

GEORGETOWN CONSERVATION COMMISSION
Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

MEETING MINUTES
October 21, 2021

Committee: Conservation Commission

Date: October 21, 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 and Julie Cantara

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

Carl Shreder reads off the following:

This Public Hearing/Meeting 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. 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, and Chapter 20 of the Acts of 2021, i.e., the pandemic extensions signed into law on June 16, 2021. Internet based technologies will be used by the Conservation Commission to conduct Public Meetings and Hearings until the Executive Order and its extension provisions are rescinded or terminated.

BUSINESS

MEETING MINUTES

Carl: We have minutes to approve from September 16, 2021. Are there any comments on those, that need to be amended? If not, I would entertain a motion to approve those minutes from September 16, 2021.

Laura: I have a comment and a motion. Julie, those were beautiful minutes. Thank you; they were super. And, I'd like to move that we accept them.

Rachel: Second. And I agree.

Julie: Thank you so much!

Carl: We have a motion, and it's been seconded to approve the minutes of September 16, 2021. Is there any further discussion? Though I think we've already had some of that. All in favor – roll call vote.

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ROLL CALL

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

Motion carries.

CERTIFICATES OF COMPLIANCE (COC):

- 68 TENNEY STREET (DEP# 161-0890)
- 14 MEADOWVIEW ROAD (DEP# 161-0892)

Carl: I'd entertain a motion to approve the COC's for 68 Tenney Street; DEP# 161-0890, and 14 Meadowview Road; DEP# 161-0892. Are there any comments on these, Steve?

Steve: The 14 Meadowview Road is just a septic system replacement, and 68 Tenney Street is that...they were called Tinc; it's that drink manufacturing place out on Tenney Street, where there was some past damage that was done, and we kind of handled it almost under an Enforcement Order. But eventually they filed a Notice of Intent. In both cases, everything was perfect.

Carl: Okay. Is there a motion?

Rachel: Makes a motion to approve the COC's for 68 Tenney Street and 14 Meadowview Road.

Tom: Seconds motion.

ROLL CALL

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

Motion carries.

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HEARINGS

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

Construction of a 16-unit senior housing development.

Carl: It being on or after 7:00, I'm going to open 47 West Street; DEP# 161-0889. That was a construction of a 16-unit senior housing development, and I believe at this point we are going... (the sound faded out and was inaudible).

Carl: And if I could have a continuation date on December 16th, and time.

Steve: 7:10.

Carl: I'd entertain a motion for that.

Rachel: Makes a motion to continue the hearing to December 16, 2021 at 7:10 PM.

Tom: Seconds motion.

ROLL CALL

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

Motion carries.

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HEARINGS (CONTINUED)

78 Lakeshore Drive (DEP# 161-0911; GCC# 2021-11) – NOI – (cont.)

The replacement of an existing failed septic system.

Carl: It being on or after 7:05, I'm going to continue a Notice of Intent for 78 Lakeshore Drive; DEP# 161-0911. That was the replacement of an existing failed septic system. Any further information? All apparent issues are resolved, and we have a DEP number.

Steve: Correct.

Carl: Any discussion?

Steve: At this point, they're all set. All the outstanding issues have been resolved. For that same reason at the last meeting, we mentioned that they didn't have to come and attend the meeting. There's no representation here.

Carl: Right, I remember this. I just want to make sure everything was ready to go with that. I'd entertain a motion to approve 78 Lakeshore Drive.

Tom: Makes a motion to approve the NOI for 78 Lakeshore Drive.

Rebecca: Seconds motion.

ROLL CALL

Rachel Bancroft

AYE

Rebecca Chane

AYE

Chris Candia

AYE

Elisabeth Clark

ABSTAINED

Tom Howland

AYE

Laura Repplier

AYE

Carl Shreder

AYE

Motion carries.

Rachel: Makes a motion to close the NOI for 78 Lakeshore Drive.

Tom: Seconds motion.

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ROLL CALL

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

Motion carries.

Rebecca: Carl and Steve, I just want to let you know that it's not being broadcast; does that matter for this evening?

Steve: There was a conflict of the broadcasting, so the School Committee trumps us.

Rebecca: Okay. I just wanted to make sure that...

Steve: What's happening is, it's being recorded in two different places.

Carl: So, they'll play it at a different time?

Steve: Exactly. Because of that conflict, we couldn't go live, so, it's not being played on cable right now.

Rebecca: Okay.

Carl: Okay. We just want to follow up and make sure they do play it, because some people may be interested and wondering why they can't see the meeting, even though they see it scheduled for tonight.

Steve: We're on that. We got word that that might be an issue, so we doubled up on it so that there's no risk of losing the meeting.

Carl: I don't want residents to get frustrated, and ask why they can't watch the meeting.

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HEARINGS (CONTINUED)

398 Andover Street (DEP# 161-0910; GCC# 2021-13) – NOI – (cont.)

Replace a failed existing sanitary disposal system.

Carl: It being on or after 7:10 PM, I'm going to re-open a Notice of Intent for 398 Andover Street; DEP# 161-0910. That was a replacement of a failed, existing sanitary disposal system. Again, I think this was a case where everything was resolved, and we have a DEP number. Any comments, Steve?

Steve: No, we were waiting on a DEP number. So, same thing as the last case.

Carl: Okay, I would entertain a motion to approve 398 Andover Street.

Rebecca: Makes a motion to approve the NOI for 398 Andover Street.

Tom: Seconds motion.

ROLL CALL

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

Motion carries.

Laura: Makes a motion to close the NOI for 398 Andover Street.

Rachel: Seconds motion.

ROLL CALL

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

Motion carries.

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HEARINGS (CONTINUED)

342 Andover Street (DEP# 161-0912; GCC# 2021-12) – NOI – (cont.)

Removing paving within 25' and 50' of the wetlands.

Present:

Matthew Crist (Applicant/Homeowner)

Carl: I'm going to open up another Notice of Intent for 342 Andover Street; DEP# 161-0912. That's removing paving within 25 and 50 feet of the wetlands. We did a site walk on September 22nd, and the plan was revised and submitted. If we could have the applicant and/or the consultant, and if you could identify yourself for the record if you're online.

Mathew: Matthew Crist, applicant.

Carl: Good evening.

Matthew: Good evening.

Carl: Is your consultant online, or not?

Matthew: I don't see him on here.

Carl: Ok. Steve, we have the revised plan, that's correct?

Steve: Correct.

Carl: Do you want to make any comments, Matthew?

Matthew: I have the plans, and I can share them if you want me to go over the updates we've made since we last talked.

Carl: You can give us a quick overview. I think that most of us were on the site walk, but maybe not all of us.

Matthew: Okay, let me just quickly share my screen.

Carl: I think I remember the discussion pretty well.

*Matthew shares his screen with his revised plan.

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Matthew: The updates were, the pool - we pushed the pool back as far as we can without getting into the grading that goes up to the septic system. I think it was like four feet. Instead of having this split impervious patio along this side of the pool (he points to the right side of the pool), we changed it to all be pervious. I did the math on the square footage; within the buffer zone, we are coming out as like a 40 square feet loss of impervious area, for gaining 40 square feet of pervious area. Then, we increased the siltation along the border to be double. And that's it.

Carl: Do any Commissioners have any comments about what they observed on the site walk, or the plan?

*No one comes forward to speak.

Carl: I think having been out there, and actually was involved in the original permitting of the house, there's only so much you can do with that particular site. There's not a tremendous amount of options where you can put this.

Matthew: The other thing we did, that came out of the last meeting, was a list of plantings that would actually go right here in this area along this...within the buffer zone, and we did run it by Steve. Steve had some concerns about whether or not we'd actually be able to get the native variety, so I spent a lot of time sourcing, just making sure vendors would have these in a native variety – so I think we should be good there.

Carl: Again, comments from Commissioners?

*No one comes forward.

Carl: Okay, not hearing any. If there are no comments from Commissioners, I will open it up to the public. Is anyone online in the public, and do you have any questions about 342 Andover Street?

*No one comes forward.

Carl: Not hearing any. Would anyone like to make a motion?

Rebecca: Makes a motion to approve the NOI for 342 Andover Street; DEP# 161-0912; GCC# 2021-12.

Tom: Seconds motion.

Carl: We have a motion and it's been seconded to approve the Notice of Intent for 342 Andover Street; DEP# 161-0912. Is there any further discussion? And Steve, we've got everything for this, as far as documentation?

Steve: Yes, sir. They were great to work with.

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- Carl:** And, do we want to reference the plan date with that approval, or that motion?
- Steve:** I don't have the plan in front of me; Matthew do you have that real quick? The final revision date?
- Matthew:** John says it was September 30, 2021.
- Carl:** 9/30. Would you like to re-motion that?
- Rebecca:** So moved.
- Tom:** Seconds the re-motion.
- Carl:** So, the plan has been re-motoned and seconded with the plan date of September 30, 2021. Is there any further discussion? All in favor; roll call vote.

ROLL CALL

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

Motion carries.

- Rachel:** Makes a motion to close the NOI for 342 Andover Street.
- Rebecca:** Seconds motion.

ROLL CALL

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

Motion carries.

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HEARINGS (CONTINUED)

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

New transfer station.

Present:

Nancy McCann (Attorney)

Jason Mello (Applicant)

Brian Madden (LEC Environmental)

Rich Kirby (LEC Environmental)

Mike Laham (Morin-Cameron Group)

Carl: It being on or after 7:20, I'm going to re-open a Notice of Intent for Carleton Drive; Map 15, Lot 46, and this is the new transfer station. If I could have the applicant and/or the consultants, and if you could identify yourselves for the record, please.

Nancy: Thank you very much. My name is Nancy McCann, and I'm the attorney for the applicant. With me I have Jason Mello, who is the applicant. I also have Brian Madden from LEC, and Mike Laham, the project engineer from Morin-Cameron... (the sound fades out and was inaudible).

Nancy: ...from LEC, and Mike Laham, the project engineer from Morin-Cameron.

Carl: Okay.

Nancy: Unbelievably, the last time we were here was in March. In March we discussed the scope of the wildlife habitat study that the Commission had requested that we undertake. Since that time, we did have a site view with the Commission in April. The wildlife habitat study was undertaken, and went through the month of June, as requested by the Commission. A report was submitted to the Commission, following the completion of that habitat study. The report has been peer reviewed by the Commission's peer review consultant, BSC, and I think what we'd like to do this evening is present the results of the wildlife habitat study before you, and then of course answer any questions that you might have. Brian Madden from LEC is here to present that; in addition, the Commission should have received a project summary that we have put together...

Carl: We did.

Nancy: LEC prepared, and Rich Kirby is prepared to speak to that, and walk the Commission through that as well. Mr. Chairman, if I could, I'd like to turn this over to Brian Madden.

Carl: Please do.

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Brian: Thank you very much, everyone. Brian Madden from LEC, for the record. As Nancy had indicated, last we met on March 18th (2021) to discuss the parameters of the wildlife habitat study involving the linear and x-array drift fencing, along with pitfall traps and game cameras. I had met out there with the Conservation Agent on March 23rd, to review the locations of the linear and x-arrays, and camera locations. Everything was installed on March 25th, when the survey began in earnest, and continued through the end of June. In total, 50 site visits were conducted; basically, three times a week at a minimum, and then following rain events, to check the pitfall traps. On April 9th, I conducted an on-site with a BSC Peer Reviewer, to review the methodology and ongoing wildlife habitat study – and I believe they had submitted a summary report on April 19th, confirming the approach. In addition to the pitfall traps, we had conducted a total of eight comprehensive site evaluations; wildlife habitat evaluations. In the summary report submitted on August 9th, I reviewed the details of the wildlife habitat evaluations; the findings. What was encountered in the pitfall traps were primarily American toad, which is not surprising given the habitat conditions. In limited extent, we did find some wood frogs, green frogs, one Eastern newt, one Eastern red-back salamander, and one spotted salamander. We had re-surveyed potential vernal pools on the site, and the only area that was functioning as a vernal pool, as previously confirmed in 2019, was that Easterly pool that had wood frog breeding activity. In summary, we did not observe any rare species or important wildlife habitat features on site. The project has been designed to avoid, minimize, and mitigate any potential wildlife habitat impacts, and we are proposing significant wetland and buffer zone habitat enhancement on-site, involving invasive species management and restoration with native plantings. As proposed, the project will not have a significant adverse impact of either project specific or accumulative, on wildlife habitat interests in accordance with the State Wetlands Protection Act and Bylaw. With that, I guess I'll turn it over to Rich.

Rich: Hey everybody. So, we had prepared this project summary in advance of this hearing, just to sort of get everybody back on track and up to speed as to where we're at. After nearly two years of review by the Commission and the Peer Reviewer BSC, we feel as though we have submitted all of the information that's been requested of the Commission, and addressed all of the concerns of the Commission and BSC under the Bylaw and Regulations, as well as the Wetlands Protection Act. In reviewing the compliance for the Bylaw, the Commission can deny a project for a number of reasons; failure to meet the requirements in the chapter; failure to submit necessary information; failure to meet design specifications or performance standards, or other requirements; failure to avoid or prevent unacceptable significant or accumulative effects upon the wetland values protected by the chapter; and then, conditions are not adequate to protect those values.

What we've done is, included in with the project, the comprehensive mitigation package, to offset any impact that the project may have. As the Commission is aware, in order to access the previously developed, buildable upland portions of the site, we have to build a roadway; and that roadway is either going to use the existing cart path, and cross the wetland and the intermittent stream that was previously altered - or it's going to alter the tips of the finger lake projections of wetlands adjacent to the parking lot and development, immediately West of the site. By way of restoring the cart path, and proposing the roadway where we are proposing it, we believe the project results in an improvement to the wetlands functions and values of the Bylaw for this site. Number 1: By restoring the...daylighting the stream that's currently culverted, removing all the fill and restoring the cart path, we're promoting wildlife habitat; we're promoting the preservation of tracks – larger tracks of open space, given the landscape context that we're in. We are daylighting and restoring 65 linear feet of bank, 3,335 square

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feet of BVW – actually, 6,700 square feet of BVW; over 18,000 square feet of buffer zone, and then enhancing over 62,000 square feet of wetland and vernal pool buffer zone within the Northern portion of the site.

As we've demonstrated to the Commission, using the existing cart path would result in a longer roadway; nearly 33% longer, which means more impervious area, a larger disturbance for stormwater management, and not taking advantage of the opportunity to restore that cart path, and wetland, and stream. Of course, BSC agrees in that correspondence that the preferred means of access is the one we're proposing; it's better than using the existing cart path.

I also get into the Bylaw Regulations compliance; considerations in setting disturbance restrictions. The only portion of the site that we are altering that is within the buffer zone, is for the roadway. Obviously, we are altering a bit of wetland, and those tips of the finger lake projections within the Southwestern portion of the site. However, the footprint of the transfer station and associated pavement is practically all outside the buffer zone. There's a section within the Eastern portion of the pavement that is within the buffer zone, but that area is currently disturbed from a previous approved Order of Conditions.

The function and value of the resource area will be significantly improved with the mitigation that we're proposing on (inaudible). Of course, much of the site is already disturbed. We're promoting continuous preservation of open space. We've demonstrated that there's no significant wildlife habitat or a species habitat on the site, and we've demonstrated that that wildlife habitat function and value would be improved as part of the mitigation effort. We meet the Commission's 2:1 replication standards with the following exceptions; one of them of course being that the replication area shall be constructed and planted prior to the construction of any structures, during the initial phase of the site development. We absolutely can do that for the permanent wetland alteration, however there is a section of temporary alteration along the roadway that will be temporarily impacted, and then restored; obviously, we can't restore it until after it's impacted, so that would be something that we would need a waiver from. And in certain circumstances, the Commission may require that additional values and functions be incorporated into the replication design. As it stands, I think we've maxed out the functions and values that the wetland replication area can provide, in terms of protecting public and private water supply, groundwater (inaudible), full erosion control, storm damage prevention, water pollution, fisheries, wildlife habitat, and aesthetics. Any other wetland values and functions really aren't applicable to the resource area that we are impacting, or that we're proposing. For example: agriculture, aquaculture, recreation, etcetera. We've provided the Alternatives Analysis; again, the Alternatives Analysis in accordance with the Bylaw is limited to the site. We have two ways of getting in; both of them are (inaudible) alteration. The one we've chosen is the lesser of the two, in terms of impact - and the greater of the two, in terms of mitigation opportunity. At this point, I know that we've gone back and forth a lot with the design. I think the BSC peer review has helped dramatically in terms of plan revisions, tightening things up, adding more detail to specific notes with regard to mitigation; and we just want to hear from the Commission to see if there's any other information that you need at this point; we feel as though we've given you everything you've asked for.

Carl: As far as Alternatives Analysis, I think you're only really talking about relevant to using one side of the road, or creating another one. You're not really looking at the whole site in terms of size, usage, etc.; you're just basically saying 'you either put the road here or the existing road, as it was originally permitted by the Commission.'

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Rich: Yes, but the lion share of the proposed development is actually outside the buffer zone.

Carl: I understand that.

Rich: And it's within a previously developed portion of the site, so I think the impact there is going to be minimal, with respect to wetland functions and that piece in the buffer zone and wetlands.

Rebecca: Steve, I have a question. Did BSC have any comment on the wetland replication? I'm trying to look for that.

Steve: They did not. Gillian did not have enough time to respond to the most recent comments provided by the applicant. I did have a chance to talk with her briefly on the phone today, and she did mention that, and also some aspects of the Alternatives Analysis that she felt needed a little bit more work. But again, she wasn't able to pull together a full review of the most recent submittal in time for this meeting.

Rich: If I could perhaps respond to that, through the Chair.

Carl: Proceed.

Rich: Thank you. BSC did a pretty thorough review of our wetland replication design through the course of their five review letters during 2020 and 2021. I believe it was Peer Review Letter numbers 1 and 2, where they really dove into the wetland replication design, and had us modify some of the notes, modify some of the design, and provide some additional detail. And with respect to this later letter, we really haven't provided any new information with this project summary; it's really just an overview of all the documents that have been submitted thus far.

Carl: As far as Alternatives Analysis, I read in some of these letters that the pre-existing site, I think the applicant had indicated; it was the opinion that the existing site would not be approved for a new permit, but that wasn't really a quantitative assessment.

Rich: Nancy, I'm not sure if you want to chime in here; but I think the way the Bylaw is written, the Alternatives Analysis really extends to the project site itself, and not to other sites in town.

Nancy: Yes. If you look at Section 8.9 of the Wetland Regulations, that discusses the Alternatives Analysis. The Alternatives Analysis is alternatives within the project site; it is not an analysis of whether the project could be located in another area of town, or in another town. It is in fact a review of the alternatives provided within the confines of the site; whether adjustments can be made, and whether project components can be located in such a way within the proposed site, to have a lesser impact on the wetland areas and resource areas. It does not require a determination whether the project itself can be located someplace else. It's quite clear on that, and I think through this entire process, that's exactly what we've done. With BSC's input and with LEC's work, this project has been designed to provide the least impact; and in fact, it is our position that the project does not negatively impact the resource areas.

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Carl: How can you quantify that a little better for me?

Nancy: I think we've done that in a number of reports, but I'm going to ask Rich to jump in on that.

Rich: Sure. I think if you compare the function and value of the wetlands to be lost; we're looking at terrestrial, relatively young, wooded wetlands. There are about 12 trees in all, within the finger lake projections of wetlands that will be altered – we've quantified that. The landscape context - the area of land where the wetland alteration will occur, is immediately adjacent to a large, pavement commercial structure to the West. When you compare that to the function and value of the restored wetland and buffer zone – by restoring the cart path, restoring a natural soil profile, restoring the 65 linear feet of bank, the 6,700 square feet of wetland and 18,000 square feet of buffer zone...

Carl: We're looking at more of a performance-based standard. In other words, once it's built, how do you quantify the effectiveness of this five years from now, in terms of the functionality? If materials get into the resource area; trash or debris – performance based. I've been doing this a long time, and people write wonderful plans, but then they don't follow through, and that's my concern.

Rich: I think that comes down to the operations and maintenance of the facility, which I know that the Morin-Cameron Group and the applicant have provided documents to the Commission indicating how it will be operated; site clean-up, and trash policing, etc.; that goes with the project of this type.

Carl: Again, that sounds nice. It's wonderful as a document, and it sits on a shelf, just like with sampling or any other stuff. I've been doing this a while. I see a lot of times that there's just no follow through. Once an approval is given, it's just like, *we've got it, and now we just go ahead do what we've been doing*. That's my concern.

Rich: I think the Commission does have enforcement abilities; there are a lot of eyes on this project, as there will be a lot of people coming in and out of the site during its operation for residential drop-off and recycling. So, I would be very surprised if the Commission did not hear about any trash or debris that perhaps has made its way beyond the footprint of the facility.

Nancy: I will add that the operation of the transfer station is also overseen by DEP, and it's overseen by the Board of Health, and it will be overseen by the Building Inspector, and it's overseen by the Conservation Commission. There are in fact a lot of eyes here, and Rich is correct; this is a site that is not going to be operated in a vacuum where it will not be seen, and readily seen - every aspect of it, by the public, on a regular basis. This is a publicly used transfer station where folks will be coming in; so, there will be a lot of eyes on this site generally, and more so than most projects that you would see on private property. But we also have DEP's oversight, and we also have Board of Health oversight as well.

Rich: We have committed to, I believe it said 2 or 3 years of monitoring, for the success of those wetland and buffer zone restoration and enhancement areas, which really surround the facility itself. And, the Commission could very easily add a special condition, requiring that as part of that monitoring effort, the

G E O R G E T O W N C O N S E R V A T I O N C O M M I S S I O N

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Wetland Scientist shall determine and report as to whether or not any trash, debris, or anything else got beyond the limits of the facility.

Rachel: Steve, I have a question. What do you think about this topic? What are your opinions?

Steve: Going back to what Nancy mentioned about the Alternatives Analysis; the Regulations do not specify on-site or off-site. I actually strongly disagree with the opinion that it has to be on-site.

Rachel: Okay.

Steve: A great example is; Nancy referenced at one of the first few meetings, that they came to this site due to the Alternative Analysis at the 203 East Main Street site. During a ConCom hearing.

Rachel: I remember that.

Steve: It's actually standard procedure; we do it all the time. And we came to this site, apparently through that mechanism, so I do believe it's very reasonable for the Commission to evaluate the concept of Alternative Analysis off property. It happens all the time, and I actually strongly disagree with the opinion that it has to be on property.

Rebecca: Steve, it's 310, CMR 11.

Steve: Yup. I have a bunch of comments on many aspects of the project; I'm just going to chime in as it comes up, and at the end if you would like, I can follow up on whatever didn't come up.

Carl: Commissioners, feel free to ask your questions of the applicant at this point.

Rebecca: I have a question. With your wetland replication 2:1, is there no net loss to the wetlands on this site? Total wetlands.

Rich: Correct. We are providing replication at a 2:1 ratio; meaning that post-construction, there will be twice as many more wetlands on the property than are lost.

Rebecca: The studies show that 70% of wetland replications fail.

Rich: Sorry, what was that?

Rebecca: 70% of wetland replications fail.

Rich: And, what is that from? I'm sorry.

Rebecca: Steve, did you get that article I sent a few months ago? Let me just see...

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Rich: Part of the reason that wetland replication designs fail, is because of improper design, and improper management and monitoring. We designed this wetland replication in accordance with the Massachusetts Inland Wetland Replication Guidelines, prepared by DEP. We prepared them through the oversight; the design was overseen by BSC Group, who has peer reviewed the approach. We've committed to having a Wetland Scientist with experience on the ground, while this work is being done. Intercepting hydrology at this site will be relatively straight forward because the wetlands we are creating, we're effectively restoring by removing historic fill. The soils are also very sandy, which means groundwater tends to seek its own level within the sand; so, I'm quite confident of the success of this restoration area, provided it is supervised and monitored during the installation and monitoring process.

Carl: Maybe for the Commission's edification you could give or send us some examples of other wetlands you guys have restored and developed, that we could just take a look at and see in real life how effective these are.

Rich: Sure. We've designed and implemented many wetland replication areas.

Carl: Lots of people do, but I've seen them fail, too; and sometimes I'll call them *check the box type replications*, to get the permitting through. Long-term, viable wetlands; they may function somewhat, but I'd love to see some great, functioning wetlands, that were, in other words, fill well ends; and then ones that were created out of nothing, and you know, you've got this great wetland - the high wetland value.

Rich: By way of establishing the hydrology, filling in the native soils, the new native soils; the wetland soils with native wetland plants, managing it for invasive species, monitoring it to ensure the plants survive, having performance thresholds for plants survivorship, etc. – that's how you ensure that this is going to succeed. And if it doesn't, the Commission has enforcement authority to say *you're in violation of the order of conditions*.

Carl: Right, but at that point it's too late.

Rich: Not necessarily. It's too late certainly, to take the project back; but it's not too late to remedy the situation, and require the developers to implement whatever factors need to happen to make sure that that wetland is functioning.

Laura: Can I make a comment?

Carl: Sure.

Laura: I just feel that the plans to use the old road for replication, has very little value; almost no value. I'm familiar with JB Little Road up in Groveland, which is an old, abandoned paved road, which is returning to nature absolutely seamlessly, and...

Carl: Very rapidly.

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Laura: I also dispute that connecting those wetlands has any value. You have to prove... (the sound fades and was inaudible).

Laura: ...Little Road? Can I share my screen?

Carl: Yes, you were fading out there a little bit.

*Laura shares her screen.

Laura: These are photographs of JB Little Road, which was a paved road, and is now almost impassable; except for a small little path down the middle, because it has just returned to nature seamlessly, without any interference or replication or whatever, in the meantime. So, I don't see that the replication that you're proposing is necessary or valuable. Also, the proposal that you are going to connect through the culvert to the wetland over on the other side by I-95 – it's not been proven that that wetland connects to anything. It's basically a ditch at the side of the highway. So, we're not really creating anything of value. That vernal pool that is there, used to be a pristine, beautiful vernal pool; it had a ditch connecting it to drain it sometime in the past – and encouraging that to drain even more towards the ditch by the highway, is actually going to have kind of a negative effect on it. My own Alternatives Analysis is that this site is perfectly developable using that road. Someone could use this site and use that cart path as their access to the proposed site. It just happens that your project doesn't fit this site. And I am understanding of how carefully you have engineered your project; and really the care you took to orient the noise away from the neighborhoods, and various other aspects that you built into your design were caringly and thoughtfully done – but this is not the site for that to be built. The replication that you are proposing has no value, and you cannot claim the 2:1 replication that you are claiming. I find that to be a very large concern. It could be developable land, but not the way that you are proposing to use the roadway, and the replication you're offering. Did you all hear me?

Rebecca: You're kind of breaking up, but yes.

Rich: I think I got the gist of what you were saying, Laura. You might want to turn off your video, and then more of your bandwidth will be committed to your audio.

I think I heard what you were saying, and I'm not familiar with the paved roadway that you cite as an example; but I can tell you for this site, there are several feet of gravelly fill over the native top soil, and over the native sub soil that's within that cart path footprint. So, you're not having the micro-organisms interaction, and the hydrology interaction between the atmosphere, and the wetland and the soils that do their job to clean up the wetland water. Secondly; most of the plants that are creeping in within the footprint of that cart path and the adjacent fill areas, are all invasive, exotic plants. Those themselves provide little function and value; they provide a seed source for the spread of those invasive plants to other portions of the site. And absolutely, if we have a patch of woodlands here, and a patch of woodlands here, and they're bifurcated by disturbed area – by way of restoring that and combining those two areas of woodland, we are promoting the preservation of larger tracks of open space; we're promoting a native plant community, and we're promoting the natural area to do its job, and provide its function and value. Certainly, much more significantly compared to what's there now.

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Laura: Okay. I'm going to repeat myself. Sorry, because it's very important that I manage to convey to you, my concerns. Replication of the cart path is not valuable. Paved roads are restoring themselves to a natural state. I am concerned that the replication of that road has no value, because it will replicate on itself; it will restore itself. I've just been told that you understood me, so I'm going to stop.

Rebecca: Can I ask a question on the same light? When I look at that map, and there's a Parker River overlay on it; we had the Mill River just across the street from Carleton Lane, correct? Which feeds into the Parker River? And then along the whole length of Carleton Drive, there's a stream (wetlands), and then on the actual proposed site where you're going to restore the wetlands – it looks like, on the map that I'm looking at; it looks as if it somehow finds its way down into the Mill River. My concern is that once you restore those wetlands and you're providing more water/basin down there; we don't really know what the flow of that water is going to do to that stream on the other side of the street. You know?

Rich: We're not talking about...

Laura: What side of what street are you talking about? Mill River; the other side of I-95?

Rebecca: No...

Laura: Because the connection over to the other side of I-95 was never proven.

Rich: Actually, we did provide data to the Commission, peer reviewed by BSC Group, that shows the flow path of the wetlands on the property. The wetland from the interior portion of the site, which crosses the culvert onto the I-95 land does flow to the North, and eventually converges with that wetland system up there. By way of restoring the wetlands, we're not changing the amount of water that falls from the sky, or changing the amount of the groundwater interception; we're simply restoring the area such that the wetlands can provide the function of cleaning the water, evapotranspiration, etcetera. We're not changing the hydrology.

Steve: That whole argument that you just made; can you bring that map up and show us that connectivity? I think it would be helpful to see it.

Rebecca: Steve, me?

Steve: No, Rich.

Rich: It'll probably take me a few minutes to pull it up, but Rebecca if you have it on your screen, please feel free to share it.

Rebecca: I had a map that I had questioned before. Let me share; ok, so can you folks see this?

*Rebecca shares a map on her screen.

Carl: Yes.

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Rebecca: This is Mill River; part of the whole Parker River Water Shed (Rebecca points to it on the map). This is the proposed site at Carleton Drive, and then you have these streams. This one up behind the site, I'm assuming must be up by I-95; this is the area behind where they're going to restore. I'm just concerned. There's a FEMA flood plain up in here also. It seems as if something is flowing down into the Mill River. Do we know? I mean we don't know. You're going to restore the wetlands. There's going to be holding more water there; that's the purpose of them – to clean that water. There's going to be more water out there, and do we know the flow? Rich is saying no.

Rich: I disagree that we're changing the amount of water that will be flowing from the site.

Rebecca: But you're going to have more impervious area, so where's all that...I mean that's all going to flow into something.

Rich: Right, the impervious area. The stormwater management from the impervious area is being dealt with through the stormwater management designs that meets and exceeds DEP's standards, such that the post-construction run-off from the site will be equal to, or less than the existing condition; and the calculations and the design prove that out.

Rebecca: Here's another something that I'm having a hard time with; you're not using the latest Cornell numbers for the stormwater management in this, and our Bylaw does require that. Do we want to get into the stormwater concerns right now?

Rich: I think Michael Laham is on the line right now, from Morin-Cameron Group; they were the ones that prepared the stormwater management design. Michael, do you have something to say about the rainfall data?

Michael: Regarding the stormwater design; I suppose it was peer reviewed and signed off on by Larry Graham throughout the Planning Board process, which was in conjunction with these Conservation hearings.

Regarding the rainfall amounts; there's been some back and forth with the town on the actual jurisdiction of that, being not published on the website, or ever actually seen by the peer review consultant. We were informed by Larry Graham that he has never seen those numbers used, and in fact never seen that file published - so there was quite a bit of confusion I think on our part, when we were questioned on that.

Also; Larry Graham, who approved the stormwater design, shared the same reaction that we had - so I would contend that this project has been peer reviewed and approved by the consultant from a stormwater basis. There's not too much more to say on that. That was done by Larry Graham's office; done in conjunction with us, over several peer reviews, site visits, and all of that. So, that's the stormwater piece. I do have the map, if folks are interested; the one that Steve was interested in. I can share my screen.

Rebecca: While I have you here, I have one question. What is the difference in the Cornell numbers and the 100-year drainage report?

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Michael: Typically, there's a difference of a couple inches in the 100-year storm. It's variable across the different storm events; 2, 10, 25, 100 - it's variable. Often times in the 100, you're a couple inches. What we like to say is that this is the difference in the stormwater; the rainfall values are used in the existing calculations and the proposed. So, when you increase the rainfall values, the numbers go up accordingly in the existing model and the proposed model. So regardless, it's an apples-to-apples increase on both the existing and the proposed.

Carl: I have the same comments in terms of performance-based stormwater, from my experience. Again, I've worked with many consultants that write wonderful plans; but you know the Organizations very often don't follow through with sweeping the pavement, cleaning out the storm drains, dredging them; putting the snow where it's supposed to be, in terms of treatment chemicals and all that. It's like, yes, we have a great report, but everyone forgets about it once it's done.

Rich: I think that Jason fully intends on implementing the operation and maintenance plan that meets the town and the state standards. The Commission has the ability to provide special conditions that require a recording; that require some assurance that this is being done. I just don't see how we can deny a project based on...

Carl: No. I'm just stating a fact, realistically, in terms of the way many industries operate. Industries are trying to make money; they're trying to make business. Compliance is always secondary, and you're not going to convince me otherwise.

Rich: It doesn't have to be for this project.

Rebecca: Michael, your existing stormwater meets 6 ½" of drainage; correct?

Michael: Yes, that number sounds about what is typically used.

Rebecca: Okay. Can I move forward with some questions on stormwater?

Carl: Sure. If you want to do that, go ahead.

Rebecca: If you look at your plan on page one. Let me just get into my notes here...

Michael: I shared my screen; are you speaking of the site plans?

Rebecca: If you look at your page one; I'm sorry, page two. So, you see the limit of the FEMA; the bottom line following Interstate I-95. You have the FEMA flood zone, and that comes well out past the 100-foot vernal pool. Then you go down to your second page. You see a strong line coming down from the top, down to the bottom, which shows the existing, or Lot A? If you look at the second page, and then you look at that FEMA flood plain, it's just to the corner. I guess that's a tree down there in that bottom right-hand corner?

*Michael zooms in to the bottom right of the plan on the screen.

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Michael: Am I looking at, sharing the right plan here? Here's the FEMA; this is the FEMA line right here (Michael highlights it on the bottom of the plan that's on the screen, right above where it says *INTERSTATE ROUTE 95*).

Rebecca: Yes, and then you go down to the next page.

Michael: Next page? Okay.

Rebecca: Yes, the next page. There's the FEMA line again; right at the edge of your project there. Okay?

*Michael zooms into and shows the spot on the plan.

Michael: Mm hmm.

Rebecca: Yes, that one. Would there be a difference in your plan and this distance, under a Cornell plan? I don't understand what's the difference between Cornell numbers and the existing state regs.

Rich: I think the difference is that the Cornell numbers have nothing to do with the FEMA line. The FEMA line on this plan is the difference between the no-flood zone, the zone-x unshaded, versus the 500-year flood-zone, zone-x shaded. So, we don't have any 100-year flood plain, or 1% annual chance split plain on this property. That's just the zone-x shaded boundary; it's the 500-year floodplain. There's no wetlands jurisdiction with respect to that. The Cornell numbers have to do with the precipitation data that you use to calculate the pre-imposed run-off conditions. Under the pre-construction condition, the existing condition - when it rains; whether you use 6 ½ inches as your benchmark, or 8 ½ inches as your benchmark, a certain amount of water flows from the site into the different design points; the low-lying areas; the wetlands that surround the property. When they designed the project, they have to design the stormwater management system through a series of detention, and holding the water back and allowing it to infiltrate; such that when the project is built, the same amount of water gets to those design points; those lower-lying wetland areas. If you use 6 ½", let's just call it 6 ½", is what the TR55; the typical requirement for stormwater run-off and your rainfall data – if it rains 6 ½" during the existing condition that's out there today, a certain amount of water is going to flow from the site. And we need to make sure, as part of the stormwater management design, that the same amount of water flows from the site after the site is built. Similarly, if you use an 8 ½" run-off for the 100-year event, or 8 ½" of rain – you're going to have more water flowing from the site during the existing condition, as well as the proposed condition. So, I think that's the difference between the TR55 numbers. The numbers that are currently in the Regulations, versus the Cornell numbers; it's the amount of rainfall for each of those statistical storm events.

Rebecca: In 10 years when we get a huge rainfall, what's going to happen up at this site?

Rich: Michael, do you want to talk about the ten-year design storm?

Rebecca: Ten, twenty years from now.

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Rich: Well, there's statistical design storms that engineers have to design from. There has to be some standardized benchmark from which to design these systems. There's the statistical two-year storm event, the statistical 10-year storm event, the statistical 25-year storm event, and the statistical 100-year storm event. Those all represent a certain amount of rain within the 24-hour period. And you look at those...

Rebecca: But different rainfall amount numbers; different numbers, correct?

Rich: Sure. During a statistical 2-year storm event, there's going to be less rain than a statistical 10-year event.

Rebecca: Right, but you've designed this with the lesser numbers from...you're not using the Cornell suggested rainfall event numbers, correct?

Rich: That's correct; we're using the state standardized TR55 numbers. Correct me if I'm wrong, Michael.

Michael: Nope, that is correct.

Rich: That's what's required; that's what the peer review signed off on.

Rebecca: How much involvement is it, to bring this up to the Cornell numbers? What changes, to bring this up to Cornell numbers?

Michael: Something like that is what we would use our hydrologic hydraulic modeling software, the hydro-cad for. But again, this project; there was never a contention until recently that Cornell numbers were to be used. So, it strikes us as a bit unreasonable to be even talking about it, and we have communicated in front of the peer review consultant to that affect. We're designing under what was required at the time, as understood by both us a... (the sound fades out and was inaudible).

Michael: ...So, the discussion is – I appreciate the discussion, but I suppose that we've designed to the Regulations therefore required of us, and that's (inaudible). It's been signed off.

Rebecca: When I asked this question back on January 21st (2021), you had stated that locally, typically local communities use the higher rainfall rates; which is what most local people require. I'm just concerned because when we first were given this proposal, everybody was touting that it's state of the art, it's a wonderful thing, and you were saying that most local places were using the Cornell numbers – and I had asked, and I was surprised that the Cornell numbers weren't used. This is a huge project for Georgetown. You're looking to replicate wetlands, you're filling in, and I just would have like to have seen a higher standard with the Cornell numbers, with the size of this project – and with all of the wetlands around the area.

Rich: Well, let's see what other remaining concerns there are for the project. And, if it makes sense for us to evaluate the Cornell numbers, perhaps we might be willing to do that. But let's see what other outstanding issues exist.

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Carl: I also wanted to remind Commissioners... (the sound fades and was inaudible).

Carl: ...I guess 2:1 or slightly more than 2:1; the Commission can actually require more than that, too. But, that's up to the Commission itself. They're doing kind of the minimum replication requirement on this project.

Rich: For wetlands, yes. But we are also replicating over 18,000 square feet of buffer zone, creating 65 linear feet of bank, and enhancing over 60,000 square feet of vernal pool and wetland buffer zone within the North.

Rachel: But you're requesting to fill in a wetland.

Rich: Yes. Two finger lake projections of wetlands adjacent to a parking lot to the West, yes. The function and value of those areas is partially diminished because of that landscape context. Whereas, the wetland we are creating is within a linear, disturbed area between two wooded lots; two wooded areas, that will rejoin those wooded areas - and as those plants fill in and grow in over time, that will be a seamless habitat area.

Laura: Again, I don't believe that the 2:1 replication is accurate; that the restoration of the road is not valid, and the connecting of the culvert under the road does not provide any benefit. So, I really do not feel that you have met the 2:1 standard.

Rich: I appreciate that, Laura. With all due respect, the state DEP requires this type of replication. They put forth guidance documents that show why and how wetlands should be replicated. They have put forth stream crossing standards, to demonstrate why and how streams should be opened to the maximum extent practicable. The regulatory environment disagrees with you; all due respect.

Carl: The regulatory environment also tells us we should try and avoid filling wetlands, too. Okay, other comments from Commissioners. I'd like to give them all the feedback we can at this point, and move forward.

Rebecca: I have one more question. You're looking for three waivers on this site? Am I correct?

Rich: I know we were looking for a waiver of the requirements to restore wetlands before work happens; before the temporary alteration. On this plan, it's the thin blue areas, immediately adjacent to the roadway retaining walls - because the Regulations I don't think really accounted for this situation where you can't restore wetlands if it hasn't been altered yet. So, those blue little thin line areas adjacent to the beige areas on the plan; that's what we're talking about. It's really just semantics with respect to how the Regulations are written, but we wanted to be thorough.

Rebecca: And you're looking for a waiver to wetland fill, and the 3rd waiver within 100 feet of a vernal pool. So, three waivers?

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Rich: Actually, if we scroll over, Mike; I don't think we're altering any land within 100 feet of the vernal pool. In fact, we're proposing to do invasive species management re-vegetation within that buffer zone, to improve the vernal pool function.

Rebecca: I thought the corner of that project was within 100 feet of the vernal pool.

Rich: Mike, can you scroll that plan over?

Michael: Yeah, are...

Rebecca: During construction, you're going to have to...

Rich: Rebecca, are you sharing your screen?

Rebecca: No, I'm not. No.

Michael: My screen sharing is paused, it says.

*Michael's screen appears with the plan.

Rich: There you go. So, can you draw your cursor over the 100-foot buffer zone to the vernal pool, please?

Michael: Yes, I can do that.

*The sound fades out and was inaudible, but Michael draws the line in blue on the plan.

Carl: You're kind of fading out.

Rich: The blue line is not fading out; it's pretty clear where that 100-foot buffer zone line is to the vernal pool. We're not proposing any work in that area. The only work we're proposing in there is the removal of invasive plants, and re-vegetation with native plants.

Rebecca: During construction, that proposed edge of pavement; that's not going to come anywhere near within the 100-foot to that vernal pool?

Rich: It's close; the toe of the slope is close to the 100-foot buffer zone, but there's no proposed grading within the vernal pool buffer zone.

Michael: The work that's proposed, as far as the limit of work is concerned, is cleaning up of the fill and debris piles. There are these pretty tall fill and debris piles in this location here (he outlines in red on the map that's up on the screen), and so the limit of work being that thick, dashed line - the limit of work was simply set here (he again points to the red outlined area), to allow the erosion control protection for the removal of that area. Otherwise, this limit of work could've been pulled.

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Rich: Right. We can certainly be open to a special condition, requiring a second erosion control line at the toe of the slope, and outside the 100-foot vernal pool buffer zone.

Michael: Right. I can see some value in that.

Carl: I'd like to briefly circle back to the Alternatives Analysis on Roadway A or Roadway B. If you could just go over that again. specifically, why you cannot use the existing road. Just to clarify that.

Rich: It's not that we can't use it, we certainly could use it. But that means we're going to have on balance, a lot more alteration on this site. The roadway, using the existing cart path, would be about 33% larger; that means 33% more pavement, and 33% more land alteration for stormwater management. What we'd be preserving instead, is a relatively narrow track of land adjacent to parking and lawn associated with that site to the West; and we'd lose the opportunity to restore that significant area between those two woodlands. Your own Peer Reviewer, BSC agreed, and I believe that I cited it in the summary - that the preference is to put the roadway where we're proposing it, and restore the land within the footprint of the existing... (the sound fades out and was inaudible).

Michael: I think this map here clearly shows what the wetland line runs parallel with, in this location along the cart path. A lot of this is within your 25-foot zones in here; a lot of disturbances here, and running parallel to lawn - versus the other location, which is kind of (inaudible) to projections. It's more of an upland feel in this area; the finger lake projections have more of an upland feel to them, as Rich said. (Inaudible) more perpendicular, versus running right along all the disturbances within this 25-foot zone. The green area in here being the restoration of buffer zone, again adds value for the same reason. This buffer zone is in close proximity to the wetland; it's full of invasives. Like Rich said, it's hard packed gravel...

Carl: Right, but you can drive a truck out there, right now.

Michael: Correct. Access for our project. This would need to be improved, for access from the project to...if you look at the work that we're proposing on the preferred location, our proposed driveway location; the footprint of that - moving that same footprint down here, and moving stormwater... (the sound fades out and was inaudible).

Michael: ...A couple hundred feet of length, which I can kind of point out. The contention That Rich was just making was, the buffer zone...

Rich: I think the restoration of the buffer zone, associated with the cart path, provides greater function and value to offset the relatively limited impact the roadway and the wetland alteration has there. The wetlands; the tips of those finger lake projections; there's 12 trees in all, within both of those areas. The understory is chuck full of European buckthorn and invasive exotic plants. If you look at the soils, BSC wanted us to see if we can translocate some of the wetland soils from that area. The soils are relatively thin; there's concrete, and metal debris, and other things within the soil column. It's a relatively low-value area, certainly compared to the wetlands that we'll be creating, and the buffer zone restoration we'll be creating in the footprint of the cart path.

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Carl: As far as the Alternatives Analysis - we had a discussion a few minutes ago about offsite versus on-site; are there anymore comments on that?

*No one comes forward.

Carl: Steve, we haven't really heard your input on this case, if you might.

Steve: How much time do you have?

Rachel: All night.

Carl: No, we don't have all night.

Rebecca: I have another question.

Carl: Go ahead.

Rebecca: Can we go back to the plan with the snow piles? The proposed snow piles, at the I-95 end of the site?

*Michael switches plans on the screen.

Michael: What were you asking about?

Rebecca: You proposed snow piles where those will back up onto the I-95...

Michael: Sure.

*Michael zooms into the spot that Rebecca's referring to.

Michael: Yes, right in here. These kind of cloud shaped areas in here (he points them out on the map).

Rebecca: Yes. So, what's going to be protecting the melt, the salt, from leaching into that vernal pool buffer zone?

Michael: Everything within the parking lot is draining towards the interior, in toward the stormwater treatment systems, and collection systems; so, none of this is graded away, it's all graded towards catch basins on the interior. There won't be any direct discharge that way.

Rich: Can you show where those catch basins are, Mike, on this plan?

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Michael: Let me go to the next plan...so the catch basins; there's a curve along the outside and the catch basins are located – we've got a low point here, and a low point here (he colors them in blue on the screen), and then the curve surrounding this. Any water will be caught by these catch basins, and then there's a treatment structure here, and then infiltration...

Rebecca: But still, when snow melts - when you get a pile like, you know, the storms that we've been having – you see the piles backed up at CVS; that's going to melt everywhere. It's not just going to flow into that catch basin.

Rich: I believe there's a 6-foot-high chain-link fence along the edge there, that would keep the plows from plowing the snow beyond the footprint of the pavement. Is that right, Mike?

Michael: Yeah, let me just double check the specs on the fence, if we have that. On here (document on his screen is labeled *FULL SET revised 5-12-2020*), we're calling for a guardrail along the edge. I believe it may be...that may have been carried by the landscape architect; the detailing of the fence, during the (inaudible) for that. I don't see that on here. It may be carried on the landscape plans.

Rich: Alright, but there's at least a guardrail there.

Michael: There's a guardrail, and the expectation is that snow storage will be occurring on the pavement here; correct? And there may be a fence; we have to look into that.

Rich: I've seen other sites where they just have a couple of that metal signs along the edge, that inform snow plowers not to dump the snow beyond the guardrail, or beyond the fence. We certainly would be open to a special condition requirement.

Rebecca: I do have another concern; the poison for the rats.

Carl: Did we ever get the SDS's for the materials used? I remember it was asked; I don't remember if we ever got them.

Nancy: I believe we did submit that. Jason Mello is also on the call; he can perhaps speak to the specifics.

Carl: There's been a lot of time, material, and documentation going multiple directions; so, I don't remember seeing it, but...

Jason: Jason Mello from Mello Disposal. We had submitted the proposal and the proposed contract with Freedom Pest Control, out of Merrimac, which detailed how they handle the rodent control and the two different methods that are used. The most commonly used, which is used on Carleton Drive already, is just the bait boxes – but he had a more modern-day approach that I don't truly understand it, but I did submit an explanation of it...

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Carl: Yeah, I was looking for the actual Safety Data Sheets, which would be from the manufacturer. I'm very familiar with evaluating that kind of data, so I was just looking for them, from the manufacturer of the material that he's using.

Jason: I apologize. I didn't know you were looking for the MSDS on that, but I can get that from Freedom; absolutely.

Carl: Just FYI, no one calls them MSDS; the new terms is SDS, so there may have been some confusion when I referenced that.

Jason: My apologies.

Carl: No problem.

Rebecca: So, with those chemicals, how can we avoid other wildlife eating the rats and being poisoned? That's a huge concern in the state right now. Steve, can we not use poisons that kill all the other animals? I don't know...

Anybody?

Carl: If he didn't catch things live, are you going to have to use some sort of trap? Which is going to kill the vermin rodents, or are you going to have to capture them and dispatch them? Or are you going to use poison?

Rebecca: So, if the trap has poison, can the rat get back out of that trap?

Carl: Usually the poisons...again, that's going to be ingested by the rodent. They're not going to die immediately. It's possible that that rodent can be ingested by something else; a hawk or an owl, sure. It doesn't kill them instantly.

Rich: Aren't the bait boxes – once the mice or rats enter those, they don't leave at that point. Once they're in there, they're in there; right?

Carl: It depends on the model. Some of the black type; they go in there and they don't come out. But some of the others, some of the others...

Rebecca: Can we condition it that there's no release... (the sound fades and was inaudible).

Rebecca: ...to the environment? To protect the other animals?

Carl: I certainly suppose you could do that.

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Laura: I'm reading the pest control contract, and it said when rodents are detected, Freedom Pest Control will use carbon monoxide, carbon dioxide, and positive catch stations to remove the actual infestation.

Carl: So, it sounds like they're catching them and using carbon monoxide to kill them.

Laura: Right.

Carl: So, they're gassing them. I don't know.

Laura: Right. I don't see any mention of poisons in here.

Carl: Well, carbon monoxide is certainly a poison.

Laura: It is. So, if you kill something with carbon monoxide and something else eats it, is it toxic?

Carl: No, there's no issue. Carbon monoxide has a much higher affinity than in your bloodstream, or an animal's bloodstream, than oxygen. So, your red blood cells pick up carbon monoxide, and essentially your body systems starve from lack of oxygen.

Laura: But that's only if you're breathing it. It doesn't affect something that would eat you after you had died of carbon monoxide poisoning.

Carl: That's correct.

Laura: Okay. So, I can't find any mentions of poisons in this document.

Carl: We can verify with the pest control company, just to make sure. Back to Steve's comments...

Steve: Carl, can I get some direction from you? I have kind of a laundry list; some have been touched on. Do you want me to just laundry list it, or do you want me to go one by one and then discuss?

Carl: Give us the list, and then kind of go through them. There were some outstanding issues I wanted to make sure we addressed; that we covered everything; that we've reviewed everything; we had all of the documentation; and they've submitted everything that we've requested, so there's nothing outstanding. And as you mentioned, the most recent letter from LEC hadn't been fully vetted or reviewed by BSC yet, since it just came out a few days ago. So, why don't you start from there?

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Steve: My number one just on the hitlist, and it's been talked about a lot tonight; the Alternative Analysis. Gillian mentioned today, specifically that she still does not feel like a full alternative analysis has been done, and I mirror that opinion. We hear a lot on the meeting that that doesn't work, and this doesn't work; that's not really a full analysis; that's just being told that doesn't work.

Along with Laura's comments earlier; the 2:1 replication is the minimum amount. And like Laura, I believe it's kind of like double-dipping. This site had a lot of disturbed areas before, that are naturally growing in, and to restore those to their natural state – it doesn't really seem like an equal trade of a 2:1. They're repairing previously damaged, so it's just a little bit...I don't know what to say, but it's a little bit awkward.

Down to Larry Graham and the stormwater review, and some of the stuff that Rebecca was talking about – the Commission knows how this works; we don't do a stormwater review, we leave it up to the Planning Board. I have no idea what the status of that stormwater review is. The Planning Board denied this project a month ago, so we are hearing that everything is fine, but we have no documentation that says that everything's fine – and it very well could be. But, to Rebecca's point; they mentioned using the Cornell numbers at the first or second meeting. It's a little disappointing because we hear about how great the stormwater is, but they're not using the better numbers.

The waiver request that's been discussed. We kind of focus on the wetlands fill location, which I'll get to in a minute. But they are requesting waivers along that kind of parking area, the road area; the parking area, along that swale, wetland along the highway. I think when you talk about cumulative effects, that just adds to the waivers, and adds to the concern; at least that I have.

And then to the access; I mean, access exists. Since the Regulations were adopted in 2004, the Commission's never allowed a wetland fill. They've allowed wetland fills for projects that are for the town, but never for a private entity; never for a business. That's an enormous precedent. The Commission has denied a number of these, and gone to court and won. To overcome that, there has to be enormous public good; there has to be enormous mitigation. And the 2:1 replication doesn't meet it.

And to kind of tag team off of that; the public benefit. When we asked about that, what was listed was more wetland mitigation arguments, not public good. There's been no real, public good argument made. At least in my opinion.

To Laura's point about the trade-off and the value; I don't see the mitigation offsetting the wetland impacts.

Rebecca: Steve, can I add into the wetland fill? Georgetown is full of wetlands, and you'd be setting a precedent that could have a huge impact.

Steve: Massive. Yup. And I have a few more points; I'm sorry to take up so much time.

Carl: No, go ahead.

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Steve: I think Gillian also asked a few questions about better understanding the connectivity of the wetland along the highway... (the sound fades and was inaudible).

Steve: ...were not answered. So, her point was; this most recent memo doesn't address her concerns, it just glazes over them. The connectivity of the wetland; we don't know what it connects to. So, to Laura's point, it just seems like a swale. What is it? We just don't have that information.

The stormwater stuff – Gillian has not commented on this most current review. I'd be really curious to hear what she has to say. It was mentioned invasive species management and removal; on the site walk, I pointed to some knotweed that was in a wetland, and they said "oh, we're not going to get that." The concept of invasive species management – if you don't get all the invasives, they're going to come back. On the site walk, they did not commit to getting all of the invasives; they committed to some of them.

The other aspect is; a lot of the standards being discussed, they only are talking about the state standards, not the local regulations. And, the performance standards under the state are kind of different, and I'd love to hear more about how this meets the local wetland protection bylaw and regulations. All that's being talked about are the Wetland Protection Act, and honestly those standards are a lot easier to overcome. There's been no discussion about the local regulations, it's all state performance standards and aspects like that.

I have a couple more, but I think I've taken up enough time. So, I'll turn it over to everyone else.

Nancy: Mr. Chairman, we'd love to hear all the rest of the comments Steve has, please.

Carl: Go ahead Steve, if you have some more things, because I need time to open this up to the public, too.

Steve: I agree. I'll be honest, I'm not really prepared for my other comments; they're kind of half-thoughts at this point. Just scribbling things down as I hear things from the meeting.

Carl: I want to give them a list of things, if there's items that we're requiring, or we want additional information that they have.

Nancy: I do think, Mr. Chairman, that to Steve's last point – the summary, the project summary that LEC submitted for this meeting, talked all about the local regulations. It was not talking about the state regulations; it was talking all about the local regulations in detail; requirement by requirement; so, I do think we have addressed those, but I've made a note of Steve's comment that I would disagree with that.

Rich: I would also add that BSC Group specifically required us to demonstrate compliance with each of the Bylaw Regulations Sections, and we did in our response to comment, I believe letter # 2; it's the longest one. So, definitely I disagree, with all due respect. I have a couple of other comments with respect to Steve's comments as well, if I could, Mr. Chair; just briefly.

Carl: Go ahead.

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Rich: Thank you. The 2:1 replication area, most Commissions would be thrilled that we're choosing a previously altered area to provide our 2:1 replication. Otherwise, we'd be altering woodlands; naturalized woodlands; forested uplands, to create our wetlands. So, the fact that there's a previously altered area here for us to do the wetland replication, I think is a bonus.

With regard to the public good comment - I mean, we did provide a list of the public benefits, and most of them were wetland related; because wetlands, invasive species management, etc.; all of those things do contribute to the public good, otherwise why would we have the Conservation Commission, or the Wetlands Protection Act, or the Local Bylaw?

Invasive species management: at the site walk, that was right at the beginning of the wildlife habitat evaluation I believe; and it was during the wildlife habitat evaluation, and in the conclusions of the wildlife habitat evaluation, that Brian Madden recommend that we do the invasive species management for the Japanese Knotweed. Virtually all of that Japanese Knotweed is adjacent to the wetland; it's not in the wetland, it's not a wetland plant. We are fully committed to removing it all.

So, that's what I wanted to add in response to those comments.

Carl: Just to repeat – you would be fully committed to removing all the Knotweed?

Rich: Correct; as stated in our wildlife habitat evaluation summary.

Carl: Okay.

Nancy: If I could go back to one question. I believe Steve mentioned, it was his item # 7, that Gillian has outstanding concerns about the connectivity; and that we haven't demonstrated the connectivity of the wetlands, and I think we have. I just want to confirm with Rich; I think you were looking for that submission that we did in fact provide that. If we didn't, we will.

Rich: Yes. Michael Laham from the Morin-Cameron Group went out to the site during a pretty significant rain when all of the intermittent streams were flowing, he was able to observe which way water was flowing, and he prepared a map, and submitted it. It showed flow arrows; showing how and where the wetland water extends to.

Rebecca: Wait, hold on; there are intermittent streams up around that site?

Rich: Of course. They're contained within the wetlands.

Rebecca: I thought the setback for an intermittent stream was 400-feet.

Rich: I'm not familiar with that section of your Bylaw.

Rebecca: No, that's the state, I believe.

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- Rich:** No; there's a 200-foot riverfront area associated with perennial streams.
- Rebecca:** Yeah, perennial streams.
- Rich:** Just intermittent streams here, all contained within the wetlands, and all having a 100-foot buffer zone.
- Rebecca:** And it is 400-feet on a perennial stream, correct?
- Rich:** Sorry?
- Nancy:** No, it's 200.
- Carl:** 200.
- Rebecca:** Okay.
- Rich:** It's 200. Thanks, Mike for finding this plan. This is the plan that accompanied I believe a write up you prepared, Mike, that shows where the wetland water flows. The blue shaded area within the bottom left of the proposed building; that's the wetland replication area there, buffer zone on either side. You can see water flows through the culvert, and once it flows into the culvert it extends to the North, which is plan view right; and then goes beneath the highway.
- Steve:** Real quick, Rich – so sorry to interrupt; this plan shows one of my points great. How does that wetland that you just drew, connect into the wetlands to the right on the plan? In between those two arrows, there's a wetland that goes under the culvert, and then the other one just stops at the property boundary. Do those connect, or does that just stop in mid-stream?
- Rich:** Michael, maybe you can explain this better than me.
- Michael:** Yeah. This drainage divide. So, right in this zone here, what this is, is it's a real gentle rise of upland; there's quite a gentle rise up to a drainage divide about where I've shown it, with this white line under here; and that drops back down into this wetland on the other side. I think the contention is; it's connected hydrology through sandy soils, as far as hydraulics go. And for wildlife, there's no obstruction. There's a gentle rise, and drops back down. But there is a bit of a drainage divide where pretty much these flow arrows that I've highlighted are accurate, to where the water flowing to the left will come down this way; and then to the right there's a culvert, actually, then there's another culvert right over here.
- Steve:** But where is the actual wetland? You're talking semantics of hydrologic connection; when you did your ANRAD for the wetland delineation, technically you're supposed to go 200-feet off property.
- Rich:** No. We never establish wetlands on other people's property without permission.

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Steve: But you do. But you do, to the left. You did it off property. I'm questioning where the rest of that is; we don't know if they connect. You just said they connect hydrologically, but is that a wetland in between there? It might go up and down, but it could still be a wetland. The question is... (the sound fades and was inaudible).

Steve: ...vernal pool. Because you say you don't go off property, but you show you did.

Rich: Hold on a second, Steve.

Steve: Yup.

Rich: What I'm saying is that; for the purposes of filing an ANRAD, we typically do not show off-site wetlands, because otherwise we would have to get MASSDOT for example, to sign as the property owner on the ANRAD application.

Steve: Correct.

Rich: There is a drainage divide, and an area where the wetland goes back on itself; in other words, the wetland area from the restoration does not connect via wetland plants or hydric soils, to the wetland that contains the vernal pool.

Steve: I just heard they're hydrologically connected.

Rich: BSC when they reviewed that, made a comment that of course once the groundwater is so shallow... (the sound fades out and was inaudible).

Rich: ...groundwater within that area, but there's no surficial wetland connection between the two.

Steve: Okay, but it doesn't show it on the plan; they just stop.

Rich: How does that (inaudible) to the topic of whether or not the project is going to have an adverse effect on the wetlands?

Steve: I'm trying to understand the buffer setbacks along the parking area, the road access. You don't show the full wetland delineation. It was omitted, and it's hard to set a clear determination of what the setbacks are. So, the vernal pool setbacks; there's no disturbance in the vernal pool setbacks, permanently. But, if they connected, they would hypothetically be a change of setbacks, along the parking area wetland. And that's very relevant for this discussion.

Rich: I'm pretty sure the wetland buffer zones were established during the ANRAD process, but we can certainly check that out.

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Steve: The line stops. The line stops there; you chose not to keep going, so there's a question there. So, we don't know where they go.

Rebecca: Can you go further to the left? There's a blue arrow heading out to the left. What is that blue arrow? The last one on the left.

*Rebecca and Rich direct Michael to go to the furthest left of the plan.

Rich: There's another Watershed divide.

Michael: Right, another Watershed divide.

Rebecca: So, water is going down, conceivably to that stream on the other side of Carleton, correct?

Rich: There is, but there's no connection from the wetlands on our property to that ditch.

Laura: Basically, that's what it is; it's a ditch alongside I-95.

Rebecca: Even after you've restored all the green, if you were restoring the wetlands, wouldn't all that green become blue?

Rich: I don't understand your question.

Rebecca: The green shaded area; you're proposing to restore that.

Rich: That's the buffer zone restoration area; that's correct.

Rebecca: Right. So, in my mind that's going to restore to a wetland, which means water will be there.

Rich: A portion of it may. A portion of that buffer zone restoration may revert to wetlands; it depends on what the elevation of the land beneath the fill is.

Rebecca: So, conceivably, then that arrow is going to have water moving up to the left, not only to the right.

Rich: That's highly unlikely, based on the site typography that's out there now.

Michael: What I witnessed during the tail-end of a really large storm event, that would not happen; the typography wouldn't allow that to happen. The water will do what's shown on this plan. It was a bit more of a rise on this side than the other side. During this, there was a bit of a ponding area; this ditch as it's been referred to, that this wetland was inundated with water. It was a large rain event, so there was some intermittent ponding in this area, and I'd expect that if this gets opened up and restored, that the ponding may extend up into it during a large rain event such as that – but it would not flow to the left, based on typography.

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Laura: What is an RCP culvert?

Rich: Reinforced, concrete pipe. It's just a concrete pipe.

Laura: So, I'm thinking about the... (the sound fades out and was inaudible).

Laura: ...coming off the parking lot, and then there must be an enormous amount of salt that comes off of the highway, and we're talking about connecting back...

Carl: Many stormwaters will actually restrict, will not allow sodium chloride; you'd have to use calcium chlorides, which are less harmful to the environment. That's very common to use.

Laura: Is that what they use on the highway?

Carl: The state uses a combination of things; they use (inaudible) and they use a lot of different things, and not necessarily the most environmentally friendly. In a good stormwater management plan, you'll specify that, especially in sensitive areas, that you use the less harmful treatment chemicals.

Rich: And that's often a special condition that we run into.

Laura: So, I'm thinking about connecting the swale along I-95 and back washing it into that vernal pool. What we're potentially doing is adding road chemicals back into the wetland. If we're improving the connection between this swale here by I-95, and it's going to reverse and go back into the wetland and fill that area more, it's going to be filling it with all kinds of contaminants from the highway; not only in the winter, but on a regular, normal day, too. Again, I question the value of that.

Rich: I'm not sure I understand what you're saying, but the flow arrows show that the elevation and the wetland, not that's on our property, is higher in elevation than the culvert that extends beneath Interstate 95.

Laura: I thought that earlier you thought it would start to fill in backwards.

Michael: I was stating that during a major storm event, there was inundation during that time. That's a major storm event; that's after any of the contaminants would've washed through this system also. Usually, you're going to have a first flush. First flush is going to be going through this pipe, and any of that standing water, I wouldn't imagine is going to have much in it at that time. There's typically the first flush that flows, and then that was toward the tail-end or the peak of the storm – you could have the inundation back in here.

Rich: Even if that were to happen, that's still going to happen regardless of whether or not this site is developed, or the wetlands restored, or anything else. We're not making that condition any worse.

Rebecca: You'd be adding salt and other chemicals to it, conceivably.

Rich: How? From the highway?

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Rebecca: No, from your salt piles; I mean the snow piles.

Carl: Yeah, because your drainage collection in the stormwater is...you know, once you have calcium chloride and other salts dissolved in the water, you're not going to filter out that, obviously.

Rich: Well, no stormwater management system does.

Carl: Exactly. I guess that's her point.

Rich: I was having a hard time understanding that that was the bottom line. Again, we'd be open to a special condition, requiring calcium chloride; only the safest of the salt alternatives.

Carl: Okay. Steve, we're still waiting for formal comments from Gillian on their latest summary evaluation for the project?

Steve: Correct.

Carl: At some point, I'd like to open it up to public comment. I know there's a lot of people on...

Rebecca: Wait, I have just one more concern. Let me go back to my map again, if you can bear with me.

Michael: Do you want to share your screen, or is this one...this map is - this line work is taken from the same map. It's taken from the same stream set and map you were looking at; the line work that's on the screen right now.

Rebecca: Okay, perfect. See, but that shows everything connected; if you follow that all the way down, it's running into the Mill River. That's showing this whole thing is connected.

Michael: It does run into the Mill River. The contention I think early on, was regarding zone 2. This map demonstrates that it's not tributary to the zone 2, which Gillian Davies did agree with.

Carl: I think I remember reading that.

Michael: So, this was part of the *Summary of Drainage Investigations*; this was submitted along with the wildlife habitat study. It summarizes the site visit that Rich had described, and then where I witnessed the water flow here. So, Gillian's review of that did basically...she concurred with the conclusion of this drainage investigation – that it's not tributary to the zone 2, which was a question raised. It is tributary to the title portions of the known river. That's what this demonstrates.

Carl: Any more comments right now from Commissioners? I can hear someone out there.

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Nancy: Nancy McCann here. I just wanted to be clear; I understood Steve to say that he was awaiting comments from Gillian, and I just want to make clear that the project summary that was submitted last week by LEC, did not contain new information or new evidence. It was simply a summary of all of the information that has been submitted, so that it was available in a concise form, and going through the local regulations, and compliance with the local regulations. So, there isn't anything new in that report for Gillian to review, and as each of those reviews does cost the applicant a peer review fee, I would just be mindful of that – that this was a summary report.

Carl: Right, I understand that. I think we were just looking for her comments to that, not a lengthy, formal review. Again, she just received that and hadn't had the opportunity to get back with us.

If there are no more comments from Commissioners at the moment; before it gets too late; I would like to open this up to public comment. I would like to just make sure that everyone states their identity, is respectful, and also is focused on environmental issues so we can be concise.

We can let people in if they would like to speak, and please identify yourself for the record.

****PUBLIC COMMENTS****

Mike Birmingham: 12 True Lane

Mike: Did you bring up the diagram again? The drainage diagram with all the blue arrows you just had up, that Rebecca was looking at? Is it possible?

Carl: I think we should be able to.

*Michael brings the plan up on the screen.

Mike: This one right here. Muddy Brook; I didn't know they were talking about the one that leaves their property, but one on the Western side; it's one that abuts the Carleton Drive intersection to (Route) 133; that Western finger is the Muddy Brook. It's the stream arrows depicted by the applicant; it's moving 133 Eastbound, and then South/Southeast, and then it flows right into the Rowley Zone II recharge area. That intersection where every single truck going to this transfer station has to go through; these are trucks that they're independently owned; they're unregulated as far as content; they're lined; many of them are uncovered; they're possibly carrying hazardous fluids and waste; some of the old trucks actually have asbestos brakes; and they're all going to be turning into this corner, and the pitch of that road goes into the Rowley State Forest, where there are culverts that carry that water across, into Muddy Brook, and also into the vernal pool across the street.

My question is for all those trucks and contaminations.

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The 1st one is:

- Is there anyone on this call that's going to say that there's absolutely no chance of any contaminants or hazardous fluids getting into Muddy Brook from the location of that corner of the Rowley State Forest?

The 2nd question is:

- The vernal pool and Muddy Brook are located in the Conservation Open Space Protected area on the (Route) 133 side. What are the ConComm's responsibilities as far as protecting the brook and the vernal pool; and ultimately, the Rowley State Forest water drinking supply?

Carl: Well, that's an interesting comment. Again, as the permit in front of us, we can (the sound fades and was inaudible).

Carl: ...issues beyond the scope...

Mike: You would be responsible for protecting the Muddy Brook and the vernal pool, right? I mean, these trucks are all destined for that transfer station. Someone has to step up and say, *alright, this is going to cause a contamination issue*. Whose responsibility is that?

Steve: Mike, can I ask a clarifying question? You mentioned a vernal pool; are you talking about the vernal pool on property, or the one along Muddy Brook?

Mike: The vernal pool that attaches to Muddy Brook; I think you can see a dark spot right around where you go down to Carleton Drive.

Steve: Yup.

Mike: That is the vernal pool. That's a known vernal pool there, it's been there. I've been here for over 20 years; it's been there. I think you've been out there. We've seen the wood frogs and everything. It's functioning; but it also connects with Muddy Brook, and it continues down, as you can see - it goes right into the wellhead area of Rowley, with no off-shoots. It can only go that direction. And all of the contaminants from the pitch of that road, pitch down into the Rowley State Forest, into that wetland, which is on that side – and then come across to the wetland on the other side, into the Muddy Brook.

Carl: This is kind of a multi-jurisdictional thing, because you'd involve Mass DOT, you'd involve Mass DEP, and a number of things involved in this as well. ConComm can't go out and enforce road regulation, or how the trucks are operating, per se, out on the highway.

Mike: So, where do you go from here? I mean, you can't let it happen, because what happens if there's contamination in the water supply, and Rowley says *hey, we have health issues*.

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Steve: Mike, I think it's a hard question because it's off-site, but it is relevant. What I was talking about earlier; some of my additional comments and concerns – they're kind of like the gray area, where it's not really directly related to the site, but we have questions about it.

Mike: Right.

Steve: I think that point is very valid, and it fits in the category of *pay attention to it*, but it's not directly related; so, it's really hard to put that in a solid category. I think from my perspective, I value the concept and the opinion you have, but that's not like a wetland fill on-site; it's slightly removed, but it's still note-worthy. I think it's a valid point to put in the minutes for the Commission to hear, but I think it's hard for the Commission to give feedback on that. It's like one of those noted moments; we hear you.

Mike: But do you take it somewhere else, to the state level? Because I can't believe you can just let it happen, alright. Someone has to be aware that contaminants are actually going to get into this Brook, and they're absolutely going to get into the Zone II wellhead area. We should tell someone.

Carl: That's where this is kind of a multi-agency...you'd have to look at it from a multi-agency; I think several state agencies would be involved in something like this. It wouldn't be just one.

Mike: So, who takes the lead?

Carl: Well, I guess we can make an inquiry. To Steve's point; as far as the hearing in front of us, we have to also not try to encompass the entire world here.

Laura: I think this feeds straight into the public benefit conversation. If we're talking about public benefit, we have a very large question about this as being a... (the sound fades out and was inaudible).

Laura: ...that is actually part of our review, looking at public benefit. And this potentially could be a very large public detriment, and we should take it into account.

Carl: Again, I think we would need more information on that. It's certainly relevant, but it's a little bit of a challenge when we look at a hearing that's in front of us; because it's certainly off-site. But we can make some inquiries.

Steve Sadler: 7 Hillside Drive

Steve Sadler: Steve Sadler, 7 Hillside Drive.

Carl: Okay, go ahead. If you identify yourself; is that Steve online?

Steve Sadler: Yes, Steve Sadler, 7 Hillside Drive. Good evening, Mr. Chair, and some of the members of the Commission.

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Carl: Good evening.

Steve Sadler: I just had a quick follow up from a couple meetings ago. I know I had asked about a draft Administrative Consent Order, and I know that the applicant had indicated to the Commission that once that order becomes active, that they would let the Commission know; so, I think that was under the compliance conversation that you guys were having. The ACO has been delivered, so I was wondering if the Board had any questions for the applicant regarding that. Thank you.

Carl: Steve, you're referring to compliance issues from practices of their current operation?

Steve Sadler: Yes, correct. That was a question that you guys had asked during the last couple meetings.

Carl: Right.

Steve P.: Carl, I think at the time, I believe the answer was that no order was issued; it was in draft, and when it came out, they would let us know what the outcome was.

Steve Sadler: Right, yeah. Exactly. Again, history tends to repeat itself, so let's talk about what's happening at the current site and how we're going to prevent that from... (the sound fades out and was inaudible).

Carl: Well, that goes to my overall concerns with any facility, in terms of compliance. Plans are wonderful, but they don't always get followed.

Steve Sadler: My question Carl, is to ask if the applicant would like to give an update on the ACO, because it's been administered. What work has been done? Has the Commission been involved with this? I understand that there are things that need to be done. Maybe it sits within the 100-foot buffer, but I just haven't received any answers about what's going on, so I figured this seems absolutely relevant because you guys had spoke about it two meetings ago – and you were inquiring about it, so.

Carl: Steve (Przyjemski), am I correct; we haven't received anything from the applicant regarding that existing...

Steve Sadler: You received it from me.

Carl: Right, but I'm talking about my Steve.

Steve Sadler: Oh.

Steve P.: I have not received anything from the applicant. Mr. Sadler did send me the ACO at one point, and I forwarded it on to the Commission.

Carl: Right.

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Steve P.: I've had no communications from the applicants related to that topic.

Carl: Okay. Is that something the applicant wants to address, or not?

Jason: Jason Mello, Mello Disposal. I can; none of it falls within the 100-foot buffer zone. We were asked to put up additional netting, provide a street sweeper, and to put in a trench drain to capture any contact water, and everything is in the process – we've been working with DEP on that, and getting everything up to their standard. So, it's a work in progress.

Carl: Okay. Do you have a drop-dead date for completing that? Do you know that at this point?

Jason: We've completed all except for installing a frack tank, and it's just been due to supply and demand, and being able to obtain the actual products. Everything else has been completed.

Carl: Okay. Steve, do you have anymore questions? Steve Sadler?

Steve Sadler: I do not. I'm surprised that the Commission doesn't, but that's up to you guys.

Carl: Other comments?

John Duff: Yes, John Duff, 6 Spaulding Road.

John Duff: 6 Spaulding Road

John: A couple things; there was some relatively vague terminology used by these guys, the experts, like *significant* and *highly unlikely*; that doesn't seem very professional to me, as far as getting answers to you guys. But I wanted to ask those experts about a situation that potentially could develop in my neighborhood; we currently have a small pigeon population that lives not far from us, under a bridge. When it gets big, they move into our neighborhood a little bit, but we immediately see the cooper hawk, and he takes care of the problem; it goes away, and we're happy to see him. Do these hawks coexist with the seagulls that are going to come around? And if they don't, are we now going to have a pigeon issue in our neighborhood that we've never had before? Just asking the experts. Brian?

Carl: Anyone from the applicant's team want to try and answer that?

Nancy: Brian, if you have an answer for the – I believe it's seagulls versus cooper hawk question?

John: Right, whether they coexist, because you know we're going to get a lot of seagulls.

Brian: I believe that the Cooper's Hawk are somewhat territorial, but easily able to migrate around. I don't perceive any long-term impact on their behavior patterns in the area.

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John: So, what if we have a large impact; what do we do?

Brian: I think there's remediation measures to...

John: What are those remediation measures? These are the vague terms that I'm talking about.

Laura: Wait a minute, can I ask? I don't think there's a big seagull problem at your current site, at East Main Street. Aren't seagulls more of a feature? This is an enclosed site with...

John: There are a lot of seagulls currently at the one on East Main. And there are turkey vultures, too that circle above it.

Carl: There are plenty of turkey vultures in the area.

John: Yup.

Laura: But this is an enclosed site. I'm genuinely asking; I think I associate seagulls with open dump areas, whereas this is an enclosed transfer station, and I'm not sure seagulls are going to be a feature here. Is that a thing?

Jason: Laura, can I back you up on that? Jason Mello, Mello Disposal. Seagulls will not go underneath in a covered enclosure, and outdoor facilities sometimes will put up wire, which will keep them out; but an enclosed building will keep the seagulls away. We do have seagulls right now; it's not a huge problem, but by moving and having a fully enclosed building, we absolutely will have far less seagulls – and should have next to no seagulls because it's all inside of an enclosed building.

Carl: As long as things are inside and enclosed, and you don't have open dumpsters, there's not going to be the food source for them.

Jason: Correct.

John: Can I make a comment?

Laura: That was my question; that the new facility would actually be better, in terms of seagull management, than where you are now.

Jason: You're correct, it absolutely will be better.

John: My comment on that would be that I suspect that we'll still see seagulls, because they'll be drawn by the odor, the smell. They may not be able to get into the building; they may not hang around; but, we're still going to see a fair amount of them because they come to find the food. So, they might not impact the new transfer station, but they can certainly impact our neighborhood.

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Carl: I would probably say...it's hard to say in a sense, I'd say there'd be less of them, but it's hard to tell seagulls what to do. It depends if there's a lot of odors escaping, and if they find food, they'll come – same with the rodents. But, if it's all enclosed...

John: A dramatic change to the environment that we live in. The rodents and the seagulls.

Carl: Better the enclosure, because the less that they'll find anything, and eventually they'll move on. It's sometimes hard to calculate what a seagull's going to do...or rodents.

John: What is our recourse, if it happens? And I would extend that question to even the impact of this on any level of the environment; which, we all know as we sit here, it's impossible for this not to impact this environment. It's impossible. Over time or whatever, it's going to impact it. So, what is the recourse?

Carl: If a seagull (inaudible) was occurring, then that would end up being a Board of Health issue.

John: Okay.

Carl: So, we would have multiple Boards involved again.

John: Does the Commission have the right to either fine, or put restrictions on issues...I mean, I would even go so far as to ask about the PH of the water in this wetland. Is there a way to find out how that changes, and what does that do that impact the living animals and plants in the wetlands? I mean, do we find a starting point where we say, we test the water now, and in 2, 3 years, or however long – we continuously test this? And then, if it changes, what happens? What do we do?

Carl: Well, I wouldn't expect a significant PH change. You might have other organic chemicals potentially getting in water, but I wouldn't expect corrosives or bases, per se; unless someone's dumping some batteries, or a lot of them. Again, the Commission has the ability to issue Enforcement Orders against any entity in town, if they're in violation of the Wetlands Protection Act. If there are other issues with chemicals or contaminants, then the DEP itself can also issue Enforcement Orders and/or fines.

Theodora C.: Should we just speak up when we want to, or are you going to be calling on people, Chair?

Carl: If there's a clear spot and no one's speaking, and you can speak, but you need to identify yourself – and then.

Tracy: Theo, it's Tracy; I just want to chime in on one topic before you jump in. Tracy Lasquade, 1 True Lane.

Carl: Okay, just make sure you give me your address, too. Thank you.

Tracy: I did; 1 True Lane.

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Carl: Yup.

Tracy Lasquade: 1 True Lane

Tracy: I just want to go back to the whole ACO order that Steve (Sadler) brought up. I am quite shocked that this isn't a bigger topic. So, we're proposing a larger facility where the current facility got to where the point where an ACO order was put in place – and no one on the ConComm knew about it? That a resident had to go and tell the ConComm? And even now, we're asking the applicant what the next steps are – so the same group of people, including the Board of Health, is going to oversee a even larger transfer station? Successfully? We don't currently have the resources to oversee the one that we have right now, since no one seemed to know about the ACO order – correct? I mean, we're talking about serious things that impact our environment now, so I'm baffled that no one on this Commission is taking this seriously.

Carl: DEP did not notify us of that.

Tracy: How is that possible? You own the land that it's on.

Carl: DEP has multiple departments, and we deal with the wetland side; and the solid waste is a different division with the DEP.

Tracy: So, who deals with it in the town, and who's gonna deal with it when it goes to this larger station on private property? Are you seeing the trend? We can't handle it on our own property; our own town owned property – now we're gonna give it a space to a private property, enlarge it by ten times and hope that it all works out? And that we don't get to an AOC? That we don't get to violations? That we don't contaminate our environment? We'll just hope that happens, because we don't have the means to oversee any of this. Period. It's apparent. It's clearly apparent. So, my question is; how does our town not know about the AOC... (the sound fades and becomes inaudible).

Tracy: ...and I'd like that on the record; just so that we can follow up as residents with that department.

Carl: The DEP has an area of regulations, as do we. We administer the Wetlands Protection Act for the Town of Georgetown. There are other regulations; hazardous waste regulations, air regulations that we don't regulate - and we don't necessarily regulate the solid waste regulations.

Tracy: So, is it up to the applicant to notify the town? Is it up to the applicant?

Laura: It may have gone to the Board of Health, but that doesn't... (Laura was interrupted).

Tracy: Okay, so the Board of Health?

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Laura: It wouldn't have come to us, but what you're describing may well have been reported to the Board of Health.

Steve P.: Laura, I... (Steve was interrupted).

Tracy: Okay, so we should follow up with the Board of Health?

Steve P.: I would suggest the Selectmen. The Selectmen are overseeing... (Steve was interrupted).

Tracy: The Selectmen? No way. They don't touch any of this with a 10-foot pole.

Steve P.: I'm just saying. You asked a question... (Steve was interrupted).

Tracy: Nope...

Steve P.: It is not the Commission. I don't think anyone here knows the answer. My suggestion to you is, the Selectmen and the Board of Health.

Tracy: Okay, I'm going to copy you on that so everyone can see the runaround that we get.

Steve P.: I agree. All I'm saying is it's not us... (Steve was interrupted).

Tracy: We've been there.

Steve P.: I've seen the emails.

Tracy: I know.

Steve P.: I'm just saying, we're guessing. Don't take what Laura said as gospel; we're guessing.

Steve Sadler: Can I interject here for a quick second? Steve Sadler, 7 Hillside Drive. Commission members: we provided you with the information; forget about who's responsible. You have this information in your hands now – what are you gonna do about it?

Carl: The Mass DEP... (Carl was interrupted).

Steve Sadler: You spoke a couple meetings ago about compliance, right? You wanted to know about this stuff. We're telling you; you're doing absolutely nothing. Thank you.

Theodora: Can I take off on what Tracy said? Theodora Capaldo. And bring Steve's comments as well?

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Julie: I'm sorry, can I just interject really quick? I'm sorry. There have been many people who have had their hands up, and many people who have been interjecting and interfering when people are trying to talk; so, we need to come up with a better system.

Carl: Okay.

Julie: So, Carl; how would you like to handle this?

Carl: Let's have people put their hand up so they can speak. I want to capture everything. I want to let people speak.

Steve P.: And Carl will call on them?

Julie: Yup. Okay.

Steve P.: Just to clarify; Julie's trying to take minutes, and when 10 people are jumping in it's really hard.

Julie: Okay, thank you. That's all.

Steve P.: Carl, I think Theodora has her hand waved. If you want to acknowledge her, I think she was trying to chime in.

Carl: Okay.

Laura: Wait. Carl, you might not be able to see who has their hand raised. Maybe only Julie can see it.

Carl: That's the problem right now, I'm trying to figure that out.

Julie: Ok, so I have Em Driskill; that's the first one I have. Then I have Theodora Capaldo right now.

Steve P.: I can see it also. I think it's only the host that can see it.

Julie: Okay.

E. Driskill: I'm happy to let Theo go first.

Julie: Okay, thank you.

Theodora: Only because I want to take off; Theodora Capaldo, West Street.

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Theodora Capaldo: West Street

Theodora: What I'm hearing, loud and clearly, is that the Commission is aware of all of the potential problems that this project will have on the environment, and on the community; both of which are your charge. And I'm hearing attempts to go back to the applicant and say, *what are we going to do about that*, and, *how are you going to do that?* And it always circles back to more responsibility on the town, to help manage a project that should not be approved in the first place. We already have violations at the existing site with only 50 tons. The best predictor of future behavior is past behavior; so, the idea that this one million pounds a day facility is not going to have exponentially grander problems just doesn't make any kind of sense. So, if the town has to take on the mantle of making sure of this, and monitoring that, and interfering if this; then clearly the Commission has reached a conclusion perhaps unknown to itself, that we cannot manage this problem.

I was prepared to talk more about some of the environmental issues, but it sounds like the Commission has piece-by-piece picked those out, and I was particularly impressed with Rebecca's 10- or 20-year projection; because it's really not just when/if the project gets made now, but what happens over time. And one of the things I want to point out; and we all must be aware of this – is that there has been something like a doubling of the endangered species list in the last 20 years. So, they do a study of who's there; and they find this frog and that frog, and none endangered – that they saw. That doesn't mean that the affect on the wetlands, that they failed to mention in their presentation, has a 70% chance of failing – is not going to also decimate some of the species that are there; we also know that frogs are a keystone species – they're not unimportant. We know that they feed the food chain, both up and down. So, if we have to do this much work to try to make this kind of project fit; this grand square in our little round circle called Georgetown, then something's inherently wrong with it. And it brings me to the question that's just been sticking in my throat – why in Heaven's name, did Mello decide to try to pursue a million pounds of trash project, in downtown Georgetown? A community that is not industrial. There's plenty of options in Danvers, in Lynn; why here? And why on such a delicate property, that they're having to move wetlands? Which, it's my understanding that the Conservation Commission is bound not to allow that, unless it has unequivocal good for the public, and the residents of Georgetown; and this project does not.

Carl: Ma'am, you're bringing up a lot of questions and a lot of issues that are, in some sense beyond the scope of the hearing in front of us. They're relevant and they're important, but we also have to be careful in terms of what we're talking about, relating to the hearing in front of us. There are many things outside of the scope of this hearing that are relevant, but we have to look at what's in front of us; it's a Notice of Intent under the Wetlands Protection Act, under the State Act, and under our Bylaw. There are lots of other issues; they are relevant, and clearly very important, but I can't bring everything in that's happening into the hearing.

Theodora: No, Sir, I think my only question that's not relevant is why Georgetown? All the other comments I made had to do with each and every potential environmental impact, and what our response has been to that; which is, *what are you going to do here*, *what are you going to do there?* For example, the salt. Calcium Chloride – my dog will not walk on the Groveland side of the street in the winter because they use Calcium Chloride. The street is crystal clear, and my dog's paws burn. So, we can't just come up with these, *what if they do this*, and, *what if they do that*; we have to just acknowledge that it has a bad environmental footprint, no matter how many engineers and how many drawings. It has very negative, here and now, and

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future impact on our environment; and that is relevant, Sir, to your committee. My own question; why Georgetown; I don't know where I'll find an answer to that.

Nancy: Mr. Chairman, could I ask Jason to take just a second to respond to this ACO issue? Because there seems to be an allegation here that if there's a violation at his existing location, there's going to be a violation at the new, fully enclosed location; and that's simply not the case, and I would like Jason to describe why that's not the case, and what the issues are that give rise to the current ACO.

But I also just want to pick up on one thing that was just said by Ms. Capaldo, and that is, there's been so much work. That's a very true statement; there's been a lot of work. There's been a lot of work by the project engineers, there's been a lot of work by the peer review consultants on behalf of the town – that the applicant pays for, and that's the process; that's what we do with a public hearing; we answer questions; we design a project; we bring it to you; we bring it to other Boards; and we respond to comments; and we make changes to the plans in response to those comments, or we give you responses. That's the process. Is it a lot of work? Yes, it is. But that's the way the system works. So, if I could just ask Jason, please Mr. Chairman, to respond very briefly with regard to the ACO.

Carl: Go ahead.

Jason: Thank you, Mr. Chair, I appreciate it. First, in respect to *why in Georgetown*; because I've always been in Georgetown. I enjoy working in Georgetown; I enjoy helping the community of Georgetown; and I enjoy giving back to the town of Georgetown. I was born and raised there. My entire family was from there. So, that's why Georgetown.

In regards to the ACO; the ACO is not due to direct violations of negligence or mis-management, the ACO is in direct relation to the fact that the building is not up to code. It is not up to the current regulations. It's not a fully enclosed building, it does not have full, contact water capture, and that is what the state told me had to happen in order for us to stay in operation – which is why we applied to build a new building, and in order to do so; in order to operate the way we are right now, while we're going through this permitting process, we had to ensure that we better litter control management – which was the increased netting, and we had to prove that we could capture contact water – which would be any water that comes in contact with any of the construction or bulk material, so that it does not run-off into any storm drains or retention ponds. So, we had to put in trench drains that are going to flow into frack tanks, to capture any of that contact water. And that enables us to stay operating while we go through this permitting process. So, it's not negligence on our part, it is not direct violations on our part – it is keeping the existing facility operating while we go through this permitting process.

Carl: I think DEP did comment in that Administrative Consent Order that there were materials; that trash did get into some of the wetlands surrounding your existing site, as I recall.

Jason: We did have wind-blown material and that's what the increased netting was for.

Carl: Alright, thank you.

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Theodora: Chair, can I just clarify something to the attorney just very quickly? I didn't mean the burden of the applicant continuing to make amendments to the plans; I meant the ultimate burden on the town to supervise and oversee a project of this magnitude and of this nature. That's where the burden is; not on the applicant.

Emma: Hi, my name is Emma Driskill; I'm at 3 Spaulding Road. I have a couple of questions, if it's alright. I have written them out so that I can be fairly quick.

Carl: Okay.

Emma Driskill: 3 Spaulding Road

Emma: I believe it was Mike that had some images up; I was wondering if he could pull up the *Summary of Drainage Investigation Slide 3*, it actually shows my property, and I was hoping that he could share his screen with that image again. If possible. If not, that's ok.

*Michael shares the slide on his screen.

Emma: Okay, perfect. Thank you. These arrows – my property is on the far right of the screen; you can actually see, sort of, the far right of the proposed site is abutting my property, and so these arrows are sort of directing the water to my house. A lot of the questions that I was getting a little nervous about, like these, you know, these 100, 500-year storms that I think are happening more than 100 and 500 years, just because the way the world is going – so I was just curious if that kind of water flow would be flowing directly into my house. I know it's not exactly your property, but if that's the way that the water is flowing, I was wondering if that was going to be affected, sort of the abutting property. So, that was one question. This has sort of already been addressed, but there hasn't been a private citizen allowed to build on wetlands. So, I know that we talked about that this is setting a precedence. So, he's building on the wetlands that are abutting my house – would I also be allowed to build on the same wetlands? Just curious.

Coming up on some of the discussion that we were just having – if he, and he's described in some detail about why he had the AOC Order, which I admit I am not an expert on any of that – and I think the issue is that, not that he was non-compliant; it sounds like he has things in place; he's working on it – but that no one really knew. So, if there were issues at the new site, we wouldn't know. Which isn't necessarily his fault, but we wouldn't know as a town. So, if there were issues with the wetlands, there would be no way of knowing. It would kind of be too late once it's built, and the damage would be done.

Carl: Hence I think I made numerous comments about plans being written and not followed in terms of compliance. I've seen that over many years. Companies are required to follow the law. Does it mean they always do? Not necessarily. Not necessarily due to completely ignoring the law – they forget. And, sometimes things don't get done.

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Emma: So, that's it. That's all that I had for questions, I don't know if anyone had anything else that they wanted to address that I asked about, but that's all that I had.

Carl: Well, your comment about wetlands filling – that's why we're very careful in terms of about setting precedence and things like that, because again it creates a problem for a Board or a Commission going forward. I can't just let one person do it, and someone else wants to do something, and say *no you can't, but you can*. So, precedence is very important to us.

Emma: Thank you.

Carl: Other comments? Julie, who's waiting out there? I'm sure there are some.

Julie: I don't see any hand up; I just checked.

Carl: So, I just want everyone to understand – as a Commission, we administer certain aspects of environmental law; we don't administer them all. I work professionally in the environmental (inaudible) of safety, and there are many agencies involved in regulating it; you have the feds involved, you have the state involved, you have locals involved. We as a Commission have a limited breath of what... (the sound fades and was inaudible).

Carl: ...become aware of serious issues, we would have to go to the DEP or other agencies – we can't just take it upon ourselves to enforce EPA regulations, hazardous waste regulations, or air regulations – and a lot of other things. They are certainly relevant to something like this, but we don't have the ability directly to regulate them all. And we have limited scope of what we have in front of us as far as a Notice of Intent, as far as dealing with the Wetlands Protection Act, the town Bylaw. So, if we appear to not ask questions, we're trying to stay in the scope of the law which we're regulating. If I go off the rails and start asking, and try to regulate based on things we don't regulate, that creates even bigger problems.

Kathy: Carl, it's Kathy Birmingham. I had my hand up; I'm not sure if anyone else does.

Carl: Yeah, go ahead, Kathy.

Kathy Birmingham: 12 True Lane

Kathy: It's Kathy Birmingham, 12 True Lane. The frustration here is the fact that – I know you can't regulate everything, but you also can't enforce things that you don't know about, and I think that's where it's coming from.

Carl: That's true.

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Kathy: Yeah, you look at the current site, and you know, he's like, *oh I cleaned up the site...* there was trash behind the guy's house that lives next to him, that didn't get cleaned up until we mentioned it. He says *I'm going to control the trucks*; well, guess what? Those trucks are still idling outside his current site at 5:40 in the morning, because I run by them. So, he's promising things he can't deliver, and I think we're all just frustrated.

Carl: Yeah, it's a valid comment. This is kind of one of the things why people want to rely upon the DEP to regulate all this stuff, but they certainly don't have all the resources to do this, either. I mean, they'll only come out if someone makes a formal complaint to them, for the most part. They rarely come out and do inspections at facilities. I mean, once every few years you might see them.

Kathy: And Jason Mello sat there and said how much he loves this town, but I believe he doesn't even live in this town; so, if you love it so much, why wouldn't you live here, you know? To me, we take care of our own backyard, right? And we have to protect ourselves, and I think that this is just very scary. So, thank you.

Carl: Thank you. Any other comments at this point?

Julie: We have John Duff that has his hand up.

Carl: Okay.

John: Hi, Chairman – just a couple things. One; I want to get back to point of the approval of wetland by a private contractor versus for the town's benefit. That seems like a very scary precedent to set as Emma mentioned, I mean, I think it would be hard to win any lawsuit from here on out, from anybody that would want to modify the wetlands at all.

Carl: Precedence are very important to us, and that's why we work very hard to try and have applicants not fill wetlands. We have many cases in front of us, where we work out a solution where they don't do that; because certainly we're requested to this type of thing all the time; encroachment, filling; in fact, I permitted this original site, I don't know, probably almost 20 years ago, when the owner, who's the current owner, wanted to use that for storage for construction materials – and we were able to permit this site without doing a filling of what was out there.

John: It just seems like a dangerous precedent for the future of the town, and it falls under that category of, you know, what's good for the public.

The 2nd point I wanted to make is Mr. Mello's attorney mentioned that they were here to answer questions; they never really answered my question. So, I'm not sure that's a true statement.

Carl: Which specific question didn't you think they answered?

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John: Maybe they need some time to research it, but I didn't really get an answer as to how the impact of this transfer station would have on our environment, in relation to a cooper hawk or a red-tail hawk; either one. You mentioned that there are vultures everywhere, but if you notice – by the existing transfer station; those vultures' kettle. There's 10 or 12 of them, there's not 1 or 2; there's 10 or 12 of circling there.

Carl: Sure.

John: So, how does that impact our current environment where we live right now? That's the question I'm asking. You know, will the seagulls impact the cooper and the red-tail that we see regularly, that we're happy to see? That's my question. Thank you.

Carl: Thank you. Well, we can ask the applicant to look into that and get back with some information, if they can find some.

Nancy: We'd be happy to provide a response to that. I think we did respond; I will say that. I think Brian provided a response. But we'll provide one in writing.

Carl: Thank you.

John: Excuse me; what was Brian's response?

Nancy: Do you want to make your statement again, Brian?

John: I think it was a vague term about something that either you didn't think that it would affect; that you didn't know.

Nancy: Okay. Mr. Chairman, I think what we'd like to do is respond in writing, because I don't like the comments that I believe this particular speaker has made about unprofessional, and vague, and whatever; we'll give you a written response.

Carl: That's fine; a written response is fine.

John: And I don't particularly like your response, either.

Carl: Now, let's keep it...

Laura: Civil.

Carl: Civil...that's the term I'm looking for. It's getting late, and everyone's getting tired, and I don't want to have a fight over the Zoom call. Let's just be respectful, please; from all sides.

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Other residents out there that want to make comments? If you want to, please do, because we're getting late and we're going to have to wrap it up for now...soon – but I want to give people the opportunity to speak and ask their questions.

Julie, is there anyone waiting in the queue out there?

Julie: No. I'm sorry, I was trying to un-mute myself. There are no hands up right now.

****END OF PUBLIC COMMENTS****

Laura: Mr. Chairman, can I just say that a number of years ago, Mr. Mello came to us, the Conservation Commission, and asked us to help him solve some problems at his existing site. During the site visit, it did become apparent that that site is not working for him, and for his business. He does need a better site, and the facility that they've designed for this new site looks like a vast improvement over what they have currently; and it will solve a lot of their problems; the blowing trash, the run-off. And really, where they are at the moment is in a very sensitive spot, in the middle of a number of wetlands. I mean, the run-off from that site is far more dangerous than you would think. So, he's looking for another site because it would benefit his business, and he can't do what he needs to do right now, where he is. However, the site that we're looking at here on Carleton Drive, I don't believe is appropriate. It's not a trade that we're being asked to make with the wetland fill versus the replication that is not appropriate. This is not the site for him. So, for those of you who are very angry with him about... (the sound fades and was inaudible).

Carl: You're fading out...

Laura: ...with the ACO's and problems that you've seen with his existing site – it's not a good site for him. But he is trying to fix it. But this is not, I don't think, the place to fix it.

Carl: Okay, any other comments? It's pushing 10:00.

Steve: Carl, we have a few more cases after this one...

Carl: Right.

Steve: And we still have some business to do, so I don't know if we want to...

Carl: What I want to do is to make sure we give the applicant the items that we're looking for, and the items that we're looking for, for our consultant so we can be productive.

Nancy: Chairman, I have my list. You had asked for some examples from LEC with regard to replication.

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Carl: Yeah, I'd love to just look at something like that.

Nancy: I have that we will provide SDS sheets, the Safety Data Sheets, with regard to any, if any pesticides are proposed to be used.

Carl: Yup.

Nancy: I have...

Carl: The comment about the Cooper's Hawk.

Nancy: The Cooper's Hawk versus the seagulls. We will do that. What else?

Carl: And it probably would be beneficial if you include the comments that were discussed about the Administrative Consent Order, just so that's there for the populous, too.

Nancy: Yes. So, those were the 4 items that I have on my list. Is there anything else?

Steve: Nancy, I think the whole laundry list that I read off, I think just 4 is not adequate. There were multiple comments I made about the invasive species management – where you said you weren't going to take care of it, and then tonight you said you were.

I think you need to go back through and watch this video again, because that is not near a complete list of the outstanding questions that were asked tonight. I understand you want a complete list, but we can't repeat it back just based on a conversation. I think all of us need to go back and create that laundry list after the meeting. I know you want a list, but I don't think you're going to be able to list it off right now. I'm just saying that out loud.

Nancy: We simply want to be responsive.

Steve: I understand. I agree with you 100%; you asked, is that was the 4 outstanding issues – I can list my 10 again.

Nancy: I have your list, Steve.

Steve: Okay, thank you very much.

Carl: And also, that we are expecting some comments from BSC on their summary letter.

Steve: Correct.

Nancy: Yes.

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Carl: And, obviously that would be available to the applicant, too.

Nancy: Yup. Alright, I would request that this be continued to your next meeting, please, which would be in your November meeting.

Carl: Okay, that would be November 18th.

Steve: At 7:00, please.

Carl: I would entertain a motion.

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

ROLL CALL

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

Motion carries.

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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: It being on or after 7:25, I'm going to re-open a Notice of Intent for 175 Central Street; DEP# 161-0908. That was to replace an existing septic system, upgrade and renovate an existing building. I think we've been asked to continue this project.

Steve: Correct.

Carl: Alright. Do we have a date?

Steve: November 18th at 7:10, please.

Carl: Motion?

Rachel: Makes a motion to continue the hearing to November 18, 2021 at 7:10 PM.

Rebecca: Seconds motion.

ROLL CALL

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

Motion carries.

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CLOSING THE MEETING

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

ROLL CALL

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

Motion carries, and the meeting is closed.

The Meeting was adjourned at **10:00 PM**. Documents and other exhibits used at the meeting will be available for review at the Conservation Office.

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

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This section is for approving the meeting minutes

Minutes for the Conservation Commission meeting held on October 21, 2021 were approved by a virtual roll call vote on November 18, 2021. The Chairman will sign the Meeting Minutes when in-person meetings resume.

Respectfully submitted,

Chairman: _____
(Signature)