

# GEORGETOWN CONSERVATION COMMISSION

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

## MEETING MINUTES

July 15, 2021

Committee: Conservation Commission

Date: July 15, 2021

Time: 7:00 PM

Location: Zoom

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

Staff members present: Steve Przyjemski

The meeting was called to order at: 7:01 PM

### **Carl Shreder starts the meeting by reading off the following (reads old one):**

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will be used by the Conservation Commission to conduct Public Meetings and Hearings until the Executive Order is rescinded, or the State of Emergency is terminated.

## **BUSINESS**

### **MEETING MINUTES**

**Rebecca:** Makes a motion to approve the meeting minutes from May 20, 2021.

**Chris:** Seconds motion.

### **ROLL CALL**

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

Motion carries, and the minutes are approved.

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### **BUSINESS (CONTINUED)**

#### **CAMP DENISON APPOINTMENTS**

Christian Roop  
Ella Richardson  
George Langlais  
Harry Nelson  
Jim Lacey  
John LoCicero  
Steve Pinto

**Rachel:** Makes a motion to appoint the Camp Denison appointees for one year.

**Laura:** Seconds motion.

#### **ROLL CALL**

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

Motion carries.

**Rebecca:** Rachel; those are all re-appointments, there's nobody new?

**Rachel:** Steve Pinto is new. Kim Therrien is resigning from the Committee, so Steve Pinto has agreed to take her place.

### **DISCUSSIONS**

#### **92 NELSON STREET CONSERVATION RESTRICTION**

**Present:**

Vanessa Johnson-Hall (Essex County Greenbelt Association)

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**Vanessa:** I'm presenting a Conservation Restriction that is being granted from Deborah and David Watson to Greenbelt. It's part of a larger project that we assisted with; we worked with the Department of Conservation and Recreation, which purchased 11 acres from the Watson's, which is nestled between Camp Denison Conservation area and Baldpate Pond State Park, so it's a nice additional buffer to those conservation areas. That left them with a little over 5 ½ acres on that land, donating a 4.4-acre Conservation Restriction just as a belt and suspenders approach to make sure that the remaining land can't be further developed. That Conservation Restriction is fairly straight forward; it allows some farming, gardening, and all of that, but it basically preserves the land. Under Massachusetts Law, Conservation Restrictions have to be signed by the Municipality in which they're located. Even though the town is not a (inaudible) to the Conservation Restriction, the Selectboard has asked to sign it as an affirmation of the public benefits of that Conservation Restriction and in some Municipalities, the first step is to bring it before the Conservation Commission for an initial review and recommendation for signature. This Conservation Restriction has been reviewed and approved for signing by the executive office of Department of Energy and Environmental Affairs.

**Carl:** So, essentially the State would be the owner of the property?

**Vanessa:** No, the State bought land, so that's a separate project that has been completed. They bought about 11 acres of the Watson's original property, so the Watson's only have about 5 ½ acres, and they are donating a Conservation Restriction to Greenbelt on about 4.4 of those 5 ½ acres.

**Carl:** Okay. That clarifies it a little more for me. Essentially, with the Conservation Restriction held with you, they can still use it under the specified terms that you want.

**Vanessa:** That's right.

**Carl:** So, it's still maintained by them? The Conservation Restriction.

**Vanessa:** That's right; the 5 ½ acres that they own is still...they own it, it's privately owned. It can be sold to a new owner, but any new owners will have to abide by the Conservation Restriction that's in place.

**Carl:** But it can't be developed.

**Vanessa:** It cannot be developed.

**Carl:** Do any Commissioners have any questions in regards to the Conservation Restriction?

\*No Commissioners come forward with questions or comments.

**Carl:** Would there be any access restriction on it? Because it would still be private property.

**Vanessa:** It's private property.

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**Carl:** Even though there are trails on the Camp Denison parcel, that Conservation Restriction wouldn't necessarily mean that people could wander from the Town's parcel onto that, because it's a Conservation Restriction.

**Vanessa:** That's correct. It doesn't really make sense to at this point; there's a stream and wetlands that now divide what the Watson's own from the Camp Denison property. So, the larger bit of uplands that they had is now a part of the State Park, and that can't have trails on it.

**Carl:** I just wanted to be clear that people wouldn't be cutting across that parcel to get to the State parcel.

**Vanessa:** That's correct.

**Carl:** I think it's a great way to protect it. Does anyone have any questions?

**Steve:** Vanessa; what exactly do we need to do? Is there a language of a motion that we can make that we can vote on, that you can take to try to springboard to your next step of the Select people?

**Vanessa:** Sure. I think what would be appropriate if the Commissioners' desire is to vote to recommend that the Conservation Restriction be signed by the Board of Selectmen, to verify that the Conservation Restriction has public Conservation benefit.

**Carl:** I'd entertain a motion from a Commissioner.

**Steve:** I have that, so you can just say "as mentioned by Vanessa."

**Carl:** So moved, right?

**Steve:** Perfect, thank you.

**Rebecca:** Makes a motion to approve the enforcement of the Conservation Restriction.

**Rachel:** Seconds motion.

**ROLL CALL**

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

Motion carries.

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**HEARINGS**

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

Construction of a 16-unit senior housing development

Steve stated that the Applicant requested a continuation to the August 26, 2021 meeting.

**Rachel:** Makes a motion to continue the hearing to August 26, 2021 at 7:10 PM.  
**Rebecca:** Seconds motion.

**ROLL CALL**

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

Motion carries.

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

New transfer station

Steve stated that the Applicant requested a continuation to the August 26, 2021 meeting.

**Laura:** Makes a motion to continue the hearing to August 26, 2021 at 7:00 PM.  
**Tom:** Seconds motion.

**ROLL CALL**

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

Motion carries.

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**HEARINGS (CONTINUED)**

**7 Crescent Drive (GCC# 2021-07) – RDA - (cont.)**

Install a 33' above ground pool with a 16' x 24' deck

**Carl:** There were some items missing in that last meeting, so we had to continue this.

**Steve:** Correct. The plan that we had was missing a 16' x 24' deck. The Applicant was not able to join us tonight. But at the initial meeting, the issue was the lack of that plan. Them not being here I didn't think was a big deal, because it's just a technicality that we didn't have the plan in hand. Now we do have it; it meets the Regulations, it's 80+ feet away, so I recommend a negative determination.

**Carl:** As I recall, that was the case; just the fact that the deck wasn't on the plan and we wanted to have a complete plan.

**Steve:** Correct.

**Carl:** If there's no further discussion, or any discussion, I would entertain a motion for 7 Crescent Drive.

**Laura:** Makes a motion to approve the RDA by issuing a negative determination.

**Rachel:** Seconds motion.

**ROLL CALL**

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

Motion carries.

**\*The hearing was voted on but not closed out. It will be administratively closed out at the August 26, 2021 meeting.**

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**HEARINGS (CONTINUED)**

**15 True Lane (DEP# 161-0909; GCC# 2021-08) – NOI - (new)**

Convert an existing deck into a 3-seasons porch, and build a new 16' x 26' deck.

**Present:**

Tim (Applicant's husband)

**Carl:** Sir, if you want to run us through this quickly.

**Tim:** Yes, absolutely. By way of background, I can just introduce myself again. Tim Connors, 15 True Lane. My wife and I (Jenna) moved here in 2014 in Georgetown; we've been at 15 True Lane, we're actively involved in the community; my wife more than me. We have a great home. We have an existing deck that we're looking to enclose. I do have plans if the Committee wants to see them. Do I just click the green share screen; is that what I have to do?

**Rebecca:** Yes.

**Carl:** Yes.

**Tim:** Bear with me one second.

\*Tim had some technical difficulties, so he sent the plans to Rebecca's email so she can share the plans.

**Steve:** Tim, do you want to describe what the project is while she's loading that up?

**Tim:** It says I'm screen sharing; am I not?

**Steve:** Yes, we can see it now.

**Tim:** You'll see that I'm roughly 75 feet from the edge of the wetlands; the wetlands are located in my neighbor's yard. Nonetheless, they're 75 feet away. As you can see; what we're trying to do – the 16' x 15' deck is the proposed deck extension to the left, and to the right the existing deck we have right now is in place but what we're looking to do is basically enclose that deck, for a variety of reasons (mosquitos, and would like to enjoy the outdoors with an enclosed screen porch). The deck is existing – I believe we'd have to throw in a few foot holes in respect to the new part of the deck over here, but these foot holes I believe are already situated, so we're just looking to put windows in, make it a 3-seasons porch, put a roof on it. I've worked a lot with Mr. Przyjemski on this matter, and he's given me some great advice which I truly and tremendously appreciate. I didn't think of the...just that we were 75 feet away, and I know we need to get special permission from the wetlands, but one of the concerns that the Committee might have, and Mr. Przyjemski had, was the flow of the water. I'm certainly no Engineer, I don't have a background on this; I am an Attorney, but this is not my area nor expertise of law and order. I try to pretend I know what I'm doing when it comes to this type of

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law, and these rules and regulations - but if the water flow, I guess that if it comes into the ground does present an issue for the Conservation Committee, why I talked about Mr. Przyjemski from doing – his advice from him was that I could potentially have the water re-routed with gutters or an irrigation system, or even a basin if that's the concern that the Committee might have.

**Carl:** Sometimes we recommend dry wells; sometimes they work.

**Tim:** Dry wells, yes. This is just something we talked about yesterday, so obviously I'd defer to a dry well or something else like that. My original thought was that the water was going to fall down regardless of whether it was on the deck, whether it was going to be off of the side. Regardless, that piece of land was going to be absorbing that precipitation whenever it happened anyway. I didn't think of, well if it's all potentially centered or directed in one area, would that potentially affect the vernal pool in my neighbor's yard, which is again, roughly 75 feet away.

**Rachel:** It's the angle that you're just having sheet flow coming at an angle which is a lot faster than if it was on a flat deck.

**Tim:** Right.

**Steve:** Can you go back to the previous view? I think that's more relevant than the current view.

**Tim:** Sure.

\*Tim goes back to the previous view of the plan on his screen.

**Steve:** Thank you, sir. Continue.

**Tim:** I'm happy to work with the Conservation Committee if they have recommendations. We'd love to pay more taxes, and really maximize the backyard, even in the off-season. By doing this – it's a great project that we have; we'd love to improve our home with this. We're trying to do this ourselves, because this is certainly going to be a little costly, but hopefully I've demonstrated enough good faith and working with the Conservation Committee now to be able to (inaudible) to get these plans in place, trying to submit the applications – and again, any recommendations that you have to potentially allow us to perform this project and enclose our porch, and present an existing deck.

**Carl:** Would this have pre-cast footers in there, or are you going to use the existing ones? As far as construction; how much excavation for the project – do you have any idea?

**Tim:** That's a great question. I can't answer that honestly; I'd have to speculate. I would imagine I would use whatever tubing or...



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**Carl:** They make sonar tubes, but they also have these almost pre-cast footers; they're like 5-feet long, and they basically just dig a giant 5-foot or 6-foot hole and they just set them in place, and they have the ability to put the 4x4's or what have you, and attach them right at the top.

**Tim:** If that's a method that would potentially, because I know it's a no-cut, no-disturb, which is why I'm before the Committee – if that's something that's potentially better for the environment, and something that you, Mr. Shreder, would be more receptive to recommend, I'm happy to do that. My initial thought was to do what we originally had with the other footings, I guess.

**Carl:** Yeah, that's ok. You're trying to minimize the disturbance, but also minimize the run-off during the construction process since you're close to the vernal pool, because I think per code, they're going to have to dig down five or six feet.

**Tim:** Yes.

**Steve:** So, just in general; a contractor hasn't really spec'd this out and designed it yet. This is kind of premature. Typically, those sonar tubes that are there now that are holding up the existing deck, might be fine for the proposed porch, and obviously the new extension will need new footings, whatever those are. There are these new Helical, screw type ones that have no disturbance of soil; typically, that kind of happens during the building permit process, especially in a case like this where there's not a contractor lined up to do the job with all the specs already lined up. So; if approved, you could always condition it that it's the technique for supporting this gets approved by the Agent prior to the building permit being signed, then we really don't know at this point.

**Carl:** All I wanted to be aware of that we want to be sensitive to the fact that we would be disturbing the area, and the potential for run-off.

**Steve:** Correct.

**Carl:** This would be a little different than a standard installation of a 3-season deck because of the sensitivity. Other than that, I'm sure it could be done.

**Tim:** I think it's a great suggestion and I'm happy to do that. I think I can maintain a good working relationship with Mr. Przyjemski, and make sure that the non-disturbing sonar tube causes minimal disturbance, I'm happy to do that and make sure it's done properly.

**Laura:** Could I ask a question?

**Tim:** Absolutely. I'll try to answer it the best I can.

**Laura:** The 3-season porch that you are proposing; it's confusing looking at this without having the plans in front of me. So, the 3-season porch that you're proposing is currently your deck, and you are converting that to a 3-season porch, and you're adding the 15' x 16' deck on the side of it?

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**Tim:** Yes, ma'am.

**Laura:** That is quite a steep roof you're putting on the top of the 3-season room. Could you go back over the provisions you have for managing the run-off of the roof?

**Rebecca:** I also had a question; if the slope of the new deck is going to be the same angle, is that towards that vernal pool?

**Laura:** Yes.

**Tim:** Here's how it would look (shows a plan on his screen). My thought process going into this was; whether there was a roof on it or not – that was brought to my attention yesterday when I asked some additional questions, I don't think the run-off would be materially changed, where we already have this existing deck with a roof, but certainly I'm happy to make provisions without compromising the integrity of the design to make sure the run-off proceeds away from the vernal pool.

**Laura:** Wait, I'm sorry; did you say that the exiting deck already has a roof?

**Tim:** No. it does not, I'm sorry. If I mis-spoke, I apologize.

**Laura:** Oh, okay. So, you are adding a new and quite steep roof, on top of quite a large area of deck within...Steve, what is the closest point of the actual 3-season porch? It's 75' to the deck.

**Steve:** Correct. You're probably talking roughly 85'. I think when Tim and I were talking yesterday, the big issues I brought up yesterday were erosion and the steepness. That 75-feet is almost a cliff, and so my suggestion was to put gutters on the 26-foot-wide new roof, and send it to an infiltration chamber to the far right, and that would satisfy some of my concerns over going from a deck to a roof. Because you're right; it's steep, it's going to hit hard, and it's going to wash out. In general, I think it's a win-win to put gutters on it, because, Tim, you don't want to have a wash out at the base of this structure, destroying the lawn and creating ruts. I think it makes sense given the steepness, to capture it and put it to the side. In the end, you probably want to do something similar; and if it helps satisfy almost mitigation to the Commission, or some of this potential erosion issue – also, I just want to point out. It's been mentioned a few times; we keep calling this wetland a vernal pool; this definitely is a vernal pool. For the record, this is definitely a vernal pool, and as such it's kind of a solid, 100-foot no-cut, no-disturb. The existing terrain is grass, so it's not like it's pristine vegetation – but again, it's fairly close, and given the steepness – so, the way you'd get your special condition setbacks is: being a vernal pool, and/or this steepness. I think this has the steepness card. That doesn't double the special conditions; it just sits firmly in the special condition setbacks because of the vernal pool, and also because of the steepness.

**Rebecca:** Steve, would a gutter heading the rainwater off to the right, and French drains around it help?

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**Steve:** The French drains would have less value. If the gutters and the down spouts go to a dry well...the French drains might help around the new proposed deck, but if well guttered and down spouted, the French drains would not really add much value on the roofed in structure.

**Rebecca:** Steve, what I'm seeing with the storms we've been having is that the gutters do nothing for the downpours we've been having lately.

**Carl:** I think they were never designed for that level of rainfall. Some of these downpours are going to overcome almost everything.

**Rebecca:** Right.

**Carl:** It's certainly better to have that than just pure sheet run-off down a steep embankment.

**Steve:** Tim – real quick question. We're not really seeing the roofline of the existing house, so I don't know the orientation of the roof, but I presume that the water is going to run off the roof of your main house, and then drop down onto this new 26-foot-wide structure; so, if we gutter this new roof, that might capture water from the main house as well. Is that a fair statement?

**Tim:** Yes, I do have gutters that run off; I'd have to go outside to look – but again, there are gutters in place, they are effective; I just had one of them redone above the existing deck because it was angling a bit, so I just got it repaired, and I put in gutter guards.

**Steve:** Hypothetically, we could capture that water also. To the Commission's point; capturing the new roof run-off, we could also tie in a gutter that's there now, which odds are it's just spilling out – so we could capture a good chunk of that roof water, heading towards the vernal pool in addition to the new one, and that old run-off could be considered an improvement or mitigation to allow the waivers. Just a thought, because while you're putting in a dry well or infiltration chamber, just make it bigger and capture more of the house. Just a thought.

**Tim:** That's a great idea; I'm definitely on board with that.

**Carl:** What you see a lot without gutters, especially in a very serious downpour, you just have a lot of erosion right off the edge of the building. It just gets worse and worse.

**Laura:** So, are we talking about a possibility of adding some plantings down slope as well? Like a rain garden sort of affect, to prevent the erosion coming off of the roof there?

**Steve:** Laura, I think it would be tough to do that. The only thing I could see potentially doing, is like a vegetated swale.

**Laura:** Right.

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**Steve:** Don't quote me on how many feet, but off this deck it's relatively flat for 20 or 30 feet, and then it goes down really fast. That slope is very well vegetated, so I don't know how you would...it would be really awkward from an engineering standpoint to design in a rain guard in that space, because you're limited on space. Maybe it's like a swale, but you'd be disturbing the soil to create that swale, and then re-vegetating it. So, I would say it's possible, but I think it would be really challenging from an engineering standpoint, because you're limited on space in that area.

**Tim:** Steve, just to back you up on that point; it's well vegetated. There's quite a bit of vegetation there; it's got the grass, it's got trees. It's in pretty good shape right now – all the way from the slope, down to the vernal pool.

**Laura:** Is it just grass? What do you mean by trees?

**Tim:** I planted a couple trees down there, where the slope flattens out right by the vernal pool.

\*Tim shows on the plan where the vegetation is.

**Carl:** I think the most effective mitigation would be the infiltration chamber and the gutters.

**Steve:** Tim, just from a terminology standpoint; you're willing to be accommodating and we appreciate that, but what an infiltration chamber is, is going 20 feet away from your house and digging a really big hole, and putting in a concrete tank with holes in it. There's some cost associated with this; this is not a pre-mitigation. You're not just running it over and putting it into a 5-gallon bucket. I get that you want to work with us, but there's some cost associated with it. Say the Commission approves this conditioned with some infiltration chambers, that's a lot of work because you're doing construction, not just digging.

**Carl:** I might be amenable to like a dry well too, which wouldn't be quite so extensive. It's also based on the volume; you'd have to calculate the volume. That's not an entire house, it's just a sunroom basically or a 3-season room.

**Laura:** There was a question as to how much of the actual roof run-off comes across there, too.

**Steve:** I like your point, Laura. I want to bring it up because once it gets calculated, it might not be a 5-gallon bucket, right? If the Commission does decide that they'd like to have the main house infiltrated too, to help offset some of the damage, it might be more significant. Carl, you're right; it could be very basic, but I don't want Tim to think it's a 5-gallon bucket, and it turns into a 5' x 10' hole, because that requires digging. He's doing construction, not site work. That's an extra layer he was not anticipating in the cost of this project. I just want him to be aware that not spelling it out right now, we don't know what that's going to be. Right?

**Carl:** Yes, then you also have to factor in the type of soils, how well that drained because they're very sandy soils that the infiltration would occur much more efficiently, and that could have a smaller device, versus the clay soils where it doesn't dissipate the water, and you'll need a bigger container to collect them, otherwise it's just going to overflow.

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**Steve:** Correct.

**Carl:** There are a number of factors, but I wouldn't anticipate that you would have to build a giant 5' x 10' chamber for the amount of water coming through.

**Steve:** I don't know; I'm just talking almost worst-case scenario, so that the applicant's aware of what's going on. He's been working great with me, but what he doesn't know, he doesn't know. Historically, I find applicants that agree to something like this, and then later say "*Steve, I had no idea what you were talking about.*" Again, just full disclosure.

**Carl:** That's why I wanted to be clear about like a drywell versus an infiltration chamber.

**Steve:** Exactly, thank you.

**Laura:** Wait a minute. I don't understand the difference between drywell and an infiltration chamber. Can you describe that, Carl?

**Carl:** A drywell is going to be a much smaller structure lined with stone; you'll have your rains coming into that, it'll have crushed stone in there, and the water will filter through that and naturally migrate the soil. It's not going to be like a concrete vault with holes in it that would have a huge amount of water coming in.

**Laura:** But they both capture water, and allow it to percolate into the land in a controlled way.

**Carl:** Yes. It helps prevent that surface run-off and the surface erosion, so it puts it back into the groundwater.

**Laura:** Is one more effective? Why would you choose one over the other?

**Carl:** It's probably based on the volume, too. Again, if a small structure's not going to need a giant structure, it's going to just need something small, based on the gallons per minute coming off the roof. You could calculate it; if it's raining an inch an hour and you have an *X amount size roof*, you can calculate how much water is going to go in that gutter per minute. There will be some error of course, as some of it will go out of the gutter.

**Laura:** So, that seems to be something that we need to know.

**Carl:** If I've got a 16' x 24' structure, and I've got an inch an hour – if I calculate one inch by 16 x 24, I know the volume, and I can calculate how much water that's going to be. So, I would know how much volume of water, in an hour, flow down into that structure. You'd base it on that size.

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**Steve:** Some of this could be figured out afterwards, right? If the concept fits, if the concept we're talking about makes the Commission comfortable, and the Applicant's okay with working with me through the building permit process, that evaluation could be determined. We can figure it out, this isn't impossible.

**Carl:** Right. We're not doing the engineering here tonight, so I'm okay with the concept that you come up with a structure TBD, to help infiltrate the water.

**Laura:** That's really important, that we know how much water is coming off the roof; whether it's the full house, or just this roof, and how we capture it. And keep it from washing down that very steep slope right into the vernal pool.

**Carl:** The existing house has been there for quite a few years.

**Laura:** They're coming quite a way out from the existing house; they're adding 16 x 16 amount of run-off.

**Steve:** Correct.

**Laura:** The 75 (feet) relates to the deck, not the 3-season porch. That's what, an extra 15 feet away.

**Steve:** Correct. The Commission historically considers decks impervious; even though we can say that there's space between the decks – precedent wise, the Commission has always considered decks impervious because, depending on how they're installed, they can be water-tight, or they can let water through. They change over time. Historically, the Commission considers them impervious to water.

**Laura:** That's right, and we've had many discussions about that, relating to decks near important water sources like the ponds, and a vernal pool would fit that same bill, too. We need to be careful; not only because of the precedent we have set ourselves, how we might change that precedent, and also I want to know how much run-off is coming off of that roof, heading down a very steep slope towards a vernal pool.

**Carl:** You could design the rain structure, the gutter structure, to handle a 100-year storm. That would kind of be the worst-case scenario.

**Steve:** If you include the existing house on that side, I think that's why I brought it up to Tim; just letting you know that this may not be that little tiny bucket with gravel in it. If we incorporate the roof – if you agree to incorporate the roof, this needs a little bit more engineering, and it might be a little bit more of a significant drywell. Whatever we want to call the structure, it might not be insignificant. So, before you agree to it, and if the Commission would like it; I think it's important for you to realize what you might be getting yourself into, as part of a condition.

**Carl:** One of these large structures, you need a full-size excavator in there to dig these things up, so obviously there are concerns of run-off and the vernal pool during the construction phase, too. You're going to have to dig down with an excavator a significant amount, to install one of these things.

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**Tim:** And that's for the infiltration system that we were talking about?

**Carl:** Yes.

**Tim:** Or the infiltration chamber, right?

**Carl:** Right.

**Tim:** That's going to be tough, just given my knowledge of the right side of the house right here (points to it on the slide). That's going to be difficult; I know that for a fact. Just a thought, and I know I don't have the background that you all have; but the run-off right now, the precipitation that's going to fall on the ground is going to be the same amount anywhere, right? Whether I have the porch on or not – assuming I leave the deck as-is, the rain still comes down, it's going to come into the ground, and it's going to go its natural course. That's how I have it set up right now. But if I do additional things to mitigate that, with the drywell, we're going to have that mechanism in there to offset or rather redirect some of the run-off that was never there before. So, I'll try to do what I can to alleviate some of the concerns, especially the woman that just spoke – her name's not up there – but I imagine that anything I do to do a run-off or a drywell is going to be better than what I have existing right now, regardless of whether there's a roof or not. Am I right, or am I just hypothesizing? I don't know.

**Carl:** Well, in essence, the new structure is a little more impervious than just the deck, but if you redirect the water off that, then it's certainly better than doing nothing at all. It is an improvement, and our goal is to minimize impact of the vernal pool.

**Tim:** Right.

**Carl:** My question is whether the Commission wants to mandate having him tie the entire roof structure into an infiltrator type drywell, or just the new addition.

**Rachel:** Also, an answer to his question; it's, what is there now? He's not asking for waivers for what is already there. He's asking for waivers for additional impervious, angled roof run-off, and an additional deck. So, that's why we're asking for mitigation; because you're asking for waivers at this point.

**Tim:** Okay.

**Rachel:** What's there is there, and at this point you're in front of us; we're trying to work with you to get you what you need, but at the same time, you're asking for waivers. We have to grant them, but keep in mind what has to be done in order to mitigate what is going to happen, as far as water coming down fast and furious off of an angled roof, versus a flat deck.

**Tim:** Understood, and that makes sense. I appreciate you pointing that out, absolutely.

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**Steve:** Carl, to answer the question what's the difference; it's the velocity of the water coming off right now it's flowing through an existing deck, slowly and then trickling down. Tim, to your point – the difference is that it's not trickling down; it's coming off on a point source, like a garden hose, versus a drip irrigation. I think that's probably the difference. Another point I was just questioning – off of the deck, how about like a gravel infiltration trench, to capture some of the water off that new deck? Say hypothetically, back off on capturing the rest of the house; we capture water off the new roof, which will be a smaller infiltration chamber, and then we do a gravel infiltration trench, just off the deck, to capture that additional water?

**Carl:** Also, you'd probably want gravel under the new deck, because what happens with the decks, again it trickles down, but after a period of time, between the different boards, you're going to have erosion. You can actually see the erosion where the water runs directly from the boards, so the gravel will help.

**Steve:** That would help with capturing the new run-off from the new deck.

**Tim:** My wife just came in and reminded me that the existing deck that we have right now, we do have gravel underneath it. But I'm happy to do that; it sounds like a great idea.

**Carl:** That's not an expensive addition to do that. That's very cost effective.

**Tim:** It's certainly music to my ears.

**Rachel:** Steve; all of this can be worked with you in the field, after we have actual plans?

**Steve:** I do see these as details to work forward; it's a calculation, it's doable.

**Carl:** I just want to point out to the Commission that we can't delegate too much. As a Commission, we need to make sure what we approve, we know what we're approving. We can't just say *delegate everything to the Agent, and he'll make a decision*.

**Rachel:** So, then Carl, would we want to see this when we have actual construction?

**Steve:** Hypothetically – go ahead Carl.

**Carl:** All I'm saying is the Commission needs to be clear about what it wants and not just delegate to Steve on this.

**Rachel:** True; so, are you saying that we should come back when it's a little bit more solidified?

**Carl:** I don't necessarily think so. I think we can specify what we just talked about; say under the deck, and then we can specify...again, the decision really needs to come down to, does the Commission see gutters and run-off dealt with just for the new structure, or are you going to try to incorporate the entire house? That would be kind of the *Version A* or *Version B*, as you will; because that would be a big price difference in



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my mind. More work versus a smaller drywell to deal with a sunroom, versus trying to direct all the water from the entire house into the structure.

**Laura:** It's just a simple fact, whether the water comes off the house and comes down this roof; and if it does, it's adding substantially to the volume and the velocity of the run-off. It's not up to us to say whether we...I mean, if the water is coming off the main house, and adding to the run-off on this roof, then that's just a fact.

**Carl:** Well, it would happen regardless, because it's based on the square footage. The water right now, if it's raining tonight, is X amount of the square foot of the current roof that it's going to run off. So, if I add A to B, I get C.

**Laura:** Right.

**Carl:** If I add the existing water and I add the water from the sunroom, I'm not getting more volume, I'm getting a known volume.

**Laura:** I agree, but I don't think it's a case of *do we decide whether to include the roof*. If the roof is coming down onto this roof, we have to include it because that is, as you just said, that's the volume that's coming down this structure.

**Carl:** But it's happening regardless of whether we permit it or not.

**Steve:** I think Tim's trying to interject. That roof right now, he mentioned is guttered.

**Laura:** Oh, okay.

**Steve:** The main roof is guttered. My question was: it's already guttered and down spouted, and it's blowing a hole in his lawn; we could just connect that into whatever drywell system that we do for this new structure, or not. It's one or the other.

**Laura:** Sorry; I thought we didn't know if it was guttered.

**Carl:** That's really the decision; how much run-off did you want as mitigation for this? That kind of points the direction of where we need to go in terms of how to approve it. If you utilize the existing gutters, it's not like you have direct run-off. The added would be whether it would handle the existing gutters, which it could, to a drywell in addition to what's coming off (inaudible). Again, that would be an engineering calculation. We're not going to solve that tonight.

**Laura:** Were those the remaining questions? We have how much run-off is coming off this roof, and how are we going to capture it? That's what we need to know.

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**Steve:** I think to Carl's point, we got our guidance from Town Counsel a while back; I think his point was that the Commission has to be more specific in what to delegate to me.

**Laura:** Right.

**Steve:** I shouldn't be making decisions; I should be following through. So, say you guys say that you want gravel under that deck; it's my job to determine how deep, how much, and how it happens. Not whether it happens or not. Again, I'm willing to do whatever I'm told to do, but I think Carl's point is valid. You guys make the big decisions, and I make them happen.

**Laura:** I agree. I'm just saying that in order for when we meet again, the information we need to determine what we're going to tell you to do, is regarding the run-off, off of this roof, the volume, and the speed, and how we decide to capture it.

**Steve:** Correct:

**Carl:** In reality, if you hire someone to install gutters, they're not going to do a calculation. They're going to install gutters and direct it. They're just going to put on gutters. That's the reality.

**Steve:** I think the biggest question is what the structure is, that takes the water off of the new roof. And if you're tying in the existing roof, that structure gets bigger; that's the biggest thing. Gravel under the deck is easy. It's all about if the Commission wants – the new one is a given; it's whether the Commission wants to pick up the existing roof or not. That's where this thing gets bigger; the structure, that is.

**Laura:** I don't think so; I think if it's already guttered and the gutters are working, then we don't need to tie them together.

**Steve:** No, but it's spilling it out on his lawn, in like a garden hose, like a fire hose, and just rolling down that hill. Just because it's guttered, doesn't mean it's infiltrated.

**Carl:** Frankly, during a heavy rain, that's what every gutter does.

**Steve:** Laura, the existing roof is not infiltrated. It's guttered. There's a difference.

**Laura:** Got it. To Rachel's point; we could ask them to infiltrate that roof, and then that would be mitigation for whatever is happening here, because that's quite far away from our point of interest of the vernal pool.

**Steve:** Exactly.

**Carl:** Do we have any more questions at this point?

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**Chris:** I have a question. The existing roof's gutter and the downspout; which side of the house is that on? Is it on the side where the new structure is going to be, or on the opposite side?

**Tim:** I'd have to go out and check. I truly don't know.

**Steve:** It's half and half. Most likely, there's a ridge, right? You have a ridge. So, most likely, the roof is split down the middle. Half goes one way; the other way goes the other half.

**Tim:** I think that's accurate, because I'm on kind of like two tiers.

\*Tim switches slides to give an explanation of the roof.

**Chris:** So, what I'm seeing is where the new structure is – a gutter is going across there on the original house, and it goes over to the very far right-hand side, and one end of it drops down there, and then another end of it drops on the other side. Is that correct?

**Tim:** I believe that's how we have it set up right now.

**Chris:** Okay.

**Tim:** Right now, correct.

**Chris:** So, the water that's coming off the right side, even though it's just a portion of the house, on a heavy rain that comes out pretty heavy and drains down towards that right-hand side there?

**Tim:** Yes. That would cover this portion of the house (he points to the slide on his screen).

**Chris:** Okay. If you gutter the new section, you're going to have a downspout on the right-hand side of that; so, the gutter on top that's coming down will kind of run into the new gutter going across and running down. Is that correct? Does that seem logical?

**Tim:** I would think so. I don't want to definitively answer that, but I guess I'd prefer to talk to Steve about how to get that constructed. I would think that's how it would be, but I can't answer that definitively. It's a great point, though.

**Carl:** There are a couple of ways you could approach it. You'd have to really look at the design and see where the gutter makes sense; you could gutter around the whole thing, or just do it around the bottom half. You can do one downspout, or two downspouts. It depends on where you're trying to direct the water to; if you want it directed away, I've certainly seen it done with just one downspout.

**Laura:** I'm assuming that we would put it up on this corner, up on the top right corner.

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**Carl:** Right. You angle it down so all the water naturally slopes down in that section, and it goes right into your drywell.

**Steve:** Carl, we're kind of running behind a bit, and I think that these are all really good points; but I think it would be good if the Commission holds the direction they're leaning in, to move this forward to: *do you want to see a modification to this, do you want to...* we've got a lot of ideas, but we're kind of running circular right now.

**Carl:** I agree. I don't think this is rocket science to do this, and the Commission either specifies if it wants some drainage or it doesn't.

**Steve:** And what is captured. To me, there's three big points.:

- The new deck – putting gravel under that to capture the water.
- Infiltrating the new roof.
- Do you want to capture the existing roof run-off?

**Steve:** Those are the three conditions. A Commissioner could make a motion and say "I want the gravel under the new deck, and I don't want to just capture the run-off off of the proposed new roof." And then the addition is adding in the old roof. But at this point, I think I can work with Tim to get across the finish line; we just need direction on what of those three things do the Commission want?

**Carl:** I agree. This is really not rocket science; gutter systems are installed every day. It's not that difficult.

**Steve:** We are running behind, so I'm just trying to be fair because there's other people on the line.

**Tim:** Thank you, Steve. I'm sorry for keeping people waiting. I apologize.

**Steve:** No worries, Sir.

**Carl:** Would anyone like to make a motion? Or if we're not going to decide tonight, we need to continue it.

**Laura:** Were we happy with the concept of capturing the run-off under the deck with the gravel? That seems to be kind of acceptable.

**Steve:** I think that the lowest bar is the gravel under the deck, and capturing the roof off of the new roof. If you don't do that, I think this is a no-go. The question is the existing roof; that's to me the question. If you don't do gravel under the deck, and the capturing the new roof, that's my bottom line right there – above that is up to the Commission.

**Laura:** Do we need to determine how they capture it?

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**Steve:** No, I can figure that out after. It's, *do you want it or not?* And, is the Applicant willing to take that on, right?

**Tim:** I'm willing to work with Steve. I'm happy to put gravel underneath the new deck, and I'm willing to do infiltration regarding the new roof – and I can work with Steve once I have that direction. Am I understanding correctly?

**Carl:** You could word it that *they install a drywell of adequate size, to address the run-off off of the new and existing structure.*

**Steve:** Perfect.

**Carl:** In other words, you're not specifying volume; you're specifying based on the facts – how much water. It's large enough to address that, and it gives the Commission a little leeway, and it gives Steve some leeway, and the Applicant. We're not specifying *it needs to be 50 gallons or 10 gallons*; it's adequate to address the run-off of the new structure.

**Rachel:** That's what I was saying that Steve could work with him going forward on.

**Carl:** Right; so, we just need to be somewhat clear so we're not just handing the football to Steve and saying to figure it out. We'll get in trouble doing that.

**Steve:** Was that a motion?

**Carl:** Yes, was it a motion?

**Laura:** Alright. Steve, Carl, Rachel; what do you think if we move to approve the NOI with gravel under the new deck? I don't even know if we need to specify the depth of the gravel under the new deck; and a drywell to capture the run-off off of the new 3-season porch of adequate size, to capture the run-off off of the new roof, working with Steve in the field to determine the appropriate size for the calculated run-off?

**Rachel:** Perfect.

**Steve:** Was that a motion?

**Laura:** Yes.

**Carl:** And was there a second?

**Rachel:** Second.

**Carl:** We had a motion, and it was seconded to approve the 3-season room and deck, with gravel under the deck, gutters, and a drywell of adequate size to address the run-off. Is there any further discussion?

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\*no one comes forward.

**Carl:** Do we have a date on this plan?

**Steve:** May 25, 2021

**Carl:** Would someone like to re-motion it with the plan date?

**Laura:** So moved.

**Rachel:** Seconds motion.

**Carl:** Before we move on, are there any abutters that would like to come forward? If anyone would like to speak, please feel free to do so if you identify yourself for the record.

\*No one comes forward.

**ROLL CALL**

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

**AYE  
AYE  
AYE  
AYE  
AYE  
AYE  
ABSTAINED**

Motion carries.

**Rachel:** Makes a motion to close the hearing.

**Rebecca:** Seconds motion.

**ROLL CALL**

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

**AYE  
AYE  
AYE  
AYE  
AYE  
AYE  
ABSTAINED**

Motion carries.

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**HEARINGS (CONTINUED)**

**119 Lakeshore Drive (DEP# 161-0906; GCC# 2021-09) – NOI - (new)**

The removal of existing failing concrete wall and steps.

**Present:**

Sherry Buttrick (Applicant)

Christopher Moner (Applicant's boyfriend)

John Paulson (Atlantic Engineering)

Greg Noel (contractor)

**John:** I prepared the Notice of Intent for this project.

**Rebecca:** Mr. Chairman, I would like to recuse myself from this.

**Carl:** So noted.

**Carl:** Mr. Paulson, are you able to pull up on your screen, and share with us what you have here?

\*John Paulson brings up the plan on the screen.

**John:** I have a variety of pictures to go along with this at some point, because I think the pictures will speak a lot for what's going on here. So, we have this property at 119 Lakeshore, and the owners have lived here for quite a while, and what they're looking at doing is...does everybody see my hand (cursor on the screen) moving around?

**Carl:** Yes.

**John:** What they're looking at doing, is removing, not anything to do with the main house, but removing this back section in here of concrete block foundation; it's basically two stories high – and for a quick second, I will flip over to pictures.

\*John shares a photo of the back of the house.

**John:** That's what it looks like in the back.

**Carl:** Okay.

**John:** It's two stories high, and this one where the buoys are hanging; that's actually the lower level, the basement level of the house, and the upper deck is the first floor. All of this under here is just dead space that was built on in two sections of wall in order to facilitate getting those two decks on there. You can see in

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the bottom of this particular picture here where some of it's failing; you can see cracks in this foundation; you can see cracks all throughout the block.

**Carl:** Yes.

**John:** What they're looking to do, is they're looking to take down old sections of the structure here, and then (inaudible) down the set of stairs on the bottom set of the plan here, and there's actually wood stairs there, and there's a set of old concrete stairs underneath it. When those were failing, they just put wood stairs there.

**Carl:** On top of the concrete stairs?

**John:** On top of the concrete. You can actually see it in the picture.

**Carl:** I can see it, yes.

**John:** All of that needs to go away in order to replace the concrete walls. We're looking at doing basically the same thing. They want to put a taller concrete wall in place. It's going to be the same dimensions – the wall is to be taller, so it will stop here, so they're going to build a deck on this lower level, that (inaudible), and then they would put wood back on top of that. Unfortunately, this is all very nice here, but it's going to have to come down and come apart, in order to rebuild it.

\*John switches back to the plan.

**John:** These heavier lines; you can see the lighter lines that I'm following here now, is what those three block walls look like. Then it comes into here, and the concrete stairs are underneath this (inaudible). So, what we're looking at doing is; this darker line is going to be the new wall, and so it's going to be basically the same thing.

**Carl:** So, is it going to be a block wall, or poured concrete?

**John:** It's not going to be poured concrete. It's like the...I'm drawing a total blank – but it's by Recon, and it's these blocks that are on there, but they're the newer type of blocks; there's no real foundation under it, but the blocks only have to be about a half a block deep into the ground, along with a small area to stabilize the ground stone and that kind of thing. It's about to scale for the height that we're talking about, up here on this picture. This is the deck at the lower basement level, and the deck at the first-floor level. So, it won't go out any further than this line because you have to have a ½" to a 1" section of each block as it goes up – but it won't go any closer to the lake. You can interrupt me anytime you want, to ask me any questions, because I'm going to move outside this box for just a minute.

\*John switches screens to show pictures of the block walls and give an overview, and explains that the other side of the house looks similar regarding stone walls.



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**John:** What we're looking to do is to extend the same type of wall here (he points to it on the plan), putting one down here, and one to grade here, and one that goes up to grade up here. It gets all the stuff that's down in there, and gets rid of it. Everything will be graded at one elevation, and you have an above and below. On (inaudible) property, there's no step down; this level here is for the lower level, and pretty much level right in this area. The top of the wall here will be 97 (feet); it's 90 now, filling in there, but we're getting all these tiered walls. The 97 is about the elevation as the basement level. We're putting the same thing over on this side; we're going to replace these steps here, doing the same thing on this side, and having that elevation at 97 again. We're going to take this down (points to the shed on the plot plan), the bottom of all these walls now, we're going to move that shed to this location (points to the shed relocated is on the plan). So, that's the one thing we can do to get it a little further away from the lake. I want to clean up the property and make it look nice.

**Carl:** So, the lower shed would be moving up to the second tier?

**John:** The lower shed would be here.

**Carl:** Right there.

**John:** So that it's at the same elevation as this.

**Carl:** Steve, maybe you know this, but I thought that sheds had to be 20 feet off of the property line.

**Steve:** That's up to the Building Inspector, as the Zoning enforcer, to determine; that's a bit out of our scope, I think. You're not wrong, but I think because they have an existing shed and they're moving it 20 feet, then it's kind of a wash – but that's for the Building Inspector to determine.

**John:** If the Building Inspector says that we have to take it down, then we'll have to take it down. There's another set of concrete steps you can see here, that aren't being used; we're going to replace those with a precast set. These are the stairs that go down to the pond, and beneath are the concrete stairs that are failing.

**Carl:** It looks like almost the whole concrete structure is failing to some degree.

**John:** It is, so it definitely needs to be done. We'll have to get a small excavator, a mini one, and forklift down here. We talked to (inaudible) Excavators about doing this. That's our plan; I don't know if we can save this wall or not. Actually, we're going to replace these stairs with a precast, but I don't know if this can be saved or not. This is the lower level; that's cracking because of the failing down below it, and you can over in this corner where it's all cracking. The other thing that's being presented in this, the owner said the owner had a permit for a dock; the dock's been there for years, so we were hoping that the Commission could say ok.

**Carl:** Is that dock fixed to the floor of the pond? It doesn't look like a temporary structure, so you'd need a chapter 91...

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**John:** It's on legs; two of the legs are here, so it can just be taken down. Is the owner on? Do you take the dock out during the winter?

**Sherry:** Yes, on the winter we take it out. It's like three pieces.

**Carl:** That's ok. That's temporary, so we wouldn't need a chapter 91; you'd just need a local.

**John:** In the application, I said that it was in failure and needed to be fixed before it gets into catastrophic failure; something like that. So, this is basically our limit of work. That's about it, except for questions.

**Carl:** Commissioners, what are your questions? It looks like from the drawing, basically the entire property is within the 100-foot, correct?

**John:** It is. There's the 100 (feet), right on the street.

**Carl:** That's kind of what I'm seeing here.

**Laura:** Can I ask a question about the fill? So, you're increasing the elevation from 90 up to 97, 92 to 97; that's going to be a lot of fill. Is there a special kind of fill that we would want, or what's your plan for that? There's a lot of fill coming in on two spots on either side of the house.

**Christopher:** We did talk to the excavator on that, and...

**Sherry:** We have the contractor here also.

**Greg:** I'm Greg Noel, and I'm their contractor. The fill that's there now; we're only filling the first tier down closest to the lake. A little more than it is now, but we're going to be using a processed gravel for that, which will give us a solid base to put up our cement pad up on, and to build a new upper deck on.

**Laura:** So, the fill is all gravel?

**Greg:** Processed gravel, yes.

**Laura:** What is processed gravel?

**John:** There needs a certain amount of gravel, and that's basically defined by Recon wall systems. It's not going to be septic sand, but it's going to be a good (inaudible) gravel.

**Carl:** Are you proposing any mitigation as part of this upgrade?

**John:** I don't think we are at this point, because we're basically looking to clean up all along the sides here, both sides. We're moving the shed back, and the reconstruction in place of what's failing.

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**Carl:** Maybe in terms of some vegetation near the water; not taking away the beachfront, but to improve drainage flow, and we haven't really talked about that. Just to improve run-off toward the water. Not specifying anything at this point, but I'm open to suggestions. Something needs to be done with the concrete and the property, there's no doubt – and it would be an improvement.

**John:** Right now, it's grass down there. On top of the wall there's nothing, it's just grass.

**Carl:** So, the retaining wall that's next to the water doesn't need to be replaced; am I correct on that assertion?

**John:** Correct. It's in pretty good shape.

**Carl:** Okay.

**Laura:** Can I ask a question about the vegetation near the pond?

**John:** Sure.

**Laura:** We do often request a no-mow setback from the edge of the pond...

**John:** This yard is so small; from the wall it's only 20 feet to the pond.

**Carl:** Yes, that's pretty short.

**Steve:** To Laura's point, that's a valid point. It's not a 20-foot restoration area, but a row of sweet pepper bush and blueberry; something to help offset some of this, I think is reasonable – but we can get to that in a few minutes.

**John:** I know the owners won't have any problem doing what you suggested, Steve. There are many plants that we can look at later on. If the Commission would specify where they want it, we could do some just near the dock here, or we could go along this side of the dock, or across the whole thing.

**Carl:** We obviously want the applicant to have access to the water, but I'd be amenable to something like that.

**Christopher:** Just to reaffirm; the owners, that's us, have no problem with that sort of approach of contributing to what you're trying to do in terms of maintaining the Eco structure. So, that is fine with us and as long as we have access to the water, that's fine.

**Steve:** To be honest, I'd love to have some taller stuff, but I think taller stuff will cause a problem with the view, and someday you might want to cut them down – so I would stick to lower stuff that holds the soil in and cuts down on erosion, and doesn't get as tall. Unless you want to go to the right and left of the house; just respecting that thing is important.

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**Carl:** Before we get too far down the rabbit hole, this is one of those round the pond projects that the Commission would need to waive that requirement; unless the applicant has notified everyone around the pond, correct?

**John:** We did the 300-feet and we had asked by email, because I had forgotten about it. But I did ask by email for the waiver to notify everyone around the pond.

**Carl:** So, that means the Commission would have to vote that we accept that.

**Steve:** Correct.

**Carl:** Right. I just didn't want us to forget that part of this process.

**John:** Let me just get back to Steve; the view isn't going to be impeded because from the lower or upper deck, they can see just about anything. If you're sitting in the backyard here, and want to take up the whole frontage, we could do something and build it around this pine tree, and that would give the opportunity for some taller plantings in there. Or, do it where the pine tree's not, and do it on this side over here.

**Steve:** My vision was a double-row of blueberries or sweet pepper bush the whole way, minus access to the deck. The value is in capturing the water and the sheet flow down the whole area, not just a larger planting by one end or the other. That's flexible, but that was my vision.

**Christopher:** We're fine with that.

**John:** Were you looking at high blueberry, or low bush?

**Steve:** High bush; max of five, six feet.

**John:** Okay. I know the owners are perfectly willing to look into that. And I understand putting something along the whole edge of it, near the dock...

**Christopher:** We are absolutely fine with that. As long as we have access to the dock, it's actually a nice thing for us. Given that the deck is up above, our view to the lake is not obstructed. I think that would be a positive thing for life and us.

**Steve:** You could still do a long stretch the whole way, and a larger bed at either end; that's optional. It could be a larger planting to the North and South, and then a double row connecting the two. It's flexible.

**Sherry:** Okay.

**Christopher:** Yes, I would agree.

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**John:** Even if the Commission was deciding that they want to approve this tonight, I think what we could do with the owners is, we could come up with a simple landscaping plan and show you options of plantings, so you have that, the Commission has that in their basket; and then we can edit it or do whatever we want later on, as the project goes down the line. But you'll at least have a baseline that everybody knows about.

**Steve:** Carl, do you mind if I jump in with my laundry list?

**Carl:** Please go ahead.

**Steve:** There's a lot of material that needs to be removed; cinder blocks, retainer walls, pressure treated timbers. I met with the applicants this week; it was a great meeting, and I think we worked through a lot of questions I had. But, the one thing that wasn't perfectly clear was what was going to happen with some of the material. And, you mentioned that you might cave some of the walls in, under the existing deck...

**Christopher:** I can answer that, Steve. We met with the excavator; it's all going.

**Steve:** Okay, perfect; that's off my list. The next thing I had was, there was a question about removing that 30" pine tree. Is that still off of the list to be removed? The plan shows that it remains.

**Christopher:** That's one of the things, for approval, we certainly don't care. From a cost standpoint; it's an old tree, and it was recommended that we have it removed while they're doing the excavation – but if that's something that the Conservation Commission doesn't want us to do, we would not do that. It's just an opportunity to clean it up so that it doesn't cause a problem later.

**Steve:** Why I'm bringing it up, is because the plan shows it remains. When we met, you mentioned you'd like to have it removed.

**Christopher:** Yes.

**Steve:** I'm not dictating which way; I just want it to be discussed because the plan shows differently than what we discussed. If you're okay with just leaving it as it is, then right now it remains. If you want it removed, you really need to specify that tonight; otherwise...

**Christopher:** We're okay with leaving it. The only way we'd remove it is if everybody said that's okay to go ahead and do it. It's nice to have, and if it's a betterment of any kind, we'll leave it.

**Steve:** Okay, thank you. The other aspect was – it's a little bit unusual that the erosion control and the limit of work are so far apart; they're usually one and the same. My recommendation was to make the limit of work the erosion control line. The big concern I have on the site is: there's a massive amount of soil and disturbance. I would love to see more of a buffer between the erosion control and the pond. Say there's a major rain storm and a catastrophe; the fact that you have 20-feet to the erosion control of just grass doesn't make sense to me. I would move the erosion control to the limit of work. I don't think it's a big deal, it just makes it a little more less risk.

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**John:** The reason I had it this way is because we're dealing with a confined space, and I'm only about eight or nine feet off the foundation; which is a very limited space to work. So, what I had planned to do, and I didn't put it on the plan, is at the limit of work, I had planned to put a snow fence. So, it would confine where the equipment was going to go, but yet if they blew it or if there were storms, there's still space for them to clean up by having the erosion control.

**Steve:** How about the limit of work be a secondary line of erosion control? So, a silt sock at the limit of work, and then a double erosion control technique at the pond. So, I don't disagree with you, and I know exactly what you're saying. Maybe we move the limit of work 5 more feet away; all I know is, unless there's something there, the excavator and the Bobcat – the equipment goes to the silt fence every time.

**John:** That's why I was going to use a snow fence, because it's more of a visual...

**Steve:** But it doesn't show that.

**Christopher:** We had talked to the excavators, and talked about his technique and building; he's going to build the front, the first wall, and then put the equipment on top and run it from there. And to try to keep within that line, as you had stated. The only thing is the size of the equipment and the footage to do the initial block wall on that side, and an additional 5 feet, to bring it to 15 would be good for us.

**Steve:** That's all for my comments. Thank you, folks.

**Carl:** Did you say you were going to get rid of the pressure treated timbers?

**John:** Everything goes.

**Carl:** Obviously we want those things gone.

**Sherry:** Everything's gone.

**Carl:** Any Commissioners have any other questions?

**Rachel:** I'd like to see the tree stay, just because of the amount of water that the root system of the tree can suck up really quickly. You have such a limited area for the ability to have that infiltration happen; and a tree is amazing in how much it can do that for you.

**Christopher:** That's no issue at all, if that's what you prefer. The downside is if it dies in 15 years, because it's one of those short-lived pines, but we're absolutely fine with that.

**Carl:** From our perspective; if the tree causes a problem, or it dies, it can be removed at a later date, too. Just because we don't want it to come down tonight, doesn't mean that it can't happen in the future.

**Sherry:** Okay.

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**Laura:** If that were my house, I'd ask to take that pine down and replace it with something; because you're going to be doing so much work – that's a huge tree that you're going to have trouble taking down at a later date after you do all this. Would it be possible to take it down, and replace it with a younger, more longer-lived tree?

**Christopher:** That's exactly what we're talking about; that's what we would like to do.

**Sherry:** We'd prefer to do that. We didn't know if that was possible; and if it is possible, what kind of tree to put there.

**Christopher:** Which you could determine, as far as we're concerned.

**Steve:** Laura, to your point; I'm envisioning a large planting where that tree is. A large planting plan at the other end of the property, and then a double row of smaller shrubs in between.

**Laura:** Right.

**Steve:** At either end, that might be five or six yellow birch maples. So, cut one tree down, and plant fifteen.

**Laura:** Yes.

**Steve:** I think that's decent mitigation. Now, to Rachel's point; that one tree does suck up a lot of material and water – but once fifteen trees get established, they can probably do a similar thing.

**Carl:** Right, but you're going to try to create a huge number of trees in a very small amount of area, and in 20 years from now you're going to have a forest growing.

**Steve:** Correct. Fifteen might have been an exaggeration, but more than a two to one replication. When one tree gets cut down, we ask for two trees to be planted. So, one tree gets cut down, maybe we do six; that are a smaller variety and don't get as big and ominous.

**Sherry:** Yes

**Christopher:** We want trees, we love trees, and the shade that they provide and so on. I think to do a reasonable number that is sustainable; but the opportunity to replace the pine now, as Laura had pointed out, is a significant one. That's the only reason we brought it to the table.

**Rachel:** Steve, if that's the case, then I would want them to be larger trees, instead of just whips, because if you're taking down that giant tree and you're putting in maybe just six whips, that's not the same.

**Laura:** I agree that whips would not be an adequate replacement, but...

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**Rachel:** I'm also thinking of the root collapse as well, which is a huge issue. They'd have to handle that as well, at the same time.

**Laura:** What does that mean?

**Rachel:** Root collapse? When the roots start rotting after you've taken the tree down – and they don't properly grind the stump and get rid of what's there when they're replanting, the root collapse from the tree that is existing ends up with a divot.

**Carl:** You basically end up with a sinkhole.

**Steve:** I would not recommend stump grinding; I recommend planting out, away from the main trunk. The applicants are willing, but it can be expensive. The difference in cost between six whips and six trees that are 2" diameter is not twice the money, it's five thousand times the money. I don't know how much they cost; they might be \$400 or \$500 each. I'm just bringing this up – because if you agree, and I think that's the right play; I just don't want you to be surprised at how much money it is.

**Christopher:** I don't want that, but I think if you wanted four trees that would be fine.

**Steve:** We don't have a planting plan in front of us. Whether we develop one later, or to be required to be presented to the Commission; that plan would specify what species, what size, and the location.

**John:** The one thing I would say about the number of trees, the size of trees, is; a lot of times, they're too close together. We have a small yard here on this site, and we need to be cognizant of what it would look like, and how close those trees are together in a small, confined space. It's easy to say four to six trees now, but ten years from now is it still going to be fine?

**Carl:** That green section down by the grass; what are the dimensions of that?

**John:** 20 x 50.

**Carl:** It's a small area.

**John:** It's a small area, and if we're going to keep the trees sort of confined to the sides of the lot, you're talking 20 x 10. You can't fit a lot of trees in there.

**Steve:** Just for the record, I was exaggerating to prove a point with fifteen trees. That was not my target, it was just a concept.

**Laura:** I would be very happy to just say that we would work on the planting plan at a later date.



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**Steve:** My vision was two to three trees at the top and the bottom, depending on the species and the space allowed, and then connecting it along the wall with smaller shrubs. That was my vision, and we can figure it out later; you're right, Laura.

**Rachel:** I would feel more comfortable seeing it.

**Christopher:** We are in favor of the concept, and we're certainly willing to figure it out later.

**Sherry:** If not now.

**Rachel:** I would prefer to see a planting plan, just so we know. And, the two to one is not so much that you have two trees; it's for the failure rate. That's why we require two to one; because of the failure rate of a planting.

**Steve:** We require an 80% survival rate, so no matter what they plant, if more than 80% die; if 20% die, they have to replant it back to an 80% survival rate. We don't do the two to one for survival; the two to one is to offset a 100-foot pine tree with two shrubs, concept.

**Rachel:** Okay. I have to see the planting plans.

**Laura:** I agree that we would need a planting plan.

**Steve:** And they can add in the additional limits of work. It sounds like we need a revision on this plan. And, we're running super late, just to let everyone know.

**Carl:** Again; I just want to re-emphasize that the Commission needs to see some specificity on the planting plan. We can't just tell Steve to figure it out in the field, because we need to get some details as to what we'd actually be approving.

**Steve:** Are we continuing this with certain things that we want?

**Carl:** It sounds like that's where this is going.

**Christopher:** If all of this is depending on the pine tree, we'd rather leave it, and get approved.

**Sherry:** Just because we need to have the work done. If it's all hindering on keeping the pine tree, or continuing this, and talking more about planting and what to plant; we'd definitely rather keep the pine tree, and start on the work that needs to be done.

**John:** I think they want to get some plantings down there anyway; but, at the same time, we're in July, and they really need to get this done this year. They need an approval, so that they can start on the main part of the project. Otherwise, you have monthly meeting, plus the appeal time beyond that, and then who knows.

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**Carl:** I think one concept would be to go back to what Steve was initially referring to, in terms of the high bush blueberry; leave the existing tree, and add some high bush blueberries on either side, and add that as the mitigation. That's one concept.

**Sherry:** That would be fine.

**Laura:** Would it be possible for them to come back in the middle of their working season, with an RDA related to the pine tree and plantings? We could approve everything now, and they could come back later while they have the workers on site, and we could revisit the tree and planting question – as an RDA.

**Carl:** You could have them come in for a minor revision, too.

**Laura:** Right.

**Steve:** I like that, Carl. That's a great fit. So, hypothetically the Commission approves it, and you come in next week with a modification. I can sign off on the building permit, to get things moving, and we can work out the details on the planting plan. If we agree right now to shrubs planted around the whole line, the minor modification can be cutting the tree down, and the tree planting to mitigate the tree cutting.

**Christopher:** We are good with that.

**Carl:** Let's not forget that the Commission needs to vote the *around the pond* thing, since we're doing that.

**Steve:** It's on my list, Carl.

**Carl:** Okay.

**Laura:** So moved.

**John:** Before you vote on that, though. Steve, do you want me to take and give you a plan, to change the limit of work stuff?

**Steve:** No, I think that's a condition, sir. I appreciate the offer. I have a list of conditions; I think that's one of the conditions, and I think given that it says limit of work, and it's so well defined – we just say *the line marsh limit of work will become a secondary erosion control mechanism, or, orange fence*. I would actually make it erosion control, because I think that has an added layer of benefit; it's a visual, and it's erosion control. I don't think we need a modified plan; I think we need to condition it.

**John:** Okay.

**Steve:** At least that's my perspective; the Commission rules, but that's my thought.

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**Carl:** And, let me not forget to open this up to public comment, too. Is there anyone who is an abutter to 119 Lakeshore Drive? If you are and would like to speak, please identify yourself for the record and you may make a comment.

\*No one comes forward.

**Carl:** Okay, not hearing any. If there's no further discussion - go through your list, Steve, on what we need to do here.

**Steve:** The first vote is to waive the requirement for the whole pond notification, and then we can move on to the potential conditions on an approval.

**Laura:** Makes a motion to waive the entire pond notification.

**Tom:** Seconds motion.

### ROLL CALL

**Rachel Bancroft**

**AYE**

**Chris Candia**

**AYE**

**Elisabeth Clark**

**AYE**

**Tom Howland**

**AYE**

**Laura Repplier**

**AYE**

**Carl Shreder**

**ABSTAINED**

Motion carries.

**Steve:** My recommendations for conditions are:

- All blocks and wall material are to be removed off-site.
- Three layers of erosion control; and what I mean by that is one along the limit of work line, and two along what they call the siltation barrier. Often what happens is that they put in that black, plastic fencing with no silt sock in front. Given the pond is so close and there's so much digging, I think we need to double where it's shown as erosion control, and then a single where it says limit of work.
- A planting plan to be approved by the Agent, along the entire pond edge, excluding access to the dock.

**Carl:** On the planting plan, I think we need some level of specificity.

**Steve:** So, shrubs planted at 5-foot intervals. Sweet pepper bush, blueberry; a shrub that gets no higher than six feet.

**Carl:** That's adequate. We don't need the exact height of everything, we just can't say *planting plan to be approved by Steve*.

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**Steve:** Right. We used to do that all the time.

**Carl:** Right, and we know we shouldn't be doing that now.

**Steve:** Correct. Those are my conditions that I itemed as we talked.

**Laura:** Makes a motion to approve the project with the conditions that:

- All blocks and building materials will be removed from the site.
- There will be three layers of erosion control added to protect the pond.
- The planting plan will include native shrubs to be planted at a 5-foot interval, to be approved by the Agent, and it will exclude the dock area.

**Tom:** Seconds motion.

**ROLL CALL**

<b>Rachel Bancroft</b>	<b>AYE</b>
<b>Chris Candia</b>	<b>AYE</b>
<b>Elisabeth Clark</b>	<b>AYE</b>
<b>Tom Howland</b>	<b>AYE</b>
<b>Laura Repplier</b>	<b>AYE</b>
<b>Carl Shreder</b>	<b>ABSTAINED</b>

Motion carries.

**Laura:** Makes a motion to close the hearing.

**Rachel:** Seconds motion.

**ROLL CALL**

<b>Rachel Bancroft</b>	<b>AYE</b>
<b>Chris Candia</b>	<b>AYE</b>
<b>Elisabeth Clark</b>	<b>AYE</b>
<b>Tom Howland</b>	<b>AYE</b>
<b>Laura Repplier</b>	<b>AYE</b>
<b>Carl Shreder</b>	<b>ABSTAINED</b>

Motion carries.

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### **HEARINGS (CONTINUED)**

#### **10 Londonderry Lane (DEP# 161-0907; GCC# 2021-10) – NOI - (new)**

Filling and grading in the buffer zone.

#### **Present:**

Coleman Peeke (Applicant)

Bill Manuell (Wetlands & Land Management, Inc.)

**Bill:** Good evening. This is Bill Manuell, from Wetlands & Land Management, speaking on behalf of Coleman Peeke; Coleman is also here, logged into the meeting. Coleman and his family bought the property in June of 2020. They have always had a vision when they were looking at the property and getting ready to buy it, of leveling out the rear yard. I'm going to put the plan up on the screen.

**Coleman:** Good evening everyone, I'm Coleman. I'll let Bill take most of this stuff, but I figured I'd say hello.

**Carl:** Hello.

\*Bill shares the plan on the screen.

**Bill:** Perfect. So, you can see from the contours of the plan, that the ground other than the front yard, is kind of sloping away to the rear. Coleman's objective is to take this sloping rear yard, and level that out by bringing in clean fill, and then stabilizing it so that it's not going to go anywhere. He spoke with folks at TW Excavating earlier this year, and they gave him an idea of how they would approach this project. Their idea was to come down the left side of the house. The reason they come down the left side is because it's excellent access off of the existing driveway, and if you were to go this way (he points the cursor to bottom right side of the house on the plan), it's not only longer for the dump trucks to negotiate around the side of that house to deliver the fill to the rear yard, but also the utilities. The underground gas, water, and sewer come across the front yard here, and they wanted to avoid bringing heavy machinery across the front yard, and possibly damaging those utilities. I met with Coleman back in April; my first involvement was to mark where the wetlands are on and very near this property. I've highlighted that line in this heavy green that you can see on the screen. It's basically a classic New England hillside seep. It sort of breaks out on the side hill, and eventually coalesces the further you get to the top of the page here, and that would be in an Easterly direction. There's a detention basin over here (points to the bottom left of the plan on the screen), that's part of the subdivision, but these are bordering vegetated wetlands. Notice this green line here is the 50-foot no-disturb line, and this scalloped line here is the existing tree line; so, I'm fairly certain the Commission would've approved this project when they did, to maintain this 50-foot, no-disturb line. As a matter of fact, the approved plan showed three no-disturb markers that were to have been installed. I understand, through conversations with Steve, that the original developer did not install most, if not all of these markers; so, there was nothing to demarcate where that 50-foot, no-disturb line was supposed to be. Perhaps that's why you see the discrepancy there about the tree line; the tree line is cleared about five feet wide at the widest points, and then tapering down

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to zero. So, there's really a 45-foot, no-disturb zone maintained right here. We discovered that after the fact. Coleman had nothing to do with that; it was either the previous developer or the previous owner did that encroachment. But we are asking because of the utilities over here, we're asking to temporarily utilize this path to get into the rear yard, to deliver the clean fill, in order to do this grading here. I'll talk about what we propose to do after the project is complete, in a second. The fill itself will be brought in, and at the deepest point which would be right about here (he zooms into the plan on the screen); the depth of the fill would range from about eight feet deep at one point right here, and then be less than that. It would grade off to existing grade at the end of the filling. This side of the property would be about six feet deep, grading off to meet existing grade here. There is a detail for how all of this would occur; I think we'd have a two to one finished slope, and we chose two to one because if we went three to one, then this flat area gets significantly smaller, and it approaches not being worth it to do the project. The detail shows that we are going to stabilize this slope with loam and seed; but more importantly, on a two to one slope, on these side slopes – we need to install jute netting, or erosion control blanket. I specified jute here, because the commercially available erosion control blankets have that plastic or poly netting in it that keeps the straw material intact. That's why I specified stabilize the slopes with state jute, and that will eventually deteriorate and decompose, and go away. TW Excavating were very big on coming in through this side; they thought they can get their trucks down in the back, and they would have either a mini excavator or a Bobcat type machine that would do the grading, spread the fill, compact it. Then once we're all done, we would like to restore this area; to fully restore up to the 50-foot mark. I do have specifications on the plan; once we're all done, we do expect with multiple passes of machinery, that the ground is likely to be compacted. We are going to have to scarify the ground surface to loosen the compacted soil, and then we'll have to make it smooth. Then I suggest that we install native shrubs that are suitable for an upland environment, install plants six to eight feet on center, we'd start out with shrubs that are three to four feet tall, and we figure about eight to ten shrubs will be required. And I suggested nice upland shrubs like sweet pepper bush, huckleberry, high bush blueberry, hazelnut; are all native species, and all would be appropriate for this sort of area. We're going to install the plants and then we would install the no-disturb zone markers that were supposed to be installed around 2004, when the house was approved. Then, we would monitor this shrub restoration area for a period of two growing seasons, and replace all dead specimens; so we're looking at 100% survival rate. That's not unreasonable; this area is about 437sq ft, so it's not unreasonable to say that we're going to go for 100% on this entire area here. We're actually showing that we want to put in a fourth marker here, which is right at the edge of the tree line; just to show that we want to clearly define now where this no-disturb zone is. Once again, I want to reiterate that Coleman had nothing to do with this encroachment; this is how he purchased the property. Frankly, the encroachment wasn't discovered until we flagged the wetlands, and then had it plotted on a plan and realized the tree line was less than 50 feet. We are asking for a waiver now to encroach into that zone, which is already there; the encroachment made by somebody else. I should say to utilize that encroachment temporarily, and then restore it. Also, if the Commission sees fit, or sees their way to it, there are four extremely tall trees; there's an 18" diameter oak, there's a 24" pine, a second 24" pine, and a 30" pine. These are wonderful tree specimens, but they tower over the house; especially this 24" pine, and frankly it's scary. We're asking to be able to remove the trees, and we would replace them with any number of trees that the Commission sees fit. I know in the last hearing, there were a lot of numbers tossed around; but whatever we arrive at for a number, Coleman would install those trees. We're looking at probably taking out one other large, 30" pine that's in the buffer zone, but outside of the 50-foot, no-disturb zone. That's the proposal, and really the only tricky part is this area right here, but we do have a good plan to restore that area, so at the end of the project the Commission is getting back their 50-foot zone

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that someone else encroached upon, and Coleman is willing to do the hard work to restore it and properly mark it.

**Carl:** If you can explain to me why you can't access the rear from the other side.

**Bill:** Yes, I talked about that briefly. It's a longer run for the dump trucks to back in; but more importantly, the utilities. They're not shown on this plan, but the underground sewer, gas, and water run through this area here. We want to avoid bringing machinery across the front yard, down the side, and possibly damaging these underground utilities. Not to mention that Coleman is looking to preserve this area, because it's the only area his family can actually utilize a grass area to play on; so that's why we're trying to keep this area intact for utilities, and just have a level place to play.

**Carl:** Is the soil especially soft there? The utilities are going to be underground, below the frost line, I'm assuming.

**Bill:** I wouldn't say that it's especially soft, but if we could avoid going over the utilities, that would be best. Especially when we have an area that's already disturbed, and TW says they can maneuver in this area between the house and the existing tree line, without taking out anymore vegetation.

**Carl:** If you were going in on the left side where your arrow is, you wouldn't need to take trees down, or large vegetation, just to access it; is that correct?

**Bill:** That is correct. We would not have to take down any vegetation.

**Carl:** Okay. Steve, do you have any comments on this?

**Steve:** This has been going on for a while, and I've been bouncing back and forth. The no-cut line that's about eight feet from the house, is one of my pet peeves from the old way of doing these developments, where approvals had 100-foot trees, ten feet from a house. Originally, my recommendation was to not allow any of those trees to be cut down, because the Commission approved this with that no-cut, in perpetuity line; and I'd really like to hold to that line. That being said, these guys have really tall trees that are 12+ feet from their house. Originally, I was really resisting cutting those trees down, and I told the applicant that in an email this week. I hate cutting trees down that close to the wetland, but if they're willing to do some mitigation plantings, I think it would be reasonable to take down those two trees closest to the house. My recommendation, and the Commission can do what they want, but I'm resisting those other two; the 24" pine and 30" pine. Those two closer ones, to be fair, it's in a no-cut, forevermore, in perpetuity edge. Honestly this house shouldn't have been permitted with that close of a buffer line. I think it's reasonable to let them cut those two trees down. Cutting through on that side is not ideal, I agree Carl, but it's already disturbed, and if they restore it, it's a short-term disturbance. Blowing out their perfectly good lawn on the other side, it really doesn't matter to me. It's closer to a resource; but if they put up some erosion control, which is not shown on the plan, I think there's really low risk, short-term disturbance, for the long-term gain. I think it's reasonable. I would recommend erosion control, but aside from that I think it's a win. In the end, we get compliance back to where

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we should've been for the past ten years, Coleman gets his backyard, we get our buffer line restored to where it should've been; I think it's reasonable.

**Rebecca:** Steve, is there anything wrong with that oak tree? Is it damaged, or?

**Steve:** Not to my knowledge, no. This is, every tree in Georgetown that can hit a house, people want to cut down.

**Rebecca:** I would like to not see, at least the oak tree, come down. I'd like to see that stay.

**Steve:** Hypothetically, you're right. I'm just talking concept being the distance. If the Commission wants to leave it, then leave it. But they could always cut those two trees down, and plant four or five or six to replace them, further back on that back left edge; where when the tree gets to mature level, it won't hit the house.

**Rebecca:** But what size tree? It would take years before you get...

**Steve:** Absolutely, just like the last project. Do four, 2" caliber trees. And yes, you're not going to recuperate the value of those tall trees for ten or fifteen years, but he can request whatever he wants. I just wish that when these things were permitted 20 or 30 years ago...Commission, look at that buffer line. Literally, there's a no-cut bound, five feet from the corner of this guy's house; that's crazy.

**Rebecca:** It wasn't 20 or 30 years ago. When did he say, it was 2004?

**Steve:** I know, but a little pine tree eight feet off, will be touching this guy's house within five years. It seems crazy to me.

**Carl:** This is what actually happened before we had regulations; this was just when we had the Bylaw. There wasn't a specificity of distances; we didn't have those setbacks. Different Commissions would come up with different concepts, so it would vary based on who's on the Commission.

**Steve:** I just think it's hard to put that on this gentleman, having literally a five-foot buffer from his house.

**Carl:** I agree. There are a lot of places that are set up like this that where a set of steps are right near a no-cut bound, or trees right next to it; and you know in a few years, someone's going to ask to take that tree down. It just doesn't make any sense.

**Rebecca:** Yes, so we take these trees down and then we replant, but there's no guarantee that the replanting's are going to take.

**Steve:** There is, because we'll require, for larger trees, 100% survival rate.



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**Rebecca:** In how many years?

**Steve:** We usually look at it three years out. You can specify more, but the standard is three years, and often we do a two to one. If you're worried about it, you do a three to one; that way, you're guaranteed at least a two to one survival rate.

**Carl:** Those trees, the two that are right behind each other; what is the actual distance to the house? It has to be less than 12 feet or something.

**Bill:** I'm scaling it right now. From the center of the trunk to the house is about 18 feet. These trees tower over the house. They're probably 30 feet taller than the house; would you say that, Coleman?

**Coleman:** I'm not great with distances and trees and all this stuff, but my concern with two small boys under the age of two, is just providing a safe place to play behind the house. We're on a hill here, so any ball that's in the front of the yard is going to roll into the street, and roll down the house. So, I'd love to have a space behind the home where they can play safely. On top of that, you'd be protecting my home. The wind here has woken me up, we've been here for a year; we moved in last July. The wind has woken us up at least three times, on top of the hill that we're on, so the trees don't look like they're about to come down on the house, but the area that we're in, given the wind that we see and hear, my concern is the safety of the children. I'd be happy to replace those trees with something that the Commission would approve, as long as they were a safe distance from the home. I understand some of the things Steve mentioned to ensure that they would survive, but...

**Carl:** From a safety perspective, one of the worst things you can do is just leave one lone tree standing there by itself.

**Coleman:** Steve spoke to me about that as well. He said that if you cut a few trees down and just leave one, that I might not be in a better position.

**Rebecca:** Where's the septic on this plan?

**Steve:** No septic. It's communal sewer, it's a package plant; there's just a pipe going out the front to a package plant.

**Rebecca:** Where is that pipe?

**Steve:** Straight from the house to the road I presume, although it's not shown.

**Rebecca:** So, the reason you don't want to go down the right-hand side is to preserve because it's prettier?

**Steve:** To be fair, I think there's room to get by. All the utilities go from the road to the house. Hypothetically, you could cut down the right side and blow out the lawn, and avoid the utilities. I think that's an angle; I don't 100% agree with it. But, the argument of keeping a lawn pristine does kind of make sense.

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This doesn't show the utilities; the Commission could ask for that. Odds are, the utilities go the shortest distance from the road to the house, which leaves a 20-foot path to the right of the house where trucks could go. So, I agree but I don't agree. They want to go to the left or right, it almost doesn't matter as long as whatever they do, they restore afterwards. If they want to go left, I don't think it's that big of a deal because the left side is blown out already.

**Rebecca:** What do you mean blown out?

**Carl:** Yes, please clarify that.

**Steve:** It's disturbed; the no-cut, stone bounds aren't in place, they pushed the limit of work by ten feet more than they should've – the previous owners. The left side is already disturbed just like the right side. It's not that they're cutting native vegetation, and pulling out no-cut stone bounds; they're running over lawn.

**Carl:** So, in other words the left side they basically extended the lawn.

**Steve:** Correct.

**Carl:** It's not an undisturbed area that they're going to be running trucks through, it's just more lawn that wasn't supposed to be there.

**Steve:** Correct. If they were proposing to take down blueberries and sweet pepper bush, we'd be forcing them to the right. But at this point, there's a lawn to the left and a lawn to the right; one should be there, one shouldn't be there. Does it really matter at this point? I don't think so.

**Rebecca:** What kind of a wetland are we talking about?

**Steve:** There's no vernal pools, or streams, or major connectivity; it's just a BVW (bordering vegetated wetland).

**Rebecca:** It looks like the gas service is running on the left. That utility is running on the left.

**Laura:** Where?

**Steve:** Is that a propane tank, or natural gas? Midway up the house to the left, there's a box on the left side of the house, and the arrow says "existing gas service." Is that natural gas, or a propane tank?

**Coleman:** We have natural gas at the house, so there's no propane tank on the property.

**Steve:** Okay, so there's a line running along that left side, to Rebecca's point.

**Rebecca:** Right, so why would those utilities be coming in that way, and not on the right as they had said?

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**Steve:** They are, but they're going to drive over them now.

**Carl:** I'm assuming at some point they did dig safe, so they know where these utilities are specifically. They'd have to do it anyway.

**Steve:** That's a good point, Carl.

**Carl:** It's required by law.

**Tom:** Can we see note #3 on the plan?

\*Bill moves to the notes on the plan, so the Commissioners could read the notes. Note #3 on the plan states: "LOCATION AND SIZE OF SHOWN UTILITIES IS APPROXIMATE ONLY. CONTRACTOR TO VERIFY UTILITY CONNECTIONS WITH RESPECTIVE UTILITY COMPANIES AND GEORGETOWN PUBLIC WORKS DEPARTMENT PRIOR TO ANY CONSTRUCTION. DIGSAFE SHALL BE NOTIFIED AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION (1-888-344-7233)."

**Laura:** They haven't talked to dig safe yet.

**Tom:** Right.

**Rebecca:** I don't know, can you bring a truck in over a gas line?

**Carl:** It depends; the weight of the truck, soils, what's on top of it. You don't want to rupture anything like that. It just depends.

**Laura:** So that's something we don't know right now.

**Carl:** To the applicant's point, it's not the best to run heavy vehicles over utilities. It's not the best thing to do, if you can avoid it.

**Steve:** Bill, earlier you mentioned the utilities came in on the right. This plan doesn't show that, but it sounds like that's not 100% accurate. Do you have comment or feedback on that? Because I'm a little confused, to be honest with you.

**Bill:** Yeah, I didn't even see that existing gas service. When Coleman and I were speaking, the utilities, the water line and stuff; it was my belief that they all came across the front yard.

**Steve:** Because that's your justification.

**Carl:** You definitely want to dig safe that, because you don't want to run over a natural gas line and the house blow up, because that gets ruptured, and the gas leaks back into the property.

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**Laura:** Oh dear.

**Rebecca:** Or even the larger crane to take the size of those trees down.

**Steve:** That was my other question. With those trees coming down, I would recommend dropping them into the woods, and just leaving them for natural habitat. Why take them away? It's organic material. I would suggest just dropping them into the woods and just leaving them. Don't stump grind, just leave them.

**Rebecca:** But still, Steve, you have to get a decent sized crane in there to get that size tree down.

**Steve:** Well, you could free drop it. Nowadays, everything's with cranes, but I had four trees drop this weekend in my woods. Trees can drop down; they could do damage, but...

**Rebecca:** What I'm saying is the size of the crane over that gas line.

**Steve:** There's no crane; you can drop a tree without a crane.

**Carl:** If you know what you're doing, and cut the tree the right way so it doesn't fall back on you.

**Steve:** They can rope it and pulley it. That's a condition the Commission could add in, and say *the trees that remain in place*. So, say they crane it; they can crane it from Londonderry Lane – those cranes have like a 100-foot reach. You condition it that the trees get laid down and left in the woods. So, they crane it and just drop it down in the woods. It's not a big deal. It's the discretion of the tree company; do they drop it straight, or do they just crane it and leave it on the ground?

**Rebecca:** Is this a little premature, to look at this plan without any dig safe; without any utilities on this?

**Steve:** I think that's the contractor's and the applicant's due diligence. We don't tend to get involved in that. We're concerned because if they blow a line, there could be a contamination leak; but we tend to not get involved. That's a little further down the line; once they pull the permits and really work out the specifics. You can ask the questions, but I don't think we've ever required dig safe prior to a permit.

**Carl:** We don't, but I think the questions are asked simply because the comments are made that we have to go to the left side because of utilities; but if we don't know where they are, or actually they're not all to the right or to the left – the applicant might come back and say that this isn't going to work, we need to go somewhere else.

**Steve:** Hypothetically if they come back and a dig safe says you can't go to the left, then they go to the right; which is out of our jurisdiction. And, they still restore the left side as we agreed upon.

**Carl:** Dig safe isn't going to tell you that you can't drive over it, they're just going to point out where these things are. They're going to leave it up to the Engineers to make a determination whether you can drive over it or not.

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**Steve:** Correct. But we're permitting the worst-case scenario. If they come back and say they can't go left, then they go right. I hate to say it, but you lose the lawn for six months. That was my other point; I heard earlier 'free fill.'

**Carl:** They need to be clean fill.

**Rebecca:** You need a permit from the Building Inspector to bring in so many tonnages of fill.

**Steve:** In my experience, free fill is not clean and it's not often what you really need or want. We need to specify that, to your point, Carl.

**Carl:** You don't need to take someone else's contaminated soil and put it in your yard, and make your yard a hazardous waste site.

**Steve:** It just makes me a little nervous because it is within our jurisdiction, and I've seen free fill come in; you get what you pay for. I don't know if we want to condition that, or just caution the applicant, but free fill in my experience is kind of scary.

**Carl:** I think that we should specify that it's clean fill; that it's non-contaminated.

**Rebecca:** Right, yes.

**Laura:** Can I ask about the fill? At the moment, the tree line is at borderline line between the 204 and the 206-elevation line; what's coming down between that line and the proposed tree line? We're talking about taking down two trees on the left.

**Rebecca:** Four trees on the left.

**Laura:** We're talking now about moving an entire tree line back. How far is that moving, and how many trees are coming down in there? What is in there?

**Bill:** The tree line gets moved back about 25-feet. I don't have a precise count of the number of trees, but right now there are some trees in there with fairly good shrub understory.

**Laura:** Basically, we're talking about clear-cutting a forest back 25-feet, and then filling it with tons and tons and tons of fill. And, creating a two to one cliff at the end of it, within the 50 to 100-foot buffer.

**Bill:** Yes, and that's why we're here asking permission from the Commission, because it is in that 100-foot buffer, but it's outside the 50-foot.

**Rebecca:** I'm sorry, I was misunderstanding. You're also proposing to take additional trees out of the back of that property.

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- Bill:** This is the existing tree line, and this is the proposed tree line; and that is about 25-feet.
- Rebecca:** So, you're taking out that 30" pine, that 12' oak, and the 18' oak?
- Bill:** If you're referring to this oak, that can stay. If you're talking about this oak, the trunk is shown to be off property, so that will stay.
- Rachel:** We don't know what's in there because it's not being shown.
- Tom:** Correct.
- Laura:** But it is a woodland.
- Rachel:** Right, exactly, but we don't know...
- Laura:** So, you're clear-cutting a woodland, 25-feet of a woodland...
- Rachel:** I agree with you, Laura; that's what I'm saying. We don't know what's there because it's not being shown as a scalloped edge and we don't know exactly what's in there. We see exactly what they want to take down; we don't see what's in there that's also in addition to what they want down.
- Tom:** Agreed.
- Laura:** It's what we call the woods.
- Rachel:** Right. It's Georgetown.
- Rebecca:** Have we ever taken down woods?
- Tom:** Maybe this should be a site walk.
- Rachel:** Yes.
- Laura:** Yes.
- Carl:** Make a motion if you want to do a site walk.
- Bill:** I just want to zoom out a little. This lot is over an acre; it's 1.2 acres. Just looking at it you can see that about 75% of this lot is remaining wooded and undisturbed. This is a very small portion of the remaining lot, so I frankly don't see it as a great incursion.

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**Rachel:** You may not, but we're looking at it from a different perspective. And I would agree that a site walk would be beneficial, just so we can see what is there; because looking top down with just black and white marks, we don't know exactly what's there, and it's a very different story then when you're on the ground.

**Tom:** Especially what's in the 100-foot buffer.

**Bill:** That would be fine, so why don't we schedule something?

**Carl:** It's summertime, so it's possible to do this after work, so we don't have to take people's weekends away. There's plenty of time after work, and it's not a huge site, so we could do it during the week. It would be nice if it wouldn't be raining, but it's pretty tough these days.

\*The Commission, Bill Manuell, and the homeowner all discuss available dates for the site walk.

**Tom:** Makes a motion for a site walk for 10 Londonderry Lane on Thursday, July 29<sup>th</sup> at 6:00 PM.

**Rachel:** Seconds motion.

**ROLL CALL**

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

Motion carries.

**Laura:** Makes a motion to continue the hearing to August 26, 2021 at 7:30 PM.

**Rachel:** Seconds motion.

**ROLL CALL**

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

Motion carries.

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**HEARINGS (CONTINUED)**

**175 Central Street (DEP# 161-0908; GCC# 2021-01) – NOI – (cont.)**

Replace an existing septic system, upgrade and renovate existing building, site work and replacement of drain pipe.

Carl states that we've been asked to continue this hearing. Steve said that it should be continued to August 26, 2021 at 7:20 PM.

**Laura:** Makes a motion to continue the hearing to August 26, 2021 at 7:20 PM.

**Tom:** Seconds motion.

**ROLL CALL**

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

Motion carries.

**CLOSING THE MEETING**

**Rebecca:** Makes a motion to close the meeting.

**Rachel:** Seconds motion.

**ROLL CALL**

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

Motion carries, and the meeting is closed.



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The Meeting was adjourned at **9:56** PM. Documents and other exhibits used at the meeting will be available for review at the Conservation Office.

**\*\*\*\*END OF MEETING MINUTES\*\*\*\***

**This section is for approving the meeting minutes**

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Minutes for the Conservation Commission meeting held on July 15, 2021 were approved by a virtual roll call vote on August 26, 2021. The Chairman will sign the Meeting Minutes when in-person meetings resume.  
(date)

Respectfully submitted,

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