developed land.

Rachel: To be specific, we are not asking for cameras. Steve was very specific about the cameras being something that he did not have much faith in, and Gillian agreed with that one. I'm just clarifying that, and I'm also wondering how quickly can you get this done. In regards to the 2012; animals do not know our dates and times. So, I understand that that happened then, but as we have often stated, much of what we certify is only good for a 3-year period. Things change so often, including animals and the way animals see a site, or they see where there's potential, or there is a population explosion of a certain type of animal.

Rich: Thank you, Rachel. I was referring to the low to the ground cameras along the drift fence that Steve was alluding to, and our study was conducted in 2019.

Carl: Are you willing to expand a little bit from what you're proposing? We're trying to come to a resolution; we want the study to move forward, and if we come to an impasse, it's going to, as we mentioned previously, it's going to cause a lot more difficulty and the project here.

Nancy: I think we are mindful of the timing, and as I, in my conversation with Steve earlier today; we are hoping that we can reach agreement tonight, and we are prepared to move forward immediately. We understand the timing and the season. Can I ask Brian and Rich to weigh in? We've heard what the Commission (inaudible) is looking for. Some sections of the fencing – is that something that we can do to supplement what we have proposed that we think would be reasonable? Perhaps more than necessary, but in the spirit of trying to come to an agreement on this scope...

Carl: The statistical sampling.

Nancy: Right.

Carl: You could do, you'd have to do the entire site; but you do a certain, few sections to see what kind of data you collect.

Nancy: Yeah. Brian, is there a way we could do some sections to do exactly as the Chair has just suggested?

Brian: Yeah, I think we could take a look at what would be appropriate, and ultimately optimize results. I'm certainly willing to entertain anything that's going to product the results that we're looking for, to compliment the boots on the ground and the thorough analysis. I think something that's reasonable, we'd be willing to discuss that further.

Steve P: I'm not talking 4,000 linear feet. I'm talking a few 25x25 fences for, supplemented with, a few 25 or 50-foot linears. I don't think we're talking that extreme; the previous sites I've dealt with had literally a thousand feet of this. A couple of X pitfall traps, and a few 50-foot linear traps to me doesn't seem extreme. It's supplemental, and the cameras concept makes sense because you would cut down on the cost to you all, right? There's the install and then there's checking on it. You're already going out there to check your cameras, but checking on the cameras doesn't cost anything – it's just the install. Again, Carl, I don't think fencing is extreme.

Carl: Depending on the cameras now, they have the technology that these things can actually transmit the data to the clouds, and you can literally watch this stuff on your phone.

Laura: Carl?

Rich: What if we were to run into a situation where, near the end of the study, suddenly the cameras go missing? I heard the concern from the Commission about the Southern wetland area near Carleton Drive and it's labeled as *pool* on the Existing Conditions Plan. We evaluated that area in 2019, and we didn't see any evidence of facultative or obligate vernal pool breeding activity there. What if we looked at that area again this year, and we evaluated it every week for the hydro period? We'll determine whether or not there's any breeding amphibians or obligate facultative amphibians or invertebrates in that area. We already know that the wetlands to the Northeast portion of the site, we know those are vernal pools. That area, where that intermittent stream is, where we are proposing a significant amount of restoration, is really the only other area that could be one. Is that a reasonable compromise?

Steve P: Will you do the same work in the back that you were earlier proposing? This is not a substitution.

Rich: Yeah, of course not. This is in addition to the bulleted items that Brian presented earlier.

Steve: I'm just clarifying, that's all.

Laura: Can I ask a question, please?

Carl: Yes, go ahead.

Laura: There's a lot of focus on evaluating the wetlands, etc., but I'm also interested in other parts of this site. We may not find endangered turtles nesting right next to the wetland, in the wetland, but they may be in sandier areas farther away from the wetlands. Also, they won't start nesting for quite some time yet, until it really warms up. My two questions are:

1. Are you going to be evaluating those sites, looking for turtle nesting activity?
2. You mentioned five visits; I don't know over what time period, and I'm concerned that we might miss the turtle nesting period.

Rich: Brian, do you want to answer that?

Brian: Turtle nesting typically would be in June. For clarification of the five supplemental evaluations; we'd be looking to start as early as next week, presuming that we're going to get some vernal pool migration this evening. Looking to carry it through April and potentially extending into May. I think we would need to discuss internally whether or not to extend on that further to June.

Laura: You haven't currently planned to conduct this study through June? That is when the Blanding's Turtles, Wood Turtles, and whatever else of our endangered species would be nesting.

Brian: Not as originally contemplated.

Steve P: Could this just go through July? The turtle nesting is not a nightly visit, it's a weekly visit. Could we just extend it to July, to cover Laura's concerns?

Nancy: I was just hearing June.

Rachel: They nest in June, and they hatch later.

Nancy: Brian, can you give us your thoughts on that, please?

Brian: If the evaluation were to continue through June, or at least the early part of June, I'd say mid-June, that would encapsulate the typical nesting season. It may be dependent upon weather conditions, site conditions, drought status, like last year.

Nancy: We were contemplating April into May. If, to address this particular concern, we add this into the mix, we could go into June, to capture that timeframe. Is there a way to identify, Brian, the habitat? I don't mean differently...but prior to the nesting, can you identify the habitat area? Because really, this is a habitat assessment.

Brian: Typically, we'd be identifying any potential turtle nesting areas within or outside of the work. That could be an area of focus come June.

Nancy: Right.

Carl: These dates are not set fast. The turtles use calendars, so you have to be somewhat flexible, I would think.

Brian: Exactly.

Nancy: Yes, and I think we would agree to that. I think we're okay with setting some general parameters here, understanding like Brian just said; there's impacts of drought and other things, etc., and we would understand that the goal of this is to get a comprehensive assessment that the Commission is going to be happy with, and your Peer Review Consultant is going to be happy with.

Carl: Right, and I also want to clarify that once you complete this survey, our Peer Review will look at this and evaluate it as well.

Nancy: Yes, we understand that.

Carl: I was saying that for the audience's sake, really.

Laura: Can I ask as well? If we're extending the timeframe for the wildlife study, do we need to also increase the number of visits? If we have five visits; they were originally going to be ending at the end of April, or however that was, and now we're extending into June. That seems like a lot less observation occurring at greater intervals, so maybe we should request that there are a greater number of observation periods, rather than five.

Nancy: I would think, and I'll let Brian chime in here, but I would certainly think that extending the period of time that is going to mean we are also going to extend the number of visits.

Brian: I would say three more site visits, possibly more; depending on site weather conditions, and what we find to date. The intent is to have this as comprehensive as possible. We're not going to short-change the evaluation, because we understand that that's only going to raise more questions.

Carl: Just to reiterate; we would be using your initial work, plus some sections of drift fencing, and extending the period and incorporating turtle activity.

Nancy: Can I just go back and make sure we understand the section of fencing? Just so that we're all in agreement. I think Steve, a few minutes ago, mentioned a few 50-foot sections that Steve wants to...I just want to make sure that I have that clearly.

Carl: Go ahead, Steve. Why don't you re-state the quantity of fence, so we can all agree on that.

Steve P: I didn't actually specify a linear, I was just describing the different individual; a 25-foot X pitfall trap and a 50-foot linear. I think originally Gillian and I were thinking five or six X pitfall traps, and five or six linears. Maybe it's three of each, or four of each. I don't think I ever nailed down the exact, but Gillian and I were talking; given the size of the property, five of each to us makes sense, and it was not thousands of feet. It just seemed reasonable. Five of each, if you ask my opinion.

Nancy: Brian, can I ask your thoughts on that, and how would three in the proper location...what do you think? I don't have a good understanding of exactly what it entails, so I need some guidance from you as far as the...as an addition to what we already think is a very comprehensive scope. We're trying to come to agreement and compromise here, so what do you think of what Steve just threw out?

Brian: Personally, I would like to give it a little bit more thought and possibly share/be looking at a plan with Steve so we can talk over exactly what he's really thinking, because I'm not fully understanding the full lengths and where specific areas are. I think in general, it certainly makes sense, but we can hash out the details and specific details in length through Steve.

Steve P: I would prefer that this be resolved tonight. I know it's pushing the meeting a little bit longer, but the back and forth in emails is very counter-productive, and we're already behind the ball as far as things going. These fences should already be installed. I know it's short notice, but I would much rather have the Commission make the decision tonight. Town Hall is closed tomorrow. We start talking Monday, and we go back and forth for two or three days, we would be missing a window. I suggested five originally; you started at three, the compromise was three, so just to clarify. I think five of each. The pitch to the Commission was, you wanted a compromise that's three – you started at three, so I just wanted to clarify. Thank you.

Nancy: Yeah, a compromise at three. We started at zero, let's put it that way. We can do three of each. I agree with Steve, I'd like to get this resolved tonight.

Carl: I would too, because the longer this goes on, we're going to miss that window, and we're going to be at square one again.

Nancy: We have no desire to miss that window. We want to do a comprehensive report; we want to do a report that is acceptable to the Commission.

Steve P: What we can work out Monday might be the location. By Monday, you write a narrative on everything we talked about, and your suggestions for the location. I think the number needs to be determined tonight; the location we can work out together. I'm not asking us to pull up a PowerPoint on this and pick a spot. I have my ideas that I can email to you on Monday, you email me yours, and that's where the discussion happens; not on the numbers. The numbers are the Commission and the Applicant, not me and Brian.

Rachel: As to the compromise; we're starting with Gillian's proposal, which is how many feet?

Steve P: The Gillian and my original were five of each. I'm not going to add up the math, I'm a Biologist. I have seen studies that have thousands of feet. We're just talking five x pitfall traps, and five linears. The x pitfall traps are 25x25.

Rachel: Ok, I'm just saying; if coming to a consensus means we started at one spot, somebody else started at another, we're meeting in the middle...what Gillian wanted, you said was a bit extreme, which we understood. We were trying to be more reasonable, so in asking for five, that is being more reasonable. If they started with three, and she started farther down the line at a larger quantity, then we are not meeting in the middle at that point.

Nancy: Mr. Chairman, let's just agree to do five of each.

Laura: Wait, no. What are we deciding? The number five has many different meanings in the context of this conversation. We've talked about five visits, eight visits. We've talked about linear feet. Are we talking about locations? What exactly are we deciding right now? That's what I need to know. Thanks.

Carl: We're talking about the quantity of drift fencing.

Laura: Where is it going? Ok, so Steve will decide with Brian in the field on Monday: where, what locations the drift fencing is going in. I don't know that we can decide the linear feet. I don't know this site.

Carl: We're trying to come to an agreement on both sides here, so we can move forward. Otherwise, if we go off and don't come to a decision, we miss the window and they can't complete what we're looking to do, and then everyone is in a difficult situation.

Laura: I've got that. I do understand that. My question is: if we're deciding the number of linear feet of drift fencing, how do we know? We don't know anything about the topography out there.

Carl: We try to get a representative sample. If you wanted to get everything, you'd have to put it everywhere, and we realize that's not possible. We're coming up with a representative sampling, as you will.

Steve P: Laura, keep in mind that is not arbitrary. Gillian and I looked at this for about a week to come up with this. The 25x25 x pitfall traps are kind of an industry standard. We're doing the best we can to come up with what we think is reasonable. This is not something we came up with in five or ten minutes; we put a lot of effort into this recommendation of five of each. And the location; again, that's also arbitrary, but Gillian has given me some suggestions. I'm sure Brian has some suggestions, and we'll work out the difference. This is not a Science; we do the best we can trying to...

Carl: It is a Science, but you have to use professional judgement.

Steve P: Correct. Sorry, thank you.

Rich: This is for context: if we do five 25-foot x pitfall traps, which is 50 feet per x, and five 50-foot sections, then that's a total of 500 linear feet of silt fence.

Chris: I have a question. This is for Steve: Steve, will you be overseeing exactly where you feel putting this fencing down, and what the best location would be?

Steve P: Brian and I will both email each other our thoughts on Monday, and we'll hopefully have a conversation and talk it through. If they're close enough, we can compromise. He can't pick it to the inch for the best spot, nor can I. In the field it changes. We'll do our best to putting an X on the map, and then we'll meet in the field, they'll stake it out and I'll approve it. If there's a huge rocky outcropping in the middle of where we both picked, then it changes. I said it's not a Science, it is a Science; it's not to the inch or foot. It's a fluid process, let's just call it.

Resident: Mr. Chairman, can I get some reassurance as a resident, that the Conservation Commission is going to be part of this evaluation? Because...

Carl: Ma'am, we haven't opened it up to public comments. I'll give everyone a chance, just give us a few minutes till I get my Commissioners through. Thank you.

Resident: Absolutely.

Carl: Is the Commission amenable to this? Is the Applicant amenable to this? We're trying to lock down to a degree, a process here as something we can both agree to, to move forward.

Nancy: The Applicant is amenable to proceeding forward with preparing a wildlife assessment, using the five bulleted points that Brian had presented. The first being the number of visits will be expanded as necessary to include the period of time through, I would say at least mid-June, to capture the turtle season...

Carl: Which might need to be modified as necessary, based on ground conditions.

Nancy: Right, as I heard.

Steve P: I heard three to five visits earlier, just to give it a number. Three to five visits.

Carl: Three to five additional visits? Because he initially said five visits, and we were talking about extending the time.

Nancy: He said additional visits, correct. Brian mentioned three to five additional visits. In addition to that: the fencing as mentioned, the 25 x's, the 50 linear feet, for a total of 500 feet. The location will be determined by Brian and Steve. Initially, over email, and then a meeting in the field for the installation so that the exact location is known – that is agreeable to the Applicant.

Carl: Is that agreeable to the Commission?

Laura: Steve, is that what you and Gillian recommended?

Steve P: That is close enough that I am comfortable with that proposal.

Carl: Steve, do we need a vote on this? That's the question.

Steve P: I don't think so. This is their task, their scope of work. We're just working with them to nail it down.

Carl: Right, at the last meeting we voted that we wanted a wildlife survey already.

Steve P: That was more because we were contracting with someone for a fee in a contract, where this is a recommendation to the Applicant. I don't think it's necessary, unless Nancy wants it, we can do one.

Nancy: I think I would, for purposes of the minutes; I would like it clear that the Commission is in agreement that we are going to undertake this scope, so we have now determined the scope for the wildlife assessment.

Steve P: There's no harm, so.

Carl: I'll entertain a motion to authorize the scope, as just discussed in the meeting.

Steve P: Carl, do we want to take abutter comments, in case abutter feedback modifies this a little bit? Afterwards it'll be too late.

Carl: I guess we can; but I don't want to get too wrapped up in too many other related comments, but I'll entertain comments relating to just the wildlife study at this point. We can open that up.

Steve P: Thank you, sir.

Carl: Just the wildlife survey. We can open it up later.

Carl invites abutter comments regarding the wildlife survey, and ask that they identify themselves for the record.

PUBLIC COMMENTS

John Duff: 6 Spaulding Road

A comment was made earlier about animals not knowing dates; they also don't know about property lines. My question is: How do we know that the wildlife will be impacted beyond the property that is being applied for?

Carl: Are you asking if the wildlife off of this property will be affected? I'm just trying to clarify exactly what you're asking.

John: Animals aren't conscious of property lines, so this proposal could certainly impact areas around the property; not just the property itself.

Carl: You're talking about the project itself in general, not the study? Just to clarify.

John: Right. But how that ties into the study, because I would think that there are wetlands North of this project. How do we know what the impact of this project is on that property; on that wetland? The second question would be: what do we do with the information as far as, if the proposal goes through, what do we do? That might not be relevant now. The first question is about how does this impact the property abutting the property, as far as wildlife is concerned?

Carl: They're supposed to look at a distance off of the site. If the Applicant wants to take that question.

Nancy: I'll have Brian weigh in on this, but if you look at his bullet points; the ultimate result of this assessment is to determine the impact of the project on wildlife habitat.

Carl: I think he's asking more in general terms of the impact of the resources and the animals off-site. Normally in the application process, the Regulations require that we look X amount of feet off of the site - that project will impact resources off of the site. What is it, 200 feet, Steve?

Steve P: For the ANRAD process it's 200 feet. I can locate some of these drift nets; Brian and I can work through it and locate them on the edges of the property to try to pick up stuff coming from off property, too.

Carl: Right, obviously we don't want to go on other people's property.

Steve: Correct - on the edge, not off.

Emma Driskill: 3 Spaulding Road

My property directly abuts this property, and I would be happy to allow you to come onto my property and do additional work there. I think there are wetlands that are technically on my property, and it's sort of a continuation of the wetlands that's on the Carleton Drive property.

John Samel: 16 Carleton Drive

There are many deer, fox, turkeys, etc., and I used to see them every single day. With the increase of traffic from the gym and many places, we see less. Certainly, with 1,000 cars going up and down that road, there's going to be an impact on the wildlife. There's no question about it.

Carl: No doubt.

John: How does that get addressed? Because you are going to drive away the deer, fox, and everyone else out of the area with that kind of traffic.

Carl: This is the first stage of figuring about what we have and then we look at what kind of development we want to go in there, and what kind of mitigation and what the overall impact is. This is the first stage, so I don't have a full answer. Obviously, anything going in there is going to impact it, there's no doubt. To figure out what we have is the first step. We need to know, obviously there's a lot of upland species in that area, there's no doubt.

Theodora Capaldo: 111 West Street

Will the Commission be doing a study of its own, or will it be hand-in-hand doing the study with the Applicant? My concern with that is that, for example; The Planning Board - after they received the traffic study on this project, decided yes, like the residents wanted; we needed to do our own from the Georgetown perspective. It's a little odd for a Scientist to not be caught in a conflict of interest when he's being paid by the Applicant. Within their proposal, there was no expansion of the scope to incorporate what the Conservation Commission

brought up around nesting and hatching times. We need some reassurance; the residents need reassurance that the Commission will be hand-in-hand looking at the same variables that the Applicant is looking at. That's the piece of information that I think the residents can feel more confident in, versus what may be a conflict of interest, or the potential for bias of a study that's being paid for by the Applicant themselves.

Carl: Ma'am, we always hire, on these kinds of projects, a 3rd party review; another consulting firm that's employed by the Conservation Commission to re-evaluate what they're presenting to us, by other professionals – Biologists. We typically use a company called BSC.

Theodora: Ok, so there is oversight by the Commission?

Carl: Absolutely, in all stages.

Theodora: Thank you,

Carl: You're welcome.

Carl: Are there anymore comments relating to the wildlife study? If not, I'll entertain a motion to approve or authorize the proceeding of the wildlife study as we've discussed.

Laura: What would need to be in the motion? I think we should be pretty explicit.

Carl: I think it would need to be including what they initially proposed, and the added modifications to the amount of drift fencing, and the timeline. The number of visits, the five points that they brought up, the additions that we've asked, and your comments relating to turtles as far as dates as well. Timelines into mid-May, the 500 feet of drift fencing, and...

Laura: And that Steve will work in the field with Mr. Madden to determine the location.

Carl: The actual locations of the drift fencing. That would be acceptable to me as far as a motion.

Laura: So moved.

Carl: I would need a second.

Tom: Second.

Carl: We have a motion, and it's been seconded to authorize the wildlife study with the modifications made with the 500 feet of drift fencing, and the timeline to extend into mid-May, and also...

Laura: I'm sorry, no. The timeline is the end of June.

Carl: It's getting late already, so bear with me.

Laura: Carl, it needs to be the end of June, not mid-June.

Carl: I think that would be fine with me. It may even need to be a little longer than that, depending on conditions, so it has to be somewhat flexible. The animals don't use calendars. At least that point. Also, that the actual fencing location will be determined by the Applicant's Biologist and our staff. Any further comments?

* No one has comments, so Carl asks for a roll call vote.

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.

Nancy: Thank you very much, Mr. Chairman. I think the only thing we wanted to go back to, as we discussed in the beginning, was setting a site view.

Carl: I agree.

* Everyone reviews their available dates and times.

Rachel: Makes a motion to schedule a site walk for Saturday, April 3, 2021 at 9:00 AM.

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.

* Carl asks Nancy if abutters are allowed on the property for the site walk, and Nancy said no. Carl reiterates that if residents want to look from beyond the property that's ok, but they can't come on the property because it's private.

Carl: I have a question about where the storm drains on the site; where are they going?

Nancy: I will ask Mike Laham, I believe our Project Engineer is still on the call.

Mike: Yes, I am.

Carl: I'm just thinking in terms of, say if I had a truck coming on site and he blew its hydraulics, and I have 25 gallons of hydraulic fluid floating down the pavement towards the storm drain, where's that going to go?

Mike: The project was designed with a comprehensive stormwater management system, which has been peer reviewed and in conformance with the stormwater handbook and of course (inaudible) standards. All of the TSS removal, all of the treatment in drains going to the (inaudible) discharges. Ultimately the water shed was divided up according to where the water was flowing originally, and the proposed condition is to essentially send...we're reducing peak rates of run-off to each of the particular locations that were studied. So, it's a typical treatment drain of catch basins...

Carl: There's no grease oil separators on any of those?

Mike: The hoods serve as a grease oil separator, and down the treatment train is the CDS units, the water quality units which have additional means of filtering that out; both sediment in the run-off, as well as floatables. So, the catch basins do a pretty good job with the floatables, because they float and they can't get out of the hood. The first step's a pretty good one, and then down the train we have the advanced treatment units prior to going to the sub-surface.

Carl: The reason I ask is because it's not the first time I've had to respond to trucks that have been leaking either fuel and/or hydraulics, and having to address a reportable quantity spill before it gets into the resource area. So, obviously that would be my concern.

Mike: Right. In that case, we'd figure out what happened and you'd pump that catch basin out right away.

Carl: In the current location: You're taking refrigerators and other things that would have either CFC's or HCFC refrigerants on site - in the new site, you'd be doing that, too?

Jason: Yes, we would, and we have a certified company with the State that comes in and drains all the freon.

Carl: Right. Yeah, they'd have to do that. Is there a pad that goes around, or where would you be storing those on the site?

Jason: Everything will be stored in the building, aside from the residential drop-off areas.

Carl: Inside the building? Ok.

Jason: And they generally come and service those for me once a week.

Carl: Ok. Any other questions that the Commissioners have right now? Those were the couple that I had.

Steve P: On the Plot Plan it says *Proposed Hot Load Area*; what?

Carl: Hot load usually means that someone has the engine running.

Steve P: It's like a 60x40 foot area in the bottom right corner. Is that the only spot people can leave their engine running?

Jason: No, a hot load is when something's on fire. The State has us designate a spot for what we call a hot load.

Steve P: I never would've guessed that, thank you.

Jason: Absolutely.

Carl: Any other comments at this point from Commissioners relating to this? Because I want to open this up to more public comment as we move on here.

Carl: In the increasing size of the quantity, how many trucks do you think a day would be going into the site, versus what you have now? Can I look at this from a risk perspective? Obviously, the more materials that come on site, the more potential for something happening. I'm just trying to better quantify risk.

Nancy: The Planning Board, as you may know, is reviewing the traffic. They have their own Peer Review going of the traffic...

Carl: I'm not talking about traffic; I'm talking about risk of materials. If I had some spillage...again, the more trucks that come on site, the more chances of a spillage. I'm not talking about a traffic study, I'm talking about – I'm a Professional at looking at risk mitigation, and the more materials I have on-site, the greater chances of a fire, which we talked about happening as well. That can be quantified, so that's why I'm asking the question.

Nancy: I don't have the traffic number on the top of my head, I suspect Jason does. The number of trucks – is that what you? There are various types of trucks that come in. Jason, if you know that off the top of your head...or is that something that we can provide to you at the next meeting?

Jason: I don't have the traffic study in front of me, but I believe we were proposing an additional roughly 92 trucks per day, and that's what the Planning Board's traffic study was going to verify by looking at other transfer stations.

Carl: So, ninety-two. I'm looking at it from a little different perspective, but that data is helpful when I look at overall risk.

Nancy: I want to get you the actual numbers.

Jason: I would rather you see the exact number that we put into the plan, but that is what the Planning Board's Peer Review is confirming; on whether or not our numbers are accurate – which they should be.

Carl: When I look at risk we look at - the more materials we have in a particular location, the greater chances of something happening; either an accident, fire, chemical spill, release, what have you. That's just a fact. You can do a risk assessment quantitatively that way, and that's what I'm trying to figure out; what the added risk would be from what the current operation, and relating to materials getting in the ground or the environment.

Nancy: We'll provide you that information, because that was not a typical piece of information that we would provide in an NOI, so we'll get that for you.

Carl: It's a little different, but when I'm looking at a commercial site, I'm asking different question than someone putting on a deck, or that type of thing. I have expertise in this area; I look at this stuff all day long.

Nancy: Right.

Chris: I have a question. Trucks coming off of I-95; coming into Georgetown area, coming right off the bridge, taking a hairpin turn onto Carleton Drive, these large roll-off container vehicles plus trash vehicles; how are they going to make that corner safely? Either coming or going.

Carl: It's kind of a Planning Board thing, so I don't want to get too deep into the Planning Board's side of things. If the Applicant wants to make a comment, feel free.

Nancy: They can make that turn. We've provided all of the turning radius information, and that's being reviewed right now by the (inaudible) Board's Peer Review Consultants.

Chris: Thank you.

Carl: Are there any other Commissioner questions? I want to open it up to abutters again.

Tom: I think this question was asked at the last meeting, and I don't know if we got an answer. This probably shows up on the plans, but did we come up with a number of the actual square feet that are needed for filling, for this waiver? How does this fit historically? Would the granting of this waiver be the biggest the Commission has ever granted?

Carl: We haven't granted many fillings in 20 years; it's been a very rare occasion.

Nancy: Rich Kirby, do you have that number from the NOI?

Rich: We are filling the tips of two finger lake projections within the Southwestern portion of the site, adjacent to an existing parking lot and lawn area. I think the Commission and the Public need to consider the context that we are proposing that alteration. The mitigation that we are proposing for this project is off the charts. We are proposing a significant amount of wetland replication; we are day lighting a culvert, day lighting a stream by removing the culvert, we are restoring buffer zone areas and removing old fill, and reconnecting the wooded area where the Southern portion of the site with the wooded area that's to the East of the site along I-95. Are we filling some wetlands? Sure, we are. It's the roadway path that results in the least amount of impact for the project site as a whole, when you take the mitigation into consideration.

Tom: Right, I could see a lot of mitigation. I appreciate the effort; I just wanted to see if there was a number.

Rich: I can find the number for you, it'll just take me a minute, if you want to just take another question.

Carl: Tom, if you remember; the Commission did approve a plan a number of years ago, probably at least 15 years ago for that site – for a Commercial operation, and the entry way was on the other side of the existing road. I can't remember how many years ago it was, but it was quite a few.

Rich: Mike: As I'm looking for this, do you have the mitigation plan? Do you have the actual plan that was revised?

Mike: I do have that plan.

Rich: The one that shows the different shades of green for the wetland alteration, temporary/permanent wetland replication, stream creation.

Mike: Yes.

Rich: That has the numbers on it.

* Mike shares his screen.

Rich: Here's the site. Towards the top of the page is the proposed roadway. You can see the rabbit ears if you will, of the wetland projections where we are altering the very ends. Just to the top of the roadway is the adjacent parcel; you can see the pavement edge and the lawn area separating the pavement from our parcel. The beige-colored areas are where we are altering wetlands. We have 1,998 on the left-hand side, 1,337 on the right-hand side, and a bit of temporary wetland alteration that we need to alter to build the retaining wall, and that'll be replaced. Toward the bottom of the page, we have a hatched area where we are proposing. The more of a Kelly-green color is where we have our wetland replication, where we are at 6,700 square feet of wetland replication. That includes 65 linear feet of stream creation by removing the culvert that's currently there; it carries the stream beneath the path, the greyer screen-colored wetlands. Flanking that stream creation and wetland replication is the buffer zone restoration area, which measures 15,700 on the left side, and 2,510 on the right side. That's where the old fill that was placed to create that path will be removed - all the invasive species. Flanking the path will be removed, the native top soil will be replaced that's not under the fill that we remove, and we'll be planting it with hundreds of sapling trees, shrubs, and native seed mixtures. Lastly; if you pan to the right of plan, that represents the meadow area for the portion of the site that will remain. That's going to be enhanced by removing all of the debris: the fill piles, the white goods, the auto parts, and everything else that's out there, re-establishing a meadow that will be mowed once annually, as a result of our wildlife habitat evaluation. If there are other means or methods of habitat improvement that we can implement on this site, beyond what is shown here on this mitigation plan, we'll be working on that and including it in our report and revised plan.

Steve P: Can you scroll back down to the green area, along the highway?

Rich: Sure.

Steve P: At the last meeting there was a comment made, again I'm not for or opposed this concept, I'm just trying to look for clarification because you don't show off property. The comment at the last meeting was that the wetland filling is not that bad. I'm paraphrasing, because you're connecting existing wetlands. I get the concept; you impact the tips to create connectivity. Can you please email me at some point, and the Commission, some mapping that shows, based on geo, the wetland you're connecting into? My understanding is the highway is 100 feet away. What you're connecting to is the culvert that goes underneath I-95, and I think the Commission would benefit from seeing. To your point it's great. We love connecting wetlands that have been disconnected, but we don't see the whole picture. Yes, if this connects to a 200-acre, pristine wetland, then I love it - I absolutely love it, but I don't know what it's connecting to. You show a great connection to nothing.

Rich: I understand what you're saying, but we also have to keep in mind the landscaped context of this lot.

Steve P: Correct.

Rich: It's not as though this is the sole habitat connector for a broad, expansive area of continuous, forested land.

Steve P: Correct.

Rich: To provide habitat for the rarest and reclusive of species. This is a developed area. We have significant Commercial and Industrial development on Carleton Drive; we have a major highway on the other side, we have some residential development on the North. Yes, there is habitat connectivity, but it's commensurate with the landscape context that we're thinking about. In addition to the wetland connection, we're talking about reconnecting the woodland; it's not only the wetland, it's the woodland in the buffer zone, and adjacent to the wetland as well. There is a section of woodland between the lot and I-95 that does extend to the South around the Carleton Drive cul-de-sac, and up to the North where it eventually flows beneath the stream. It's not just the wetland connection, it's more of a habitat connection.

Steve P: I'm not disagreeing with your assessment at all, I think in order to paint the picture to show your argument, I think it's important to show beyond the property boundaries.

Carl: If he's selling it as an improvement or a betterment, you have to provide that information.

Rich: I think we do pretty thoroughly, in the narratives that we've gone back and forth with BSC on. I'm happy to work with the Morin-Cameron Group, and we can overlay the restoration areas and the wetland alteration areas onto an aerial.

Steve P: Perfect, thank you.

Carl: That would be helpful.

Steve P: Let's show it at the next meeting. Carl, just to let you know – we have other people waiting for their projects, so if we could get abutters and move this along a bit.

Carl: That's exactly where I'm going now. I will open it up to abutter comments; please try to focus on the environmental issues, and you may comment. Please identify yourself for the record. Thank you.

PUBLIC COMMENTS

Emma Driskill: 3 Spaulding Road

I would like to ask about the meadow that's going to be on the North side of the proposed property, and if it could be subbed out for trees or something that would provide a little more of a sound, light, or smell barrier between the transfer station and the abutters on this side. I know a meadow sounds lovely, but it would allow everything to flow freely over to Spaulding Road and Tenney Street. I wonder if there has been any thought to perhaps having trees or some kind of vegetation that might provide a little more coverage. I do have a question for Rich. In terms of the replication, how successful is this replication of natural resources? Does it always take, or does it only take a certain percentage of the time?

Rich: Has the issue of screening come up at the Planning Board? Emma or Jason?

Nancy: It is under review by the Planning Board, it is part of their review. As Scott Cameron as well as Mike Laham have presented to the Planning Board: there's quite a distance of dense growth in the North of the property, and then we had the meadow in the front, which was part of our mitigation. There was not additional planting proposed, of trees in that area.

Rich: Ok. There is a chain-link fence that surrounds the development, correct?

Nancy: I believe so. I believe that's correct, yeah.

Carl: The Evergreens make very effective sound barriers; we all experience near the highway, when the deciduous trees lose their leaves, it's a lot louder. I've seen this used on firing ranges and other things like that, to try and mitigate sound.

Rich: We can certainly look at that. The idea of establishing a meadow was trying to keep out the invasive plants that typically otherwise populate in another area that's left to go fallow; which is effectively what's happening right now.

Carl: It doesn't have to be a huge area, sometimes you just need a vegetation barrier.

Rich: We can certainly look at that, but keep in mind that, as Scott Cameron from the Morin-Cameron Group has, and Mike Laham as well – the orientation of the building is sited such that the openings are away from the residential development and toward the highway to help focus some of that sound. We can look at proposing some Evergreen plants.

Emma: I do appreciate that, but I was thinking about trucks backing up, the beeping that will carry; and on a windy day, I can imagine trash will blow around. So just anything that can be done to protect the neighborhood, because we do have a nice neighborhood over here with kids and families. If you could protect trash, smell and sound from coming over here, that would be much appreciated.

Rich: I will look into that, but that is more of a Planning Board issue, so I would encourage you to bring it up with them. With regard to the wetland replication: a lot of evaluation has gone into the design; a lot of oversight and supervision is proposed as part of the Notice of Intent Application, and will be, presumably required, in an Order of Conditions by this Commission. Creating wetlands can be challenging, but with proper design and oversight it can be successful very often. I've designed and supervised, installed, and monitored probably hundreds of these in the tenure of my career. This site I think it's going to be quite easy to intercept. The way that you successfully create wetlands is to intercept the groundwater. You want your land elevation to be at or near the fluctuating groundwater table, and because the soils out here are so sandy, we have a very good idea as to where that groundwater table is. Groundwater has a tendency to seek its own level in a sandy environment. You can imagine if you're at the beach - you're near high tide but you're still in the dry part; but if you were to dig a hole, eventually you're going to hit water, and the water's going to be roughly the same elevation as the adjacent ocean. Or, at a pond for example; it's very similar to that. By way of removing the material that is above the wetland, and over-excavating such that we are into the hydrology, and then back-filling the wetland soils, putting in the native plants, putting in a native seed mix, monitoring it several times a year, providing and conducting the management – that's how we ensure the success. Twenty years ago, fifteen years ago, in some people's minds, wetland replication was; you just dig a hole, throw some soil in it, throw down some seed mix in it and let it go. That's never been our approach, and I think the industry has been elevated over the years by the trial-and-error

success design, requiring requirement for supervisions, etc.; I'm quite confident that we will be successful here.

Emma: What was the percent that it was successful?

Rich: I'm not sure there's a number that exists, that takes into account all of the wetland replication that's ever been done in Georgetown, in Massachusetts, in the Northeast U.S., in the world. I don't know how you'd come up with that number.

Steve P: In my experience in 16 years, I'll give about a 50% success rate. If you want a number, from my perspective it's fifty. Extra attention, extra oversight, they care; then it goes up. I don't know the industry. My experience is fifty percent.

Emma: Thank you, Steve.

Steve Sadler: 7 Hillside Drive

The Board and the Applicant: If you recall your last meeting; there was a question asked by you, Mr. Chair, if there was an active Administrative Consent Orders or Enforcement Orders out. I believe the answer was no. Just through a 3rd party public document, there is an Enforcement Order being taken on Mello, but I don't know all the details to it.

The question I have is for the Applicant: Can you comment on this?

The question for the Board is: My understanding is that this process started in June of last year, so there was a request to have a conversation in June of 2020. I don't know all the details, but the Town, the Health Dept, they had no idea about it. I don't believe the Conservation Agent was aware at all, so my question to the Board is; if we can't keep track of what's happening at a 50-ton transfer station, or even be apprised as to what's going on over there, how do we expect to be able to manage and oversee a 500? Thank you, Mr. Chair.

Carl: Thank you. If the Applicant would like to try to address that. There might be some Administrative Order going on that they might not be able to comment on, but I did bring up the concept of compliance, and that's where we talk about risk mitigation. Does anyone want to tackle that?

Nancy: I think Jason is going to respond, otherwise I will.

Jason: Absolutely. The current facility, because it's not enclosed, we're working with DEP to make changes to keep DEP happy while we're continuing to attempt to permit the new facility.

Carl: When you say keep them happy, did they actually issue an Enforcement Order? I'm trying to figure out what degree of Administrative Consent...was it relating to the fact that the current facility was open?

Jason: We do not have an actual an open Administrative Consent Order that's been finalized. They've discussed it, but no, there's nothing finalized yet. They're working with us to make improvements to continue to move forward.

Steve Sadler: Just to clarify; it's a compliance issue, right? It's an Enforcement Order for non-compliance of DEP regulations.

Jason: Because the building is not fully enclosed.

Steve P: Not to jump in, but that's what you're trying to comply with for the permit that the Commission issued for the 203 East Main Street project a few years ago, and what you're looking to do at this site; is that correct?

Jason: The Commission approved...

Carl: I think he's asking if the Commission approved; aren't you, Steve?

Steve P: No. The old project, they did approve. The existing site we did approve.

Carl: We approved a residential drop-off driveway, so we didn't approve anything on the building.

Steve P: But it was shown on the plan. The plans that they submitted showed the entire property; in our jurisdiction, and outside. So, we approved a drop-off facility for residents in our jurisdiction, but the same plan showed a large structure that was enclosed. Would that approved plan under the Conservation Commission's previously approval satisfy the ACO?

Carl: I get what you're asking, sure.

Steve P: Thank you.

Nancy: What the Conservation Commission had jurisdiction over with regard to that improvement, would not resolve the issue entirely with DEP.

Steve P: Absolutely, I don't disagree. I'm just trying to draw the line between our jurisdiction and not our jurisdiction. I guess the question is: are the ACO issues, issues within the Commission's jurisdiction or outside of it? It sounds like it's outside of it; is that a fair assessment?

Nancy: I believe that is true.

Carl: So, the compliance issue is purely with the solid waste division within the DEP? It wasn't with the wetlands side of the house, correct?

Jason: No, strictly solid waste.

Steve P: I'm just looking to clarify because I haven't seen the document; I'd love to see it. I don't think it's an issue, but when we're in the dark, we only presume the worst, so I'd love to see the document.

Steve Sadler: Are you asking for the document from the Applicant? Or from the document that DEP provided?

Steve P: From the Applicant. I'm looking for what we don't see. We know there's an ACO, but we don't know what it's for. I'm looking for the Applicant to disclose what's going on. From what I'm hearing, it's not relevant to this discussion; if we had the document, we could take it off the table.

Steve Sadler: I agree, and I just wanted to be completely clear that that's the reason why I'm asking - because I don't know. I'm just a resident here in town doing due-diligence; not making accusations, not making any assumptions, I'm just asking the Town employees. When the Town employees don't know, it kind of makes me nervous.

Steve P: Jason and Nancy: Could you guys send us; can you clarify what's going on? I think it's off the table, but we need to show that.

Nancy: I don't think it's relevant to this discussion, and I think as Jason said, there isn't an issued ACO.

Jason: Correct.

Nancy: You're asking for something that doesn't exist.

Steve P: Can we get clarification on what the concerns are? Because then we can take it off the table. Is it the enclosure, or is it other?

Jason: It's contact water that they want to be captured. That's the biggest issue.

Steve P: So, an enclosed building would solve the problem?

Jason: Correct.

Steve P: Ok. Thank you, sir.

Carl: Essentially, this is falling under the State's stormwater regulations, too. They're talking about contact versus non-contact water, right?

Jason: Yes. I don't know what that falls under, I shouldn't say that. But yes, it's contact water versus non-contact water.

Rachel: Steve and Carl, quick question: As far as the contact water, and as far as the 203 site; part of the mitigation for what was going forward, had to do with fixing, maintaining, and going forward with run-off, etc. - does that include that?

Steve P: I think that's going a little bit beyond. I'm not going to disagree with the question, but it's going beyond the scope of this meeting, and the discussion for the Carleton Drive project.

Rachel: I just wanted to know, because...

Steve P: We can take it offline. My personal opinion is that it's beyond the scope.

Rachel: Ok, that's fair.

Carl: I want to get some more abutter comments, because we do have another hearing, and we're not going to resolve everything tonight.

Rachel: Understood.

Jason: If my ACO is finalized and issued, you'll absolutely get a copy of it.

Steve P: Thank you.

John Samel: 16 Carleton Drive

I think our concerns, besides the ACO, which is noted, is the bi-annual inspection report. In fact, the latest bi-annual inspection report specifically refers to an ACO. But in addition, the bi-annual inspection reports in general have not been monitored by the DEP. There have been multiple occasions where more than 100 tons were on the premises at the time of the inspection. It was noted, and no action was taken. There have been repeated violations of debris in the stormwater, which was noted in the inspection reports, and no action taken. There's been no follow-up. The concern is that we've got a part-time Board of Health, we've got a small town, and we're not able to keep up with any of the issues currently at the 50-ton station. We're questioning how we're ever going to keep up with actual monitoring of the reports and the inspections. In fact, the most recent inspection reports have been switched; they're supposed to be reporting, by law, in tonnage, and they're not any longer reporting in tonnage. They're reporting in, I don't know, yards. Which is impossible to correlate, so again; our concern is the overall lack of ability of the Town. Not knocking anybody, but how are they ever going to keep up with a 500-ton station?

Carl: Those are certainly valid concerns, and so we're asking questions on compliance and management of the program. They're not directly relating to the Conservation wetlands, but in a sense they are. If the project is mis-managed, we're going to have downstream problems.

John: We're going to have debris in the woods all over the place. You have debris as it is, coming in from the streets right now, from the trucks who are coming in with no covers on, or with improper covers on. There's everything from boxes and papers in the trees already in Carleton Drive, and we're not even directly in the path. The fact that none of these violations or inspection reports are being monitored, no action has been taken; it's just indicative of, that this project just might be too large for this town that works with part-time staff.

Nancy: Mr. Chairman, if I can respond. This project will be overseen not only by the Town, but by the State at several different levels. Mr. Mello and G. Mello Disposal has a very good reputation with the Town of Georgetown and the Board of Health, and I don't think that general statements that the project is not going to be appropriately monitored, are correct. I would like to know, for the record, Mr. Samel's relationship to the Town of Georgetown and to 16 Carleton Drive. I believe he's a renter at that property.

John: I am located at that property, that is correct.

Nancy: And you are not a property owner in the Town of Georgetown, you operate your business at 16 Carleton Drive, as a resident?

John: That is correct.

Nancy: Thank you.

Kathy Birmingham: 1 True Lane

I did follow a trash truck that was blowing trash all over the road. If you turn into the current transfer station, and you look to the left behind that house, there is trash all in the trees and woods. I'd like to understand from Mr. Mello's point; why isn't that cleaned up? What are we looking at here? Mr. Samel may not live in Georgetown, but he clearly cares about Georgetown; as do the rest of us, and we're not throwing rocks here, Nancy. We just want to look out for our town. We're proud of our town, and we don't want it littered with trash, and we're not making accusations. The fact of the matter is that we're a tiny town, and we have financial issues. So, hiring someone full-time to oversee a transfer station, is a lot of money to a taxpayer. I'd like to understand why that trash isn't picked up.

Nancy: Mr. Chairman, just to be clear; we are not suggesting that the Town would be hiring anybody to oversee this facility.

Kathy: And I'd like to be clear that I don't think our town can manage the current facility with our current staff.

Jason: If I may speak to the wind-blown litter.

Carl: Go ahead, please do.

Jason: As anybody that's been to the transfer station knows, it's a 3-wall lean-to. It's physically impossible to keep the trash completely covered. It's actually more-so paper recyclables that get blown all around, and by having a fully enclosed building, that's the point; to keep everything inside, have doors that can be closed, be completely under cover where they dump. With respect to wind-blown litter around my existing property: we actually hire people to come in and clean on a regular basis, as well as our own laborers on a regular basis. On a windy day; yes, material blows around, and we make every attempt to clean it up as quick as possible. And, trash on the streets can't fall back on the transfer station. People throw litter out their windows, there's umpteen trash trucks driving through town that don't use my facility. There's actually next to no actual trash companies that use the facility now; they're all cutting through town – those have nothing to do with us.

John: Mr. Mello, I'm not talking about trash companies. I'm talking about hundreds of contractors who are coming in with construction debris, and are definitely going to your facility.

Jason: I will not agree that all the trash on the streets, is coming to my facility, I'm sorry. With all due respect.

Tracy Lasquade:

But increasing it by ten times the amount; it's easy to argue that that will increase the amount of trash that will then still be put on our roads.

Jason: We work with Pete Durkee and Public Works, and we ask him what streets have wind-blown litter, and they're not from trash trucks, but we send laborers down to clean the streets all around town on a regular basis.

Carl: It sounds like the abutters want some additional assurances in terms of the management of the property that, or the proposed property, that what they're seeing now is going to go away.

Nancy: Part of this project and probably the most important part of this project, is creating an enclosed facility that will meet the requirements of DEP regulations; creating an enclosed area for residential drop-off as well as the transfer station building itself, and being fully enclosed. Much of the concerns, as Jason just said with regard to papers and things blowing around, will be eliminated when the facility is fully enclosed.

John: Mr. Chairman, I can certainly agree with that. The question is why can't...

Nancy: Excuse me; I don't think I need to be interrupted.

Carl: One person at a time, please.

Nancy: And this is certainly part of the topic of conversation that all of Boards that we appear before, including the Planning Board, and we've got our Wetlands Consultants here for Conservation Commission issues. We'd be happy to answer those questions.

John: My only comment is: Is there any requirement? The building can be enclosed and remain at 50 tons. There's no reason to make it ten times the size.

Nancy: I don't agree with that...

John: No requirements make it ten times the size to enclose it.

Nancy: Mr. Chairman, I would not agree with that statement.

Carl: It's not purely a Conservation issue. If you want to answer that, that's fine, but it's not purely a Conservation issue.

Nancy: Right, and I did answer that question and I don't agree with that statement.

Steve P: Carl, just to point out – your previous statement about the risk assessment; it does. The more trucks, the more potential for a spill, so yes but no. John to your point, from 50 to more you are right; it's relevant, but it's not the show stopper discussion point. But I think your point is valid.

Steve Sadler: Mr. Chair: Steve Sadler, 7 Hillside Drive. I want to keep everyone grounded to the fact that all these questions that we have; they're questions, they're not accusations. They're true questions because we can't find the answers. If we found the answers, we would be happy, right? And we wouldn't be asking you guys this, but think about why we're here. The majority of the time, when people want to build these big facilities, the opposition is always "not in our town", and I think that we can all agree to that. We have a unique situation here; a small community, a tight community. We have a gentleman here who's worked for the Town, in this town for 30+ years. We have to be good to this business, right? He's been here for this long of a time. My concern here is that we're trying to paint the picture of, we want a transfer station here. I think a lot of people in town enjoy being able to use the transfer station. I think that it should be cleaned up. If there are Administrative Consent Orders on the current facility, then it should be cleaned up. If it means it has to be enclosed, it should be enclosed. It's Town property; we are allowing this business to manage a transfer station on our property. We have a lease agreement with the Applicant, and there are responsibilities that the

Applicant has to abide by, no matter whether they're going for another project, or what their plans are. They have to keep this thing clean. I'd like the transfer station to stay. And I'd like Mello to stay. I'm a customer of Mello's, and I think he does a great job; I don't have any complaints about him picking up my trash. I haven't called him once about my trash.

I have other issues and questions about what's going on in the Town: Do we have enough oversight, and are people aware? It's a huge project. The EPA specifically came out with a manual and I've disseminated this to everybody. It's comprehensive; it's like an 80-page document that says what towns need to think about when an Application is filed for a large transfer station, and that's what we're doing right now. We're going by the advice of the EPA; the EPA is telling us as a town that we should look at these things. So, to imply that we're on a witch hunt or making statements about character and stuff is completely false. I am here as a resident who loves the town, loves the businesses, including the Mello business. If this town can't get its act together, and again I'm not pointing fingers at anybody at the town. It's a known fact; small town, lots of volunteers – but to put in a huge transfer station, you're putting a big strain on the businesses. Just to get back to my point that I don't have anything against the Mello's. I would like them to stay where they are, or if there's another area that's appropriate, but just only to 50 tons. You're not getting pushback about we don't want you in this town. We want you in this town, at least I do. I just want a clean transfer station that both the Applicant and the Town can manage successfully, just like the one in Newbury. If anyone's gone to Newbury, it is, from what I understand, that place is immaculate. I don't think that's enclosed, is it? I don't know. Why is ours in the condition it is with these Consent Orders, and it's got to be this and I can't... why is all of this happening? I have an idea - I think it's because we just don't have the oversight in the town. I'll stop. That was my point. I didn't want, especially from the Applicant's Attorney, I don't like when people imply about what I'm talking about. So, ask me to explain a little bit further, but don't imply that we're here to bash an Applicant and throw rocks, because we're not.

Carl: Thank you, Steve. My comment is that I appreciate the comments, but it's very important that businesses manage themselves. You really can't expect the town to come out and manage any business. If you look at any major corporation, they have internal programs and policy/procedures and personnel who manage themselves, and they don't expect the Compliance people to do it every day.

Steve Sadler: Argue that with the EPA. Because the EPA doesn't agree, Carl.

Carl: I do Compliance for a living, and you look at any major corporation...EPA proposes regulations; DEP comes out with regulations based on EPA regulations, and the organization that manages itself, the DEP, does oversight. So, I don't expect EPA to come down and tell me what to do every day.

Steve P: Carl, we're about an hour past our next meeting. I'll let you wrap up a few more abutters, but...

Carl: I want to get a few more abutters. I'm not going to shut anyone off, we're just going to have to postpone some of the comments until the next time we get together.

Steve P: I agree. Sorry to chime in.

Patrick Canny: 4 True Lane

We've spent a lot of time talking about preserving the wetlands, and during the last meeting I had asked about the plans for rodent and pest control; what methods, what types of poisons would be being used, and how the Applicant was planning to prevent those poisons from entering the wetlands that we're putting so much effort into preserving. I believe that they said they would look into that they'd be providing information, or a plan of how they would mitigate my concerns. Has any of that information been given over to the Board? Any review, any proposals on how rodents or pests will be controlled in general? Anything?

Steve P: Nothing to date, sir.

Carl: I also recall asking for SDS's, or Safety Data Sheets for the materials that they would use, but I don't think we've received that yet.

Patrick: We're spending a lot of time talking about preserving the land, but if we poison everything that lives there, what's the point?

Carl: That's kind of what we do; we preserve the land, the resources, and the species.

Patrick: And that's my concern. We talk a lot about the land, a lot about keeping the wetlands, or rebuilding wetlands, but how will we preserve the animals that live on that land?

Nancy: We do recall that request, and we are putting that together for consideration by the Commission.

Carl: Thank you.

Patrick: Do we have any idea when that will be available?

Nancy: I will say that we will get that to the Commission before the next meeting.

Patrick: Ok, thank you.

John Duff: 6 Spaulding Road

It doesn't seem to make sense to stuff a 500-ton transfer station in the middle of Conservation land, but getting back to a couple of things.

One: The 15,000 square foot meadow. I don't understand why we can't be proactive in getting some natural growth in there; some wild blueberries, trees that would normally grow there, from a proactive standpoint. I think it is going to have a big impact on our neighborhood. The Attorney said something about it being a long way away; it's not a long way away, she's wrong. We have had issues in the past with companies on Carleton Road, with our neighborhood with sound and other issues, so it is going to be there, that problem. Thank you.

Carl: Thank you, sir.

Tracy Lasquade: 1 True Lane

Another follow-up item from the January meeting: A question was posed to Mr. Mello about how he currently handles hazardous waste at his facility now, and he deferred to get back to us on that. So, another concerning matter; not having protocols or answers on basic day-to-day handling of hazardous materials, and then getting that response back to us. It's concerning if we're moving to a facility ten times the size, so I'd like to get an answer on that.

Carl: If the Applicant would like to discuss that. We did have a discussion about waste, or materials in bags, and I think that the comment initially was that they didn't open bags; but that doesn't necessarily mean that there aren't materials in there.

Jason: My recollection of the conversation was that we do not tear bags open to inspect. If anything is visually found, it's re-loaded while the customer's there, because we have people on the floor watching everything that's disposed of. We don't accept any hazardous waste.

Carl: The comment was, if someone unknowingly put chemicals in a trash bag, and it gets to your facility and the bag gets torn and it spills on the floor; how do you deal with it?

Jason: If I have like a hydraulic spill or something on those lines, then we'd subcontract the clean-up.

Carl: So, who would you use for that? Say it's a bottle of bleach.

Jason: If it's in a bag, I probably won't find it and it gets re-loaded and leaves the property. If there's a spill, an actual hazmat spill, then we subcontract out to the old ENPRO, or NRC.

Carl: You have a contract with them; what's the response time? Say something happens in the facility and something spills off of the truck and a bag rips open. You have maybe motor oil, or it could be other materials.

Jason: We have containment products at all times. I have them in all my trucks and locations. We have the oil flumes, the oil pads, and we have contact numbers of different people at ENPRO – I keep calling then ENPRO, but NRC. And their response time; I don't think I've waited more than 40 minutes for them to show up, for the initial supervisor to show up on anything.

Carl: Do they get a temporary EPA ID# for you, or would you have one at the facility?

Jason: They handle that for me.

Carl: Small quantity generator, large quantity generator...

Jason: For the spills, they handle all that. I get the paperwork in the end, when it's all said and done.

Carl: Has that happened very often, say in the past five years?

Jason: At the transfer station? No, that does not happen. That's not happened at all. I've had it happen on my trucks where they blow a hydraulic line on the street.

Carl: You mentioned that you would have some sort of a containment system, drainage containment system inside the building, and if there was a spill on the floor a sum pump was referenced?

Jason: The Engineer can speak much better about that than I can, but it's a holding tank with drains inside of the building.

Mike: Yes, that's all it is. And then that gets pumped out of there and disposed of, in accordance with the regulations. It's a tight tank, so no outlet.

Kathy: Carl, can I ask a question relating to that? Isn't the resident drop-off outside? You pull up and you drop off, so it's not in the building. So, if there was a spill there...

Jason: Those containers are water-tight with an enclosure around them. So yes, they're outside the building, but they're completely water-tight sealed containers, sealed units.

Carl: Do you have any, or intend to have any resident roll-offs, or nothing outside the buildings?

Jason: The only thing outside will be the self-contained roll-off containers. They're not going to be open top containers, they're completely 100% self-contained and water-tight.

Carl: Ok. I'll take one more question tonight for any abutters. We're running way out of bounds on our time. I'll allow on the next meeting, people to pick up the discussion, but one more question if anyone has it.

Mike Birmingham: 12 True Lane

Carl, I have a question. Question on the property that the wetland that is being restored on, by I-95. I believe the last business that was going after that, was permitted in what, 2005 I believe. So, that was the last time it was disturbed? For 16 years it's been undisturbed. Are we saying that nature actually hasn't brought it back enough, and that we need someone to do a man-made change to it? Has anyone looked at that, is it actually restoring itself? It's been 16 years as undisturbed.

Rich: Mr. Chairman, I'm happy to take that answer if you'd like.

Carl: You can, but it is starting to resolve itself, but go ahead.

Rich: Portions of the buffer zone area, adjacent to the path, have some vegetation that has populated back to historic fill. However, much of that vegetation is invasive, exotic plants that are not desirable, do not provide good value for wildlife compared to the native plants that would otherwise grow there, or perhaps grew there. The fill material that was put in the wetland along with the culvert pipe - that effectively killed off the wetland that was there because it's no longer vegetated with wetland plants; it's no longer interacting with the ground's surface; there's several feet of fill over it. By way of removing all of the fill material that was put there, we would be exposing the wetland soils that were there, and by replanting those wetland soils, we are restoring the wetland that had been filled. Similarly, within the adjacent buffer zone; by removing the historic fill and exposing a native soil profile, and replanting that area with native plants, we are restoring the function and value in that area once served.

Steve P: The counter to that is - I agree with both of you. Other sites pull and manage the invasives. Mike you're right, it's grown in. But you could pull the invasives and manage it. The answer is; between both of you, you guys are right. You could pull the invasives, but if you walk down that path tomorrow, which we will in two weeks, it's grown in.

Carl: That is going to bring us to a conclusion for this hearing tonight. We have to move on, we've got another hearing. We will continue this and certainly invite everyone to log on again, and we'll open it up for public discussion.

Steve P: When do we do that, with all the wetland evaluations that go into June? We're not doing this to next month.

Carl: We can schedule it and then just move it along, like we do with other hearings. If we don't have any news or updates, we can just continue it again.

Steve P: We have April 15th, May the 20th, or June 17th for the upcoming meetings. I would prefer to stick to the realistic one.

Carl: We probably should do May.

Steve P: Ok. So, May 20th at 7:00?

Carl: Yes, because I want to give abutters the opportunity to ask the questions. This is one of the few venues that they get to interact, and I don't want to shut them off.

Nancy: As the Applicant, I would suggest the May 20 meeting. We may not have the habitat assessment, given the timeframe for the turtles and stuff we were discussing. Some issues have come up tonight; some additional things were requested, so I think that April probably doesn't make sense, but May does.

Carl: I would agree, we will be happy with that. Do we have any preferences on time, Steve?

Steve P: Seven o'clock, first thing.

Carl: I'll entertain a motion to continue this hearing to May 20th at 7:00.

Laura: Makes a motion to continue the hearing to May 20, 2021 at 7:00 PM.

Rachel: Seconds motions.

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.

Carl: I'd like to let the public know that we'll send out a link again, so they can log into the May 20th meeting, or you could write or email us with any questions that you may have, too. Thank you very much.

Nancy: Thank you, Mr. Chairman.

Kathy: Carl, before you close this; we had some open questions from the last meeting, and I don't feel like we got closure on all of them. I didn't see the minutes, so I didn't even have all of the questions. I just had the ones that I had written down myself. Is there a way that we can get all of the open questions that we had from this meeting and the January meeting, and get an answer before May? Maybe you post them on the town site.

Carl: I think it's possible if we have the questions. If we don't have the answers yet and there are still some open, we certainly can forward that to the Applicant, and they can provide information to us.

Kathy: Yeah, it would just be nice because we're all trying to recall on the fly, and it's just not helpful.

Steve P: Can I ask a question; who's speaking?

Kathy: It's Kathy Birmingham. Sorry.

Steve P: Thank you so much. I have the rolling tally, and I'm going to reach out to the Applicant and ask him on Monday to respond to all the open questions. We might have them in the file by next week, but that's the hard part of this; we ask questions, and it's on them to respond. If they don't, then we hold that against them later. If they do, it's just them responding to the answer.

Kathy: It would just be helpful to see.

Steve P: Absolutely.

Carl: I agree. It's especially challenging with the online meetings; it's a little more difficult to manage.

Steve P: I have a rolling tally of questions. If, at the end of this discussion they don't answer, then it's on them, not us to demand answers.

Kathy: I hear you, but as a resident, we want to see what's open that we haven't closed on. This is huge; this is a major project, and if it's going to change the characteristics of our town, then I would like to see...

Carl: Right; it would almost be nice to have a question-and-answer document.

Kathy: That's what I'm thinking, just because these are big issues. Our environmental impact is huge. When I moved in here, the forest between 1 True Lane and Route 133 was really thick. They filled that wetland in. It has flooded, and the trees are dying; it's the saddest thing ever. I don't want any more of that. It's sad to go down Route 133 and see dead trees and trash left and right. Mr. Mello, please don't take it like I'm throwing rocks at you, but things fly off, and if you add more traffic into our town it's going to be more crap flying off trucks.

Nancy: Steve has that rolling tally, and I certainly have my notes; many pages. Steve, if you have a rolling tally of questions, we would be happy to respond to each of those questions.

Steve P: I'll be honest with you – the past meeting, you guys didn't respond to the rolling tally, so my rolling tally is mine. Nancy, I see you writing them down every single night, but you're not replying to them. My rolling tally is in my notes. I'm not babysitting this; you guys are writing them down.

Nancy: I'm sorry, I have a list. I thought you said a moment ago that you had a rolling tally that you were going to provide to the Applicant at the beginning of the week. I'm not asking you for that if you don't have it. I have a list, but if you have something, I'd be happy to respond to it.

Steve P: For example; at the last meeting, you guys said you would send me two or three different things, and you haven't sent them.

Nancy: Yes.

Steve P: I agree to disagree.

Carl: We realize that this has to be collected. Let's have ready to go for the May 20th meeting. We're going to have this list, and we're going to have these questions answered. That's what I want to see.

Steve P: Sounds good.

Julie: Carl, can I chime in for one second?

Carl: Yes.

Julie: I just want to say that the minutes from January's meeting; they were just approved in tonight's meeting. On Monday, they'll be posted to the website, so everyone will have the availability to look at what was asked of them. I could start a document of questions each time we have a meeting.

Carl: That would be great. Thanks, Julie.

Steve P: Thank you.

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

Construction of a 16-unit senior housing development.

Present:

Mike Seekamp Seekamp Environmental
Phillip Christiansen Engineer

Comments from the public:

Steve Epstein
Mr. Watts

* Mike starts by saying that the Applicant, Mr. Morello was on the meeting, but he had to leave.

Mike: I don't want to take up too much time, as we don't have a lot of detailed information. We'd like to get a few questions answered, and I'd like to briefly go over some background material.

This project started back in the early 2000's, and there was an automobile junkyard. There was extensive clean-up, and then the recession hit. We filed for a 16-unit, affordable housing; which means ¼ of the proposed 16 would be affordable. It had passed muster at the ZBA, and we intend to go back to ZBA because we had a Peer Review of the project, both wetlands and engineering. It was a pretty extensive review. The takeaway that we got was that we needed to look at alternatives and avoid the buffer zone as much as possible. In the course of cleaning up the junk cars on the site, the soil had to be dug up as well, and because of the recession, the grades weren't brought back to where they were. As a result, the wetlands expanded somewhat, and there was a new isolated area that now has vegetation wetland in it, and it has been flagged as an isolated vegetated wetland. It's not a land subject to flooding under the Wetlands Protection Act of the State, so that's one of our problematic issues in trying to avoid buffer zones. Under the local Bylaw, every wetland, even isolated vegetated wetlands of any size, have a 100-foot jurisdictional buffer zone. In the Peer Review that BSC did, Gillian Davies emphasized, and it was a 14-page review; she emphasized that we should avoid buffer zone impacts. Phil Christiansen, who is on this Zoom meeting with us, did a Concept Plan that pretty much avoids most of the buffer zones. He forwarded that information to Steve. It's just a concept, and that's what we'd like to get to; we'd like to avoid any buffer zone impacts. Subsequent to sending that to your Agent, we got a response that Mr. Morello shared with me, regarding questions that Steve had. Steve, I'm going to read them off of your email. It says:

“Would the permit with ZBA still be valid?”

Answer: That's something that we're working on. If it isn't, then we're going to reinstate it. That'll be the effort. We're going back to ZBA, that's the answer. We don't expect the Commission to make any final decisions until we have gone through the process with ZBA.

“Would this be considered a significant change by the Commission?”

Answer: I'm assuming that he means that if we comply with what the Commission and your Peer Reviewer is asking, then it could be a significant change. We would have to withdraw our filing and start over. If we do what you want, we'd have to start over. I'd like to have a clarification if that's the case.

Carl: The Commission would have to vote on that.

Steve P: I think it's semantics, to be honest. This has been going on for 20+ years. I think the semantics of, is this a significant change, is irrelevant. I encourage the Commission to just move forward, and look at this as an alternative design to consider. Honestly, 20+ years. How long is this going to go on? Just consider it a new design and move on. I have questions on the stormwater, I have letters from Parker River Clean Water Association raising concerns, I have concerns from Mr. Epstein over the Zoning enforcement of the stormwater in the roadway. All of those things are so relevant. I encourage the Commission to pass by the significant changes and vote on that, and move forward with Steve's concerns, abutter concerns, and Consultant concerns. My recommendation is, this is not a significant change and move forward. Review the stormwater, review the road concerns; the stormwater is a nightmare.

Carl: For legality, we might have to take a vote anyway, just so it's on the record.

Steve P: I agree, but my recommendation is: I don't consider this a significant change to reapply.

Carl: I would agree with that, but right now we don't have a full set of plans...

Steve P: That was my first question to the Applicant. He submitted what I would call a cartoon. It's a doodle of what they're proposing. I asked for the other six pages, and they didn't provide it. All of my questions are the details. The devil is in the details. They provided a doodle, and honestly the doodle is amazing. It reduces the houses in the impervious area significantly. I support that; but if you don't show the details, I can't support it, and I think that's my main comments for the night. I don't support the stormwater for the road.

Carl: The Commission doesn't do straw polls, but I would say that plans that have less waivers are better.

Steve P: Yes, but they don't solve the stormwater. The plan shows no issues. They don't resolve any issues over the stormwater to either abutter, or to the roadway, or to all of the concerns that Steve (Epstein) brought up. Zero. So how can you give a comment or feedback when they show zero? Just solve the problems that the Commission has been bringing up for a while.

Phillip: If I may; this is Phillip Christiansen, an Engineer working on the project. It was our intent to send you that, what you call was a cartoon, just to say that this is what we're working on as a result of the comments from BSC. Our endeavor is to keep everything out of the buffer zone. There's a lot of engineering work that needs to be done to accomplish that. As Steve mentioned, stormwater is one of them. That's what we intend to do. We do have to go back and modify the decision with ZBA, because this is a change. The decision made by ZBA is still in effect, but this project would need to have a modification to that decision, to move ahead. We want to resolve issues with ZBA, but to do that there's a lot of engineering. Before we can get a plan back to you with detail, we really need to clear it with ZBA. The main purpose of giving you the sketch is to show what we're intending to do, improve upon it, and not be in the buffer zone whatsoever. The only work in the buffer zone would be the demolition of the barn and other small buildings that are on the property.

Carl: You still have grading in there...

Steve P: That's my concern. My concern is; there's a corner of the septic system in the 100-foot buffer. There's no stormwater shown, so they have pavement and buildings shown, and nothing else. The presumption is nothing else is shown, so everything else is inside the buffer. That's my concern; we're being shown one page of seven, and I requested all seven pages, and we were not given them.

Phillip: The point is, we don't have that work done yet. We wanted to give this to you, to let you know the direction in which we're going, and then we have to do all of the details.

Steve P: I support it, but because you have, by my estimates – you have one entire unit outside of our buffer, and five portions of units outside our buffer, but the devil is in the details. You can show a great benefit to the Regulations, but until you show the whole picture, I recommend that the Commission don't comment at all. You're showing a doodle, and asking for feedback.

Carl: I think he's just giving us an in-process document. This is what we're thinking, and we certainly can't give you a thumbs up or a thumbs down at this point.

Phillip: We don't want that; we just want to keep you informed. Then we want to get a continuation of the hearing, to give us time to get the rest of the engineering done. It is difficult to get it all done outside the buffer. That's what we want to strive to do.

Steve P: One of my concern is the ZBA decision. I think this is an awkward position because this is an affordable housing development, and in the end, there are Commission Regulations, but there's also a ZBA

decision and there are 30 points in a ZBA decision that is not being discussed. It's that aspect that has me the most concerned. All of the stormwater, the roadway, and all of the other stuff that's out of our jurisdiction is technically tied into a ZBA decision that's not being discussed. How do we connect the two?

Carl: Right now, I don't think we really can. We're neutral until they do a lot more due diligence.

Steve P: That's my problem; we're looking at plans every five years that have no connection to reality. Every time I review this, I look at a Review Letter from Mr. Epstein, and from the Parker River Clean Water Association that says that they are not taking into consideration the ZBA decision. So, until they do, I don't know what we're doing. We're talking about something outside the scope of what we should be discussing. Until they come up with a holistic approach to this project, it's a non-starter, because Mr. Epstein and the Parker River Association is going to argue every point down the line. I'd love to have a holistic approach to this project that brings it to a development. I'm not opposed to development. There's no wildlife assessment; there's no stormwater; we just keep hearing this for the past 20 years.

Carl: They still have a lot of homework to do. We can't really do anything with this at this point.

Phillip: In past designs, we did do the stormwater work and it was approved by BSC. It was really the obstacle with the approvals were more with Gillian and the wetland's ecological side of it, not with the engineering.

Steve P: Gillian, for the past five years has been asking the same questions. Her Engineer's been asking the same questions. Mr. Epstein has been asking the same questions. In the end they never get answered. This just keeps getting pushed off and off. You're wasting the Commission's time, Mr. Epstein's time, because you never answer the questions being asked.

Mike: Wait a minute. We are here to get information, and the Commission has some answers. You already gave us some insight into one of the answers, and that is whether or not we make changes that you would favor, and then have to withdraw it and re-file. What our intent is, and we wanted you to know, is that we're trying to get everything out of the buffer zone. Then we'll come back with another Notice of Intent to remove the barn, and perhaps do some landscaping on the outer edges of the buffer zone.

Carl: Ok.

Mike: That's our goal, but we may not achieve that. Therefore, we want you to know that we want to keep this Notice of Intent intact moving forward. We intend to move forward now, and we don't appreciate some of the disparaging remarks that I'm hearing.

Carl: Ok, I hear you. You obviously want to keep this open and you're working on a new concept, and you need to go to the ZBA again.

Mike: I think we're moving forward; I think we're moving in the direction that the Commission would like us to move in, and we wanted you to know that.

Carl: As I said; the fewer waivers the better.

Steve P: I don't disagree. The houses. One house is out of the jurisdiction of the Commission. Five houses are partially out of the jurisdiction of the Commission. You don't show anyone else. I asked for information on the stormwater, and nothing was provided. I don't disagree with you, but; when you don't show me six pages of a seven-page document, how do you expect me to...

Mike: We're not asking for a decision tonight.

Carl: Steve, I think what...

Steve P: I know you're not.

Mike: We're just updating you as to what direction we're going in.

Steve P: But I asked for information on the big picture, and that wasn't provided.

Mike: We don't have that information.

Carl: Ok.

Steve P: After 20 years?

Carl: This is getting to be circular. They've dropped a preliminary discussion with us, but we can't do too much with it. We're waiting to hear until they reach the next phases and go to the ZBA, and there's really not much we can do at this point. What happened to my view?

Steve Epstein: I shared my screen, Carl; maybe that's it.

Carl: Ok, I didn't know someone was going to pop that up on me, but that's ok.

Steve E: Since we've talked about it, I thought I'd show you the letter.

Steve P: It's in the record, Steve. Thank you.

Steve E: Ok. I'm not sure that the Engineers and the gentleman here have been informed of that. They have a lot to do here on West Street. It's off-site, some of it has nothing to do with you, but they haven't spoken to the highway surveyor, they haven't done anything uphill. Mr. Watts knows they haven't done anything uphill. Have a nice night.

Carl: Thank you.

Mr. Watts: This is Mr. Watts, and Steve is exactly right. That house is going to fall down, it has lost most of its roof over the winter, in front of the chimney. Tomorrow morning, I could go out and see junk right along my property line. There's a lot of work to be done. You turn over soil, and God only knows what you're going to find.

Carl: Is the house still secured and closed? There was a period when people were getting in there.

Mr. Watts: I don't go around those parts as much as I can afford, but I would not be surprised if...

Steve E: What can be seen from the public property or my property, the first floor still seems to be boarded up.

Steve P: Can I ask a quick question? I've run into this a few times. Mr. Watts, are you agreeing with Mr. Epstein or me? You said I agree with Steve; do you agree with both of us, or me or him?

Carl: Which Steve?

Mr. Watts: I was agreeing with Steve Epstein.

Steve P: Thank you.

Mr. Watts: I do have a question about whether it's a significant change. The two Site Plans have completely different footprints, and if that isn't a major change, I can't imagine. Same number of units, completely different footprint.

Carl: As I said, the Commission would legally have to vote on that. In a sense, even if it's a significant change, they would have to withdraw and re-file; but there's nothing to prevent them from doing that. It just slows the process down.

Mr. Watts: Right.

Steve P: Mr. Watts, to your point; I have asked the ZBA a few times verbally and I'm waiting on a written response to your question.

Steve E: It's the ZBA that should be making the determination of whether it's a substantial change.

Steve P: Thank you, Steve, that's my point. The Commission can look at it. It is a substantial change, in a positive direction. They've pulled the buildings out of the buffer. They're still requesting waivers, but they've made it better.

Carl: There's two substantial changes – there's a wetland potential change, and there's a ZBA substantial change. I'm talking about the wetland side.

Steve P: Correct, thank you.

Steve E: We don't know what the water calculations from uphill are going to do with the water draining onto that property.

Steve P: Thank you. To Steve's point, it doesn't show it. We got a doodle; we got the one sheet of seven sheets that shows nothing. Sorry, it shows nothing. I evaluated that and I can tell you nothing. All I can say is; they pulled a few buildings out of the buffer, which I support. Aside from that, I know nothing. I asked for the other six sheets, and they did not furnish them. My recommendation is to continue this to the next meeting and provide everything.

Carl: That's all we can do

Mike: I encourage you to do that, and we accept a continuance. We would encourage a vote.

Carl: Someone else was talking just before that.

Steve E: Carl, may I just say that if for some reason you don't send them back to the beginning of the process, as far as what needs to be done now that the property's cleaned up, and I want it to happen - you're in fact granting them a waiver of the fee. I just have to say that as a member of the Finance and Advisory Committee.

Carl: Understood.

Steve P: Steve; this has been continued and re-filed I don't know how many times. We...

Steve E: You're talking to the choir with Mr. Watts and I.

Steve P: I know. We have waived more fees on this project than any other project in my 16 years. I guarantee you; we will waive any fee to make this thing go to the end. Sorry. That's from my perspective, and my recommendations.

Steve E: I just want it to be recognized that you are waiving the fee. I understand that.

Mike: Are you authorizing that? Is the Finance Committee authorizing that?

Steve E: I can't authorize that, that's Conservation.

Steve P: Steve, I don't speak for the Commission; I speak for my opinion. My opinion is yes; but the Commission will vote on any alterations.

Carl: We will vote. We're not going to vote tonight, so I think we've done about all we can do tonight.

Laura: Makes a motion to continue the hearing to June 17, 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

ENFORCEMENT ORDER FOR 135R CENTRAL STREET

Rachel abstains.

Steve's satisfied where they are now, and recommends releasing the Enforcement Order. They're aware of letting us know in the future if they want to do work within the 100ft buffer zone.

Rebecca: Makes a motion to close the Enforcement Order on 135R Central Street.
Tom: Seconds motion.

ROLL CALL

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

Motion carries.

MEETING MINUTES

Rebecca: Makes a motion to approve the meeting minutes from January 21, 2021.
Rachel: Seconds motion.

ROLL CALL

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

Motion carries unanimously, and the minutes are approved.

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

Carl states that he finally received the Spill Containment Counter-Measures Plan, required for any tank above 250 gallons, above ground. It's there to make sure that they're planning in case of a release or a spill, and it doesn't surprise them.

* Steve pointed out that the rep, Nate Donato, is here.

Nate: The only adjustment isn't to the size, it's just an upgrade to an existing facility; same size, same footprint – just a newer, updated model.

Carl: So, it's a double-wall tank, fiberglass tank, steel tank?

Nate: The new model is a double-wall tank.

Carl: Does it have spill containment outside the tank, built-in?

Nate: The double-wall is a spill containment physically for the tank.

Carl: Does it have interspatial monitoring?

Nate: Yes. It has (inaudible) placed around the tank itself as additional protection.

Carl: Ok, so that's why I asked for it. To reiterate, you're simply upgrading; the volume of the tank is remaining the same. It's a double-wall tank, and you have a monitoring system.

Nate: Correct.

Carl: I just want to make sure that the Applicant will follow through, keep this up to date, and that they maintain some spill supplies. It's a lot easier from a preventative standpoint, than once something happens and I've got materials headed toward a Resource Area. Then we've got massive clean-up costs.

Nate: Yes, sir.

Carl: Ok, very good. Just to reiterate – what's the volume of the tank? Is it 500 or 1,000?

Nate: It's 5,000.

Carl: Ok.

Rebecca: Makes a motion to approve and consider it a minor modification.

Tom: 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.

Laura: Makes a motion to close the meeting.

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, and the meeting is closed at 10:08 PM.

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

Meeting was adjourned at: 10:08 PM

Minutes for the Conservation Commission meeting held on March 18, 2021 were approved by a roll call vote on April 15, 2021. The Chairman will sign/approve the original Minutes document dated March 18, 2021 when in-person meetings resume.

Minutes approved by Committee on: 4/15/2021
(Date)

Respectfully submitted,

Chairman: _____
(Signature)