

GEORGETOWN CONSERVATION COMMISSION

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

MEETING MINUTES – MAY 18, 2023

Committee:	Conservation Commission
Meeting Date:	May 18, 2023
Meeting Time:	7:00pm
Meeting Location:	Zoom
Commissioners Present:	Rachel Bancroft, Chris Candia, Tom Howland, Logan Umberger, and Carl Shreder
Staff Members Present:	John Lopez (Conservation Consulting Agent) Julie Cantara (Administrative Assistant)
Minutes Transcribed By:	Julie Cantara
Meeting Called to Order:	7:02pm

BUSINESS / DISCUSSION ITEMS

1. Items not reasonably anticipated by the chair 48 hours in advance of the meeting.
2. Approve Meeting Minutes from February 16, 2023 and March 16, 2023.
3. Allowable expenses for CPC projects.
4. Donation of land off of Thurlow Street.
5. Proposed vote to use Conservation land for the Border to Boston Shared Use Path.
6. COC request for 51 West Street (DEP# 161-0914; GCC# 2021-15).
7. COC request for 35 Monroe Street (DEP# 161-0821; GCC# 2016-08).
8. COC request for 6 Norino Way (DEP# 161-0761; GCC# 2013-07).
9. COC request for 269 Central Street (DEP# 161-0803; GCC# 2015-04).
10. COC request for Utility right-of-way Northeast of Thurlow Street (DEP# 161-0901; GCC# 2020-15).
11. New septic system at Camp Denison.

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HEARINGS

47 West Street (DEP# 161-0889) – State NOI – Continued from March 16, 2023

Construction of a 16-unit senior housing development.

47 West Street (DEP# 161-0921; GCC# 2022-07) – NOI – Continued from March 16, 2023

Demolition of an existing barn and restoring the grades and revegetating with a wildflower mix to benefit pollinators within the 100' Buffer Zone to Bordering Vegetated Wetlands.

175 Central Street (DEP# 161-0908; GCC# 2022-17) – NOI – Continued from March 16, 2023

Repair existing building into home office / single-family.

51 W Main & 13 Prospect St (DEP# 161-0931; GCC# 2023-01) – NOI – Cont. from 3/16/23

Proposed installation of a water fountain to improve water quality.

Spofford Street Rear (DEP# 161-0933; GCC# 2023-03) – NOI - New

Tree cutting and stumping of site for the purpose of site improvement and tree farm establishment.

121 Lakeshore Drive (GCC# 2023-05) – RDA – New

Replace an existing deck with the same footprint.

STARTING THE MEETING

Carl: Good evening, everyone. It being on or after 7pm on May 18, 2023, I'm going to open the meeting of the Georgetown Conservation Commission. On March 29, 2023, Governor Healey signed into law a supplemental budget bill which, among other things, extends the temporary provisions pertaining to the Open Meeting Laws to March 31, 2025. Specifically, this further extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. The language does not make any substantive changes to the Open Meeting Law other than to extend the expiration date of the temporary provisions regarding remote meetings from March 31, 2023 to March 31, 2025.

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BUSINESS: ALLOWABLE EXPENSES FOR CPC PROJECTS

Carl: Okay. We have a number of hearings on the agenda this evening. We have a number of items on the business/discussion items, and a number of CoC's and other things to talk about. I think we can hold off on meeting minutes till later in the meeting. And I think allowable expenses – did you want to say anything? Are we just going to postpone that, Rachel?

Rachel: I think at this point, we're just going to push it because there's another CPC meeting on June fourteenth, and I would like more information about that before we go forward.

Carl: Okay.

Rachel: There isn't anything new, other than Article 17 from the Town Warrant, and that's what the meeting is about.

Carl: Okay.

BUSINESS: DONATION OF LAND OFF OF THURLOW STREET

Carl: Quickly - there has been a request for donation of land to the Georgetown Conservation Commission, and this parcel is off of Thurlow Street, abutting 66 Thurlow Street. It's about 4 ½ acres and it abuts some other Town owned Conservation land off Phillips Avenue, and it's behind Brook Meadow. I've been doing some research on this, and it would add to our open space, and could be accessible via Phillips Avenue, and I think ultimately...essentially, I think the Commission would have to vote to accept it; and then ultimately, the land would have to be voted on by the Board of Selectmen, too. But I think, from a due diligence standpoint, we should do before the Town accepts this land, is we should have a few samples taken to ensure that the property is not contaminated. The abutting property at 66 Thurlow had some contamination; it was an MCP 21E site, and I believe it's cleaned up at this point, but we want to make sure that nothing leached off this particular parcel. So again, it would be prudent to grab some soil samples to test them for organics volatiles, and look at (inaudible) metals and such, to make sure we're not buying a hazardous waste site – or accepting one. Anyone have any comments on that?

Rachel: Carl, who would we go through for that?

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- Carl:** As far as sampling? One of many consultants. We could use BSC. I mean, they certainly do this kind of work, too. You're doing soil samples, etc., and I'd probably grab them along the border with 66; we would need the current owner's permission to do that, and I think we could access it via our parcel on Phillips, because again it abuts that parcel. It would make sense, because again, we don't want the liability of the Town, we don't want to absorb that liability with the cradle of grave responsibility for hazardous waste. If we accept it, we pretty much own any clean up if there's anything necessary. But I've spoken to the owner of the property, they seem very reasonable, so I think it's something we should pursue. Any questions on that at this point?
- Rachel:** Do we need to make a motion?
- Carl:** I think it probably would make sense to make a motion to proceed to the next steps on this. Is this something the Commission is interested in accepting, if it turns out to be non-contaminated?
- Chris:** Carl, is this for the land donation off of Thurlow Street?
- Carl:** Correct.
- Chris:** So, how would you like a motion given? That we accept the land?
- Carl:** I think at this point we would want a motion to proceed to the next steps of taking some samples, and requesting samples be conducted. I would expect the Commission to pay for them, not the landowner, because they're donating the land. And again, from a due diligence standpoint, we just want to ensure we're not absorbing any potential risks there. So, a motion to proceed to the next steps and collect some samples for analysis, to make sure it's not contaminated.
- Logan:** Can I just ask one question? Just because it's the first, I think, land donation that I've been involved in. There's no like, maintenance or additional costs that the Conservation Committee would have to take on with this; would we leave it as-is?
- Carl:** Yes.
- Logan:** And then it would just be accessible through that Phillips Ave, at the end of Phillips Ave, there?
- Carl:** Right.
- Logan:** Okay.

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- Carl:** Yeah, so there wouldn't be any maintenance costs, and you know a lot of it is wet right now. To a developer, it's really not valuable because it's a landlock, so there's nothing – it's not like someone's going to build a house there. But it just gives us a little additional greenway type; again, it's abutting our property. It's only really useful to us.
- Logan:** Okay, thank you.
- Carl:** Yeah, no problem.
- Chris:** Carl, I'd like to make a motion to go to the next step for the land that is being donated off of Thurlow Street, to make sure it's not contaminated.
- Carl:** Yeah, essentially that's correct. We want to collect some samples for a due diligence standpoint.
- Chris:** Yes, and collect samples and do due diligence on it.
- Rachel:** Second.
- Tom:** I'll second that.
- Carl:** There's a motion, and a second to move to the next steps on the land donation, and to collect some samples to ensure that it's not contaminated. Any further discussion on that? All in favor:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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BUSINESS: PROPOSED VOTE TO USE CONSERVATION LAND FOR THE BORDER TO BOSTON SHARED USE PATH

Carl: And the next item is very quick, because there's nothing further on that. That is essentially, for the time being, being tabled. There was a request from Town Counsel initially, to try and take some land off of Camp Denison, and out of Article 97 protection for the border to Boston. I did discuss that with Town Counsel, and felt that activity for the rail trail could still occur even under Article 7; Greenbelt agrees with me. They've asked me to table that for the time being, and I imagine it's probably going to be tabled in perpetuity. And let's see, a couple of the quick CoC's.

BUSINESS: COC REQUEST FOR 51 WEST STREET (DEP# 161-0914; GCC# 2021-15)

Carl: Let's see, CoC #6 for 51 West Street. This was for the beaver dam removal project. Any comments, John, on that? I think this is a pretty straight forward one.

John L: Yeah, Mr. Chairman, this is straightforward. It was done pursuant to the approved plan; I have no outstanding issues.

Carl: Okay. Does anyone want to make a motion on that, to issue a CoC?

Rachel: Mr. Chairman, I'd like to make a motion to have a CoC for 51 West Main Street be approved.

Tom: Second, Howland.

Carl: We have a motion, and it's seconded to issue a CoC for 51 West Street; DEP# 161-0914; GCC# 2021-15. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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BUSINESS: COC REQUEST FOR 35 MONROE ST. (DEP# 161-0821; GCC# 2016-08)

Carl: Now the next one. There are a few issues associated with that, apparently. John, maybe you want to fill us in on that.

John L: Sure, Mr. Chairman. This was a Certificate of Compliance in support of an Order of Conditions which was issued several years ago, but was never recorded. As is often the case, it was recorded under the Local but not the State; as is often the case, if something isn't recorded, the property owners often misplace it, and it cannot be found. So, the administrative remedy, which I recommend, is to simply re-issue the Order of Conditions. And again, it's an administrative act.

Carl: With a new date?

John L: Correct; with the revised date of issuance. Commissioners would have to come in and give fresh signatures, then the Commission could move on – and since this was already approved, there are no outstanding issues here. It's not as if the applicant has deviated from the approved plan. So, I'm comfortable with that; it's an administrative act. Then the next phase of this is the Certificate of Compliance that is currently before the Commission. One would have to be recorded; the outstanding Order would have to be recorded before...

Carl: And then we could issue the CoC once this is recorded with the State.

John L: Correct.

Carl: So, we need to make sure we reach out to the property owner and let them know that this issue is occurring, and that there would be a slight delay; once they record it with the State, then we could schedule it and issue the CoC.

Julie: Carl, this is Julie, I did let them know about that ahead of time.

Carl: Very good. So, we're going to do the administrative action there, I would think; that makes sense to me. And let's see, moving right along; there was another one for a Norino Way, and I understand there's some issues with that – there are a couple of open Orders.

Julie: I'm sorry – do we need to vote to re-issue the Order of Conditions?

John L: Not necessarily, Mr. Chairman; it's simply an administrative act. But it never hurts to have a vote, if the Commission so desires.

Julie: I just didn't know because I would be sending the information to the State with those signatures.

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- Carl:** Okay. If somebody wants to make a motion, that would be fine, then everyone can re-sign it.
- Rachel:** Mr. Chairman, I'd like to make a motion to re-issue a CoC for 35 Monroe Street.
- Chris:** Second, Candia.
- Carl:** We have a motion, it's seconded to re-issue the CoC for...actually, the Order of Conditions, right, for 35 Monroe Street; DEP# 161-0821. So, they're going to request once they file with the State, then they're going to request a CoC.
- Rachel:** Carl, I have a question with that. Can both be done, so Julie can have that there as an administrative act, instead of having them come in multiple times to us?
- Carl:** I would think so.
- Rachel:** Okay.
- John L:** I agree with that, Mr. Chairman. That often happens with my Commission. We would have two placed on the agenda at the same time. It's just important that the applicant record the Order first.
- Carl:** And the next one is Norino Way. I understand that there are a couple of outstanding open Orders on that.
- Rachel:** Carl, we didn't vote on it yet.
- Carl:** Okay. I thought we did; my mistake. Someone made a motion, and it was seconded. Call to question:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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BUSINESS: COC REQUEST FOR 6 NORINO WAY (DEP# 161-0761; GCC# 2013-07)

- Carl:** 6 Norino Way, there's a request for a CoC. And it's my understanding that there's a couple of open Orders of Conditions on that, and they would have to be closed out before we could issue the CoC.
- Julie:** That's correct, Carl. I was emailing with Mark West today, and he said that he is trying to gather the information, and then he will come back with all 3 requests at the same time. So, I guess we'll just table this until he's ready to make the other requests.
- Carl:** Okay.
- John L:** Right, and Mr. Chairman I'm assuming that this would require as-built plans, so it may take a while.
- Carl:** Okay. Well, as long as we keep in contact with the property owner, so they know what's going on and we know what's going on.

BUSINESS: COC REQUEST FOR 269 CENTRAL ST. (DEP# 161-0803; GCC# 2015-04)

- Carl:** And, we had one for 269 Central Street - a request for a CoC; DEP# 161-0803. Are there any issues with this one, John?
- John L:** No issues, Mr. Chairman; I recommend the Certificate of Compliance be issued.
- Carl:** Okay, I'd entertain a motion.
- Rachel:** So moved.
- Tom:** Second, Howland.
- Carl:** We have a motion, and it's been seconded to issue the CoC for 269 Central Street; DEP# 161-0803; GCC# 2015-04. Is there any discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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Carl: Let's see, what's the time getting to be? I think I'm going to hold off on the Camp Denison discussion until we move through a couple of these hearings.

HEARING: 47 WEST STREET (DEP# 161-0889)

47 West Street (DEP# 161-0889) – State NOI – Continued from March 16, 2023
Construction of a 16-unit senior housing development.

Carl: It being on or after 7:00, I'm going to open a Notice of Intent for 47 West Street; DEP# 161-0889. That's the construction of a 16-unit senior housing development, and we've been requested to continue this to March sixteenth. Well, actually, it was continued from March sixteenth. We have a new date for this one?

Julie: Yeah, June fifteenth at 7:00.

Carl: I'll entertain a motion to continue that.

Rachel: So moved.

Tom: Second, Howland.

Carl: We have a motion, and it's been seconded to continue the Notice of Intent for 47 West Street, to June fifteenth at 7pm. Is there any further discussion? All in favor, roll call vote?

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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HEARING: 47 WEST STREET (DEP# 161-0921; GCC# 2022-07)

47 West Street (DEP# 161-0921; GCC# 2022-07) – NOI – *Continued from March 16, 2023*

Demolition of an existing barn and restoring the grades and revegetating with a wildflower mix to benefit pollinators, within the 100' Buffer Zone to Bordering Vegetated Wetlands.

Carl: And now the next one quickly. It is on or after 7:05pm, I'm going to open up another hearing for 47 West Street; DEP# 161-0921; GCC# 2022-07. That's the Notice of Intent for demolition of existing barn and restoring the grades and vegetation with a wildflower mix to benefit pollinators within 100-feet of BVW. And also, we've been requested to continue this as well, and I'm assuming we're going to do June fifteenth, and maybe 7:05; I'd entertain a motion.

Rachel: So moved.

Tom: Second, Howland.

Carl: We have a motion, and it's seconded to continue 47 West Street; DEP# 161-0921, to June fifteenth at 7:05pm. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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HEARING: 175 CENTRAL STREET (DEP# 161-0908; GCC# 2022-17)

175 Central Street (DEP# 161-0908; GCC# 2022-17) – NOI – *Continued from March 16, 2023*

Repair existing building into home office / single-family.

Present:

Brian Farmer (original applicant / consultant to the new owners)

Christopher Riley (one of the new property owners)

Carl: It being on or after 7:10pm, we have a Notice of Intent I'm going to open up that's existing for 175 Central Street; DEP# 161-0908; GCC# 2022-17. That's the repair an existing building into a home office/single-family. That doesn't say anything about septic, but that's beside the point. Do we have the applicant and/or consultant, could they identify themselves for the record, please?

Brian: Brian Farmer, consultant.

Carl: Question for you, Mr. Farmer. I understood you sold this property?

Brian: That's correct, Mr. Chairman.

Carl: Do you have any kind of letter from the new owner, that you're authorized to represent them?

Brian: The new owners should be on hold in this meeting, here.

Christopher: Yeah, right here.

Carl: Could you state your name for the record, sir?

Christopher: Sure, Christopher Riley.

Carl: Okay. For the file, we also want you to send us a written letter, just so we have more than just the verbal – if you could do that.

Christopher: Absolutely.

Carl: Thank you. I think the last time in this hearing, we only got to the point of doing the third-party review and the septic; but we haven't really delved into any of the discussion about the actual house. Why don't you proceed with your presentation, Mr. Farmer?

Brian: Thank you, Mr. Chairman. I've met both the property owners on the property, and the plan is to convert the existing building to a 2-bedroom use, which tied into the volume that the Board of Health, gallons per day, to limit the facility.

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- Carl:** Could you show us the plan on the screen, and share your screen?
- Brian:** I cannot. I regret that. I'm in Southern California at the moment, but I'll be back; but I cannot, I provided that information.
- Carl:** I understand, but it's normally part of the process. We kind of walk through where the lines are, etcetera; look at the foundation and the footprint, etcetera. That's kind of what we do in a public hearing, because it's not just for us, it's for the public, too.
- Brian:** Yeah, sure. Well, I can only answer by saying that the 2 bedrooms as shown on the plan were on the West side of the building. There was an open concept in the East, Southeast side of the building, where there used to be a bathroom, for lack of a better word; which is in the Southeast corner, and then the Northeast side of the building would be that office - that's somewhat consistent with the prior use as a home occupation. That that's the brief story. It's not a lot of square footage; I think it calculates a little bit under 900 with the internal walls.
- Carl:** So, 900 additional, or 900 the total footprint?
- Brian:** The footprint's larger, but the internal dimensions are...the total is 900 square feet, plus or minus. I regret to say, I do not have the plans in front of me. There was an AutoCAD calculated dimension, but essentially the useful space under the roofline is 900 square feet, plus or minus.
- Carl:** And, what was the distance of the foundation to any resource areas?
- Brian:** On the Northeast corner, it was the closest corner of the existing building to a resource area; I believe it's around 41-feet. That would be on the North side, or the water that flows under Brook Street into the existing 12" culvert. The other closest point on the South side of the 12" culvert – that building is, I believe longer than 41-feet. But the building itself is approximately 40-feet from the resource area; that part is all in the buffer zone.
- Carl:** I thought I saw something in your information that there was another filing for the culvert. Is that a separate filing, or is that part of this? Or is that something different?
- Brian:** It's part of this, Mr. Chairman. When we say "this", the Local Georgetown administrative process, and the way we're conducting it at the moment. There was a consolidation of both the culvert and the other activities, because that's how Georgetown, you know, which makes sense to proceed. In...was a substantial amount with the culvert replacement.
- Carl:** You're cutting out a little bit on us.

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- Brian:** Okay. Yeah, the DEP and we separated the culvert project because that's the most challenging, engineering wise, from the entire project with Mass DEP.
- Carl:** Yeah, I just want to clarify. So, as part of this particular NOI in front of us right now, that's not including that - even though it's part of an overall project? Am I right or not?
- Brian:** The Commission, the Georgetown Conservation Commission would have to make that determination. I know in the past, the Commission voted to approve under the State rules, but not under the Local Bylaws. I know a lot of attention was placed on septic, but in the re-application process it would appear to me administratively that the Conservation Commission and Georgetown, under the Local Bylaws, are reviewing the entire project. I think you would have to ask the Conservation Agent if he agrees with that.
- Carl:** Right, if it wasn't included in the actual documentation of this filing, it would have to be a separate one, I would think. John, I don't know if you want to comment on that.
- John L:** Yes, Mr. Chairman, I would agree with that.
- Carl:** Because you can't just kind of tuck things in after the fact. I mean, not that it can't be done, it's just kind of how you approach it permitting wise.
- John L:** Right. So, this would constitute an amended Notice of Intent, which would also have to go to DEP.
- Brian:** Well, just to make everybody clear – all the documents, including the culvert and this proposed reuse of the building was submitted. All the engineering and surveying and all those documents were resubmitted in December 2022, as we went through an administrative process to properly get it before the Georgetown Conservation Commission. So, that's what I'm saying, is that all those design plans were submitted.
- Julie:** Can I chime in? I'm sorry, it's Julie.
- Carl:** Go ahead, Julie.
- Julie:** Mr. Farmer's correct. He did submit all of that information. I don't know if you remember, this was the one where the project description on the State form and the project description on the Local form are different, and I think that's what Brian may be referring to. I don't want to make any assumptions, but on the State form it mentioned...I put the project description exactly how it was written on the State form. He did also mention the culvert, and that was in the Local. So, that

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was the question I originally had, maybe in January or February. Correct me if I'm wrong, Mr. Farmer, but I think that's what it was.

Brian: That sounds accurate.

Carl: The two should match, I would think - State and Local.

Julie: Yeah, that was the question that I think I had either last month or the month before. But he did submit everything at the same time.

John L: Mr. Chairman, the two Notices of Intent; one filed under the State, one filed under the Local, should be identical.

Carl: I would think that you are correct on that.

Brian: So, that's exactly what happened in December. In January there was a conference phone call with the prior Conservation Agent, myself, and the analyst at DEP who's managing this project. There was a decision made as far as making the culvert project, but just that they were not going to issue new DEP file numbers – so we stayed with the culvert Notice of Intent file number, and then everything else was placed under a prior existing Notice of Intent number, specifically related to all the activities not involved with the culvert. That was DEP's decision, so, that's DEP; notwithstanding the Local Bylaws and complying with those – you know, an entire application was submitted under the Local Bylaw.

Carl: I just want to make sure we capture it so it's not just kind of floating out there, and it's all of a sudden it gets done, and there's no documentation associated with that part of this.

John L: Mr. Chairman, just if the applicant can just confirm yes or no; is the State NOI identical to the Local NOI?

Brian: Yes, because there's two NOI's.

John L: Alright, so they are identical? Same verbiage, same description; correct?

Brian: Correct.

John L: Alright, Mr. Chairman, that satisfies me; no more questions.

Carl: Any Commissioners have any questions? Again, it's a little tough without having the plan in front of us here.

Rachel: Carl? Because the site has a long process with this site going back, I'm wondering if a site visit would be in order for Commissioners, so they could see what is actually there and how tight that site actually is, so that there's a better understanding when we look at the plans.

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- Carl:** If other Commissioners want to, I know probably some of the Commissioners that have certainly never been out there, if that would be acceptable. And really, it's kind of a Commission vote. If other Commissioners want to do that, it actually will be a quick one, too.
- Rachel:** Yeah, very quick.
- Carl:** Is that something anyone wants to do?
- Chris C:** I'm okay with that, yes.
- Tom:** Yes.
- Carl:** Well, make a motion.
- Rachel:** Mr. Chairman, I'd like to make a motion to have a site walk of 175 Central Street. I do not know when is best for everyone, and I don't know when is best for the current owners – and if they're okay with that.
- Christopher:** We're okay with it, and we'll make all the accommodations we need to make it as easy as possible.
- Carl:** From a protocol standpoint, if you could send us an email or whatever, and say that you're authorizing us to do it; just so we're covered. And since the days are longer now, we can do them after work or before – we don't have to you know, go on a weekend. So again, that's a quick one, and it could be done just after dinner type situation.
- Christopher:** I'll be up at Town Hall tomorrow, and make sure we get everything all squared away; writing emails, whatever needs to be done.
- Carl:** Yeah, again, just a letter or memo from you authorizing Mr. Farmer to act on your behalf doing this project. And then, an email or whatever, authorizing the Commission to go out to the site. We can do a motion right now, and then we can decide, based on our and your schedule, what would work.
- Rachel:** Carl?
- Carl:** Yes, go ahead.
- Rachel:** He can't be in Town Hall tomorrow, because the Town Hall is closed on Fridays.
- Carl:** Oh, that's right.
- Christopher:** Okay, on Monday then.
- Rachel:** I just wanted to make sure you didn't drive there, and then realize that the Town Hall is closed on Fridays.

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Christopher: That's fine, I appreciate that.

Carl: So, the first thing is, we have a motion and I believe it's been seconded.

Logan: Carl, John was raising his hand.

John L: I'm sorry Mr. Chairman. If there's a motion on the floor, I'll wait.

Carl: Yeah, all I'm going to do at this point – the motion was just to conduct the site walk, not anything further. There's a motion, it's been seconded to conduct a site walk...

Julie: It wasn't seconded, Carl. I'm sorry, it wasn't seconded.

Carl: I thought it was.

Tom: I was waiting for a date. I didn't know if we wanted to try a date, but I'll second it.

Carl: Well, for discussion purposes. Okay, we have a motion and it's been seconded to conduct a site walk at 175 Central. Anyone have any preferences about date, time?

Rachel: I'm pretty open.

Carl: I think, like in the 6:30 timeframe, 6:00 timeframe, that usually works because this should be a fairly quick one because it's right off the road; it's not like you have to walk far into the woods. What's the applicant's schedule like?

Christopher: We're very fluid, so we will be there whenever you guys can get there.

Carl: Okay, what do Commissioners want to do as far as time? Next week? The weather is actually supposed to be pretty good.

Christopher: Brian, are you around next week? Are you still in California?

Brian: I'm unfortunately flying in on Memorial Day, but I can call in. I feel the Commission and the Conservation Agent can manage it, but if you can wait till after Memorial Day, I can attend. That's the best I can physically, but I can call in, too.

Christopher: I can meet you guys there, and I can get Brian on the phone, and me and my business partner have a good idea what's going on there, so.

Carl: That's amenable to me, if it is to other Commissioners. Again, it shouldn't take very long.

Logan: Carl, haven't we had a third-party review of this project, or am I thinking of a different one?

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- Carl:** No, we did that for the septic. This is primarily just to review with Commissioners who've never been to the property, or who aren't very familiar with the property, just to kind of get a feel for where the house is going, etcetera. Normally we do walks after you do a third-party; doesn't make sense to do them before.
- Logan:** Oh, so the third-party wasn't completed yet, or was it? I thought it was.
- Carl:** Yeah, it was. So now we take a look at that, and just compare it up against what we see. And in reality, site walks can be very beneficial just to put some realism to a plan, as opposed to just looking at a piece of paper.
- Rachel:** So, would next Tuesday work?
- Carl:** What's the date of Tuesday?
- Tom:** The twenty third.
- Rachel:** The twenty third of May at 6:30?
- Carl:** Okay, I think it's probably open at this point for myself. Well, if someone wants to make a motion for that; the twenty third of May at 6:30.
- Rachel:** I amend, I modify my motion for a site walk for 175 Central Street to Tuesday, the twenty third of May at 6:30
- Tom:** Seconded again, Howland.
- Carl:** We have a motion, and it's been seconded to conduct a site walk at 175 Central Street on May 23rd at 6:30pm. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	NAY
Carl Shreder	AYE

Motion carries.

- Carl:** We still have that hearing open, so any more questions on 175, as the hearing is still open at this point? We'd want to continue it after the site walk, obviously.

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John L: Mr. Chair, I have one more comment.

Carl: Sure.

John L: So, the Commission requested some correspondence from Mr. Farmer, stating that he's representing the new owner. Legally, it's also important to get a letter from the new owner, acknowledging the fact that he's aware of the Notice of Intent, he supports it, and that he will assume all legal and financial responsibilities upon his time of purchase. This is important because it can be included in the Order of Conditions; because when the Order is issued, the ownership information on that title page has to be changed. So, this document will provide a seamless record.

Christopher: No problem, we can get that to you.

John L: Thank you.

Carl: Anymore questions from Commissioners at this point? Because I would like to open it up to abutters, if there's anyone online. Are there any abutters to 175 Central Street? If you'd like to make a comment, please do so, identifying yourself for the record, please. Hearing none. I'll switch it back to Commissioners. If you don't have any further questions for the applicant or his consultant, I would entertain a motion to continue.

Chris: So moved.

Carl: And Julie, do we have a date? Fifteen, June?

Julie: Yeah, June fifteenth at 7:10.

Tom: Second, Howland.

Carl: We have a motion; it's been seconded to continue 175 Central Street to June fifteenth at 7:10pm. Any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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HEARING: 51 WEST MAIN ST & 13 PROSPECT ST (DEP# 161-0931; GCC# 2023-01)

51 West Main St/13 Prospect St (DEP# 161-0931; GCC# 2023-01) – *Cont. from 3/16/2023*

Proposed installation of a water fountain to improve water quality.

Present:

John Colantoni (applicant)

Mike DeRosa (Consultant from DeRosa Environmental on behalf of the applicant)

Paul Martin (third-party reviewer from BSC Group)

Carl: It being on or after 7:15, I'm going to open up an existing Notice of Intent for 51 West Main Street & 13 Prospect Street; DEP# 161-0931, and that's the installation of a water fountain to improve water quality. If we could have the applicant and/or consultant, and if you could identify yourself for the record, please.

John C: Good evening. John Colantoni, applicant – and we also have Mike DeRosa on the Zoom call with us as well. I'd just like to thank Julie, John and the Commission for all their help over the last few months; and also like to thank Paul Martin, the third-party reviewer for issuing his report, and all his input on the project. And we just would simply like to ask the Commission tonight to issue the Order of Conditions; of course, we're here if there's any questions, but thank you so much for helping us through the process and getting it done the right way.

Carl: Okay, does anyone have any questions about what has been submitted to date? We have quite a bit of information from the applicant; we've got information from DEP, abutter comments, letters, and third-party reviews. Yes, no? Does anyone have any questions about what was submitted?

Rachel: Did in any way, Mr. Chair, change? I did not see any drastic change from before, other than just answering just a few questions. It's still the same model, same make of fountain, correct? As I was going back and forth between all of them, it seemed to stay the same, so I just wanted to clarify that it's the same make and model as the original plan that was put in front of us.

John C: Yes, but because of the questions brought up from the Commission, and from the peer review, we went back to triple check with the supplier and everything to make sure it met the concerns, and it did, and that's why we kept it the same. But we did go back, in case some of the concerns would make it change to a different

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model or size, or however you want to say it; and it did. But we are glad that we got those questions. All good stuff. Better safe than sorry.

Rachel: Just to clarify – there are no lights on it, correct?

John C: Thank you, I forgot to say that. No lights on it whatsoever; that was removed.

Rachel: So, it did change? Okay.

Carl: I've got a quick question, and maybe you can refresh my memory on what it was relating to. What was the dissolved oxygen level of the pond in the current state that you took? I can't remember.

John C: I'd have to see if Mike could help me with that.

Mike: I can help. I don't have it in front of me, but I believe it was between 2 and 4 ppm dissolved oxygen.

Carl: Sounds familiar.

John L: For the record, sir, could you please state your name and affiliation?

Mike: Michael DeRosa, DeRosa Environmental. Sorry, John.

Rachel: And that was just one sample?

Mike: One sample, correct. We're going out monthly, once we get the Order of Conditions and continually monitoring it over the course of the Order of Conditions. So, we'll have three years of data at the end of this, which will be very interesting to look at. And there will be annual reports going to the Commission, reporting all that data back to you.

Carl: Well, any further comments? If not, I'd entertain a motion if Commissioners want to approve it, not approve it. I'll entertain a motion if people want to do that.

Chris: Mr. Chairman, I would like to make a motion to deny the project at 51 West Main Street, for lack of compliance of Wetland and State Regulations.

Tom: Second, Howland.

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- Carl:** Okay. We have a motion, and it's seconded to deny the Notice of Intent for 51 West Main Street, for lack of compliance and environmental...I guess I missed the second part there.
- John C:** Mr. Chairman, I'd like to ask a question.
- Carl:** Well, we're kind of in the middle of deliberation, so let's see...what was the...?
- Mike:** Mr. Chairman, if I could speak; Mike DeRosa. We just got your third-party reviewers report, which had no questions, and said that we addressed all his concerns, and that he recommended approval. I don't understand.
- Carl:** Again, I'm in a deliberation process; a motion's been made, I have to address it. That's all I'm saying, okay? Whether it's yay or nay, I'm not saying that that motion is carried, but a motion was made, it was seconded, so I have to look at it. So, the motion was for lack of compliance?
- Chris:** Of Wetland and State Regulations.
- Carl:** Under State Regulations. Now we're in discussion. Does anyone have any comments?
- Logan:** Which ones? Which Regulations?
- Carl:** Are you referring to specifically the Wetlands Protection Act?
- Logan:** Chris brought the motion. Which ones? I find it hard to believe that you can bring forward a motion for not meeting certain wetland protection, and you can't identify which ones it violates.
- Rachel:** Carl?
- Carl:** Yes.
- Rachel:** In the past when this occurred; when there has been a denial or approval – is it required that further explanation be done?
- Carl:** Ultimately, you have to give a reason for an approval or denial; not necessarily in the actual motion, but it does have to be defined. You can't just say "because".

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- Rachel:** Which wasn't happening. I'm just asking if it needs to go into detail at the moment, because there was a reason given. In the past there has not been the need to give specifics.
- Carl:** I mean, I didn't make the motion, so it can be...
- Logan:** Rachel; what if I'm asking because if I hear what Chris says, I may agree with her?
- Rachel:** I'm not saying that that's not the case. I'm just asking precedent wise in the past, is that a necessity? I'm just clarifying something with Carl, the Chair.
- Carl:** I don't think that we've had to give every detail, but you do have to give some relation to a compliance issue. You don't have to give a dissertation of why you made a motion, but at some point, you have to have a reason why you've recommended something; not just like, as I said, you can't just say because I don't feel like it's good – you have to have something. Otherwise, it just gets overturned anyway; DEP would just issue a Superseding.
- John C:** Mr. Chair; Paul Martin and John Lopez have both done thorough jobs – could we turn to them and ask a little bit? Because if we didn't do something right, DEP wise, and however that was motioned, we'd be glad to do whatever we're supposed to do. But we've followed everything that we've been asked to do with the third-party reviewer; all those questions we answered, and I'm sure if there was something wrong with DEP, he would've brought that up. And Mr. Lopez, I've only worked with you through this process, but he seems to be very thorough; I think he would've brought something up, but I'm just wondering where they're on the Zoom call, is it possible to maybe ask them?
- Carl:** Again, we're in a deliberation mode. Again, a motion is made, I have to address it; it's a discussion, and that's normally between the Commission, not everyone else at this point. I'm not saying I agree with it or disagree with it – I'm saying, we're in deliberation mode.
- John C:** I'm suggesting that someone on your Commission just ask the question...
- Logan:** So, Carl; I'll ask it, Mr. Colantoni. I guess my question is: the third-party reviewer, who's an expert, right? As well as Mr. DeRosa, who is an expert, have not commented on any violations of any Wetland Protection Act. So, I guess I'm trying to understand better from the Commission's perspective – where did they

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go wrong? And what should they have looked at? And maybe we can ask questions as it pertains to that concern, to accurately assess if they are in violation.

Rachel: I'm just trying to comprehend exactly what's being asked at this point. You want to know specifically what the reasons are, other than what was already given? You want more information on that?

Logan: I want to know...so, it's in direct conflict with the third-party review, which was asked by the Commission to do, which was done, and they did not identify any violations. So, I guess what I'm trying to understand, Rachel is, if they didn't identify violations, but there's a motion on the floor to deny this based on violations of the Wetlands Protection Act, I would like more detail.

Carl: You can ask that.

Logan: And I have, three times.

Carl: And that's what the discussion is; no one's voted yet. So, does anyone want to clarify what the concerns were? You don't feel it meets the Wetlands Protection Act; in the spirit of the Act, or any specific thing? Again, I'm trying to better understand and get some discussion going here between the Commission.

Rachel: I'm trying to ask any question that I could ask, that would perpetuate more of a conversation on this other than – Carl, you asked...

Carl: As I said, we've had lots of information from various consultants, from DEP. We've had abutters, we've had Organizations write letters pro/against, etcetera, etcetera. So again, there's a lot of information out there; some good, some bad.

Logan: May I ask a question of the third-party reviewer, Carl?

Carl: Sure.

Logan: Mr. Martin; in your assessment, does this violate anything in the Wetlands Protection Act?

Paul: No. This does not represent a dredge or fill activity; it does not result in a pollution event occurring within a wetland resource area; it does not harm wildlife or aquatic species. It is a project that has the potential to improve aquatic conditions in the pond. And the change that was requested, and the monitoring program, and the suggestions I made for conditions that could be included in the

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Order of Conditions that grants the Commission the authority to cease operation of the fountain if the monitoring identifies deleterious or deteriorating conditions, because you can project what might happen – you would hope that aerating would increase DO, but until you actually do it, you don't know if it's going to cause some other water quality concerns. The overall intent is to improve water quality, and monitoring should be able to document that; and if it doesn't, you will retain the authority to cease operation of the fountain.

Rachel: Could then I asked the question? If there is a precedent anywhere set where there is a project like this that has gone through, where it's *put in and figure it out as it goes along*, and in case it's dangerous to then pull it out - I'm trying to understand that part of it. Not necessarily the water quality after it's installed, but the water quality beforehand, so there's more than one sample; and then, if it should go in, is there a precedent anywhere that states that we put it in, and if it causes harm, yank it out? Put it in, see how it works, and then...

Paul: Yeah, I mean, most ecological restoration projects have an adaptive management approach to them that allows for monitoring to continue, either to confirm that the projections made in the permitting process are in fact coming true; or, if not, then either to make changes in what was constructed, or how something is being operated, or a final adaptive management condition could be, cease operation of a device like this.

Carl: Another thing that you could look at, too is, I think Mr. DeRosa just said the DO was 2 to 4 ppm; normal, healthy water would have between 5 and 24 ppm. You could have a parameter where you could look at, you know, set a parameter that says if the system is working, it's going to have a certain ppm of DO that is functioning. Otherwise, it's not working.

Rachel: Okay, so that would be stated.

Logan: But also, we would have to think about that logically and scientifically, because it would be based on the amount of time it's run, Carl, and I do know that there were restrictions that we were asking for about amount of time it was run; so, we need to take that into consideration. If it's only for like 8 hours a day, the potential impact of increased DO is lessened by a third, right? Instead of it running 24/7.

Carl: Right, but if you look at DO samples realistically, you have to take a whole bunch of them because it varies tremendously from one part of the body of water to another.

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- Logan:** Yeah, understood. I guess I would want to be more realistic on maybe the amount of time we're running on a daily basis, and when in the season it's running, and when we would test it and expect (inaudible)...
- Carl:** I'm just trying to put like a performance standard to see that it's working; not just, we have this thing out there – does it work? We don't know.
- Logan:** Fair enough. I think we're on the same page, I think we're just differing on how and when we measure.
- Carl:** Yeah, I haven't fleshed that out, but that's why I threw it out there.
- Logan:** No, I agree with that, and I'm in favor of that as well.
- Carl:** I actually did a little research on this, so there are some set points that could be used. I mean, obviously you wouldn't set it at the maximum level of oxygen, because that's probably not realistic.
- Logan:** Yeah, agreed.
- Paul:** And it will swing pretty drastically between winter and summer months.
- Carl:** Sure.
- Paul:** So, you would probably want a winter...well, you wouldn't really evaporate this winter. You don't have low DO problems in the winter; colder water holds oxygen, so this will pretty much just be a summer, warmer...
- Carl:** I would say you'd want a midsummer parameter type of thing.
- Paul:** Yes.
- Rachel:** I keep losing you guys, I just heard part of that. It would change rapidly from winter to summer; is that what I gained from that?
- Carl:** I think that's what we said.
- Paul:** Right.
- Rachel:** I just wanted to make sure, because it just kept cutting out. Okay.

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- Paul:** There's natural variation in DO levels in any body of water in Massachusetts.
- Rachel:** Understood. I understand that.
- Carl:** Any further discussion on that topic? Again, we have a motion on the table, we're in discussion, trying to figure out the next steps. Are people ready for the call; that question or not? Let me know.
- Logan:** Mr. Chair; based on the condition that we had discussed, would we want the third-party agent to make a recommendation on what that improvement level should be, and in what timeframe - so that could be how we measure?
- Carl:** I think that could work. In other words, if someone wants to make a motion to...you know, once this motion is addressed one way or the other, you could make a motion to include that parameter in the actual motion as a performance standard, based on the recommendations.
- Logan:** Okay, thank you.
- John C:** Mr. Chair, could I ask a procedural question?
- Carl:** Okay. We're kind of going outside the scope of the whole voting thing right now, but okay.
- John C:** I was just going to ask, based on everything that everyone has said on the Commission, which I think is very helpful on this performance thing – is it possible for the motion to be removed? Could that Commissioner remove the motion?
- Carl:** Only they can withdraw their own motion. I mean again, there's a motion on the table; they can withdraw it if they want to, or not. Or, if there's no further discussion on that motion, I have to, at some point, if nobody wants to say anything further, at some point I've got to call the question whether its yay nor nay – I don't know, obviously.
- Rachel:** Carl? Really quickly – if nothing happens, if the person who seconds it, would they also need to?
- Carl:** That's a good question.
- Rachel:** I just want to know, procedurally.

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Carl: I mean, procedurally if the motion is withdrawn, I think the second is by definition, withdrawn. Is that correct, John?

John L: That's correct, Mr. Chairman.

Carl: Yeah, so the motion goes away; and I don't think you can make a counter motion unless we address this one.

Rachel: I understand.

John C: Thank you for explaining.

Carl: No problem. So, is there any further discussion before I call the question on that particular motion?

*No one comes forward.

Carl: Okay. There's a motion to deny, based on State/Local environmental regulations. All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	NAY
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	NAY
Carl Shreder	NAY

Motion doesn't carry.

Carl: Well, we can't leave it that way; we have to have a motion, one way or the other – positive or negative. And we can't have one that just everyone...it's neutral because we have a short Commission; we only have 5 Commissioners, so does anyone want to make a counter motion?

Logan: Can I ask a procedural question? Does the motion include the considerations or the contingencies that we discussed?

Carl: You could make one, certainly.

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- Logan:** Mr. Chair, I'd like to call a motion to approve 51 West Street, with the contingencies on testing levels recommended by the third-party reviewer on levels and timeframe.
- Rachel:** Carl, I'm having issues. I'm going to have to drop off and then come back in.
- Carl:** We can take a momentary break anyway, while we're doing this. I needed to take a short break, anyway. So, why don't we take a 3-minute break?
- Julie:** Logan, this is Julie.
- Logan:** Yeah.
- Julie:** When you made the motion, you said 51 West Street and not West Main Street. I don't know if that makes a difference.
- Logan:** I'll restate it when everyone comes back.
- Julie:** Okay, thank you. I just want to make sure that everything goes through.
- Logan:** But Julie, do I have to state both addresses, because there's 2 addresses on the...
- Julie:** Oh, 51 West Main/13 Prospect Street. Yeah.
- Logan:** Okay, I'll remember to do that.
- Julie:** Yeah, I just want to make sure that everything is kosher with the paperwork.
- Logan:** Totally understand, thank you.
- John L:** It never hurts to reference the file numbers, either.
- Logan:** Okay. That's why I always keep the agenda in front of me, so I can keep everything straight.
- Julie:** In your defense, Logan, this is a pretty heavy agenda to keep things straight, so.
- Rachel:** Okay, back.
- Carl:** Okay we are noted, Rachel Bancroft is back online, so we are back in session.
- Logan:** Carl, at Julie's request I have to re-state the motion because I did not use the full address correctly.

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Carl: Okay, please do.

Logan: I'd like to make a motion to approve 51 West Main Street / 13 Prospect Street; DEP# 161-0931, to approve the water mover with the conditions set forth and recommended by the third-party reviewer, Mr. Martin, on levels of improvement and timelines for testing.

Carl: Do we have a second? Come on guys, we have to approve or deny; we can't have nothing.

Rachel: For purposes of discussion, I'll second it.

Carl: Okay. We have a motion, and it's been seconded by...state your name, please.

Rachel: Bancroft.

Carl: Very good. Okay, further discussion? We have a motion on the table to approve the NOI, so let's have some more discussion. This is a Board, so we have to discuss what we like, what we don't like, what we feel is correct and not correct. So, the question is - in the motion do we actually set the parameter, or do we actually define it specifically? Ten ppm or...obviously, it has to be more than 5, because that would be the minimum acceptable DO; that's on the very low side.

Rachel: Has it been discussed exactly how many samples?

Carl: No. That's certainly something we could have some discussion on. I mean, I think timeline, it should be in the middle of the summer, as we were kind of discussing previously.

Rachel: Carl, you've had so much experience with this, so what would make the most sense? Would it be once a month? Would it be in the evenings at the same time? Would it be twice a month? Would it be once a week? How would that work?

Carl: I think you wouldn't necessarily have to do sampling every month, because it's going to vary tremendously. But I think during the summer season, you'd want to grab a few samples to see how it's performing. You could tell pretty quickly if the DO doesn't go up at all, it's not being effective. If it goes up significantly, then you know that it's working. The purpose of this thing is supposed to be to increase DO, dissolved oxygen. It's not for other reasons, and if someone says it's for aesthetic reasons, that's not acceptable under the Wetlands Protection Act; and, it's really not about algae.

Rachel: So, purely DO going up? To which parameters did you say?

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- Carl:** I haven't, and that's for discussion. I've done some research on this, and actually I used to do water sampling myself quite a while ago; 5 to 24 is normal, healthy water. That's a normal amount of dissolved oxygen in parts per million. It's also equivalent to like milligrams per liter, used kind of equivalent for water. So, if Mr. DeRosa says it's now currently 2 to 4, that's on the low side. So, obviously you wouldn't want to set the parameter at 24; that's probably not realistic at all, because you might get that in a river or something where you have a lot of aeration all the time, but not in a wetland like this.
- Logan:** Also, I'd like to comment that the starting point...so, two things - the starting point would need to be definitive, based on that one initial test, because starting at 2 versus starting at 4, right? We would have to know which one, so we can set a realistic target and delta between those two. I guess my question would be to Mr. Martin. Is that based on your third-party assessment of the type of water mover, the amount of the volume of water, and the surface area associated with that body? And the amount of time that the water mover would be in working order throughout the day, and I don't know what the time, Mr. DeRosa, with that we set or agreed to; but what is a realistic improvement within that range that was assessed? What do you feel?
- Paul:** I don't know that I can really answer that. My thinking is that since the State water quality criteria for healthy or suitable water is the 5 milligrams per liter, or 5 ppm, that you simply have a condition that states that you know the functioning of the fountain will be to maintain DO levels throughout this number of 5 ppm.
- Carl:** I would word it that it's greater than...5 or greater, that's the way I would word it; not give it a specific number, but I give a low point and say greater than.
- Paul:** Right, because the challenge you have is, as you come out of the winter the DO is going to probably be 9 or 10, and as it warms up without the fountain in it, it will slowly degrade – so that by late July, early August, it might be down at that 2 to 4 level. Or, Heaven forbid it goes all the way to zero, when you have (inaudible), but we haven't seen fish kills out there.
- Carl:** Correct me if I'm wrong, but algae would actually generate oxygen.
- Paul:** Right, it does produce...
- Carl:** So, people don't like the looks of it, but it actually is, from a photosynthesis standpoint, it actually generates oxygen.
- Paul:** It does, but when it dies off and falls to the bottom and then decays, that consumes more oxygen.

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- Rachel:** It's best to define what's out there. It's been very clearly stated that there are no fish there, multiple times now.
- Paul:** I don't know that I read that that was a definitive statement, just that the purpose of this was not specifically to create better fish habitat; it's to improve water quality.
- Carl:** Right, this is not a bass pond.
- John C:** Mr. Chair?
- Carl:** Go ahead.
- John C:** In fairness to what she just said, we have seen no fish in this pond; not one iota, not one type. And Mr. DeRosa can, Michael can speak to this, too. When they did the video, and we showed that at one of the meetings, there were no signs of any fish type organisms whatsoever. So, you did hear that correctly.
- Rachel:** Thank you.
- Carl:** From my perspective, if the Commission wants to approve it, you set a parameter, a minimum parameter, a minimum acceptable level of DO. So, you're not going to set an upper limit, because we don't know what that would be; because if it doesn't meet that, it's really not working. If after a year, the DO level is averaging 2 ppm, it's probably not working.
- Paul:** Right.
- Rachel:** So, then that's your re-motion?
- Logan:** But it's not technically a year, right? It's within the timeframe that it can be put in the water, right?
- Carl:** I'm talking about, if you were looking at like, say a couple of used sampling data and say, we're doing it every July and it's still at 2 ppm.
- Logan:** Understood, yup.
- Paul:** The other thing I'll remind the Commission of, is the applicant did submit on April fifth, a water quality monitoring plan. So, I'm assuming that an Order of Conditions would capture that that water quality monitoring plan is to be implemented. We don't need to put that into a motion, that can go into an Order of Conditions.

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- Carl:** That's correct, but part of the motion could be setting a minimum level, so it would be very clear.
- Paul:** Yup.
- Rachel:** I would be more comfortable with that, Carl, just so that it doesn't fall through the cracks going forward.
- Carl:** I think it makes more sense if the Commission chooses to do that, that it's right in the motion. That way, again, I think Rachel's right; where the documentation tends to get buried.
- Paul:** Yeah, and I think 5 milligram per liter, or 5 ppm is the right lower threshold; because if it drops to 2 and they're running the fountain, and it cycles over the course of July and August, between 2 and 3 here, 2 and 4, and you know clearly the fountain is either under sized, or there's more serious problems.
- Carl:** To be honest, since we don't put these in many wetlands – so, if I grabbed another wetland somewhere else in Groveland or Georgetown, what the DO would be in a wetland, because it's not normally done, because there aren't usually fish. So, we don't know what the lower level would normally be, but we do know what healthy water would be.
- John C:** Mr. Chairman, I really want to state to the Commission – no matter what the vote is, that we respect the input of Mike DeRosa, Paul Martin, and John Lopez and this Commission. We don't want to do anything out there that's going to harm the water or the environment, or any wildlife. So, whatever monitoring has to go into place, we want to do this to make it better. And if, when we get the results, because this is a chance to get results from a body of water that the Town doesn't have a way of getting results – when we get these results, if it's "okay we don't need it, it needs to be shut down", or "okay, it's better without it", then that's the right thing to do.
- Carl:** Just bear in mind that if the Commission votes in favor of this, the DEP might issue a Superseding, anyway. I don't know what they're going to do. They may like it; they may not like it. We don't know.
- John C:** Understood.
- Carl:** That's true of any case that we file. If they don't like it, they're going to issue a Superseding. We've had that happen a couple of times. It's pretty rare, but it's happened.

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- John C:** We've done a lot to help that body of water, and we would like to bring it over the top and have this opportunity.
- Carl:** Any further discussion with the Commission at this point? Again, we have a motion on the table. I think the discussion was to add the minimum dissolved oxygen level in the motion; you know, 5 ppm, or 5 milligrams per liter, or greater.
- Rachel:** Carl, is it possible to also capture that this is a wetland, and not call it anything in particular unless it is defined specifically as that form of wetland? Because I keep hearing different...
- Carl:** Well, I guess it's – some people are referring to it as wetlands, and some people a pond; I guess you could say a pond is a form of wetland, but.
- Rachel:** No, I understand that. But I've also heard bog, and I've also heard fen; I've heard so many different options, so I want to clarify that this is either we call it a wetland, or...
- Carl:** I think we call it a resource area.
- Rachel:** Okay, we'll call it a resource area. That's what I would like to see done.
- Tom:** I just had a quick comment, Carl. I think everybody wants what's best for this body, whatever you want to call it, whether it's a bog or a pond – I guess my major hang up goes back to something Rachel said at the last motion, and that we'll be setting a precedent with this. And will there be more applicants asking to put fountains in bodies of water, and we are ignoring what the State said. So, that's where I'm at. I hope that this grand experiment that we're considering works out for the best, but.
- Carl:** Well, you are correct, it is kind of a grand experiment, and I've had to say in my 24 years of doing stuff like this with Georgetown, I've got probably 35 years environmental experience – I haven't seen any in this community.
- Logan:** Carl, can I? Tom, so...and I'm asking this genuinely for my understanding; help me understand. What are your major concerns? And is there any question that you can ask the experts that are on the phone, or on the call right now, that can help better educate me, or maybe satisfy any concerns you have?
- Tom:** It's like I said, it's a lot to take in. The precedent thing is what bothers me, and I don't think the experts can answer this question. I mean, after 39 years at GE, I've worked in management, worked with the unions representing both of them, and setting precedence has a long-term effect. Once this is done, any applicant in the future can say "yeah, you've done this before, we can do it." And yes, they'll

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have to go through a lot of the same process, but are we opening a can of worms here? This is not going to stop here; it's going to continue. I think we're just letting go of something the State wants us to have better hands on.

Carl: Precedence are always a concern.

Rachel: That's my issue as well. It really does not sit well with me.

Carl: So, but I did want to emphasize that again. If the State doesn't like it, either, we may think this is a wonderful thing, and we're having a meeting here and say "this is great", and the State may just say "no, sorry, denied", or issue a Superseding – and they might, I have no idea.

Chris: Carl?

Carl: Go ahead.

Chris: I agree with what Tom is talking about. Is it possible to have written into the Order of Conditions that this will not go beyond this project; that it will not be able to set a precedent for the future?

Carl: I don't think you can do that.

Tom: Yeah, that was my thought, too.

Carl: I mean, once the barn door has been open - I'm using a cliché there, that others can say "hey, you did it for him, you've got to do it for me", otherwise you're kind of in this arbitrary and capricious thing; unless the other case is very different, and you can define why it's different and say "this is not the same resource area as that, it's different." If you have two very similar situations, it does kind of paint you into a corner a little bit. But if it's like, one's a bog and one's a pond, it's a different scenario. You'd just have to justify it that way and say, "hey, this is a very different resource area, different situation." Otherwise, you're stuck.

Chris: Can it be identified as an experiment with exception, so that it could be written as one and done, depending on what the outcome of this is? And it's actually deemed as an experiment?

Carl: John Lopez, do you have any comment?

John L: I would say no, Mr. Chairman. I would think that's extra judicial.

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- Logan:** Thank you, Tom, and thank you, Chris, for sharing that; it's helpful. I think one thing I've learned about is risk. When you assess risk with anything you do, you have counter measures and mitigation in place. I think the mitigation we put in place is around...well one, is that no two resource areas are identical. So, I think each case has to come with its own investigation, its own third-party review, and its own review by all of the Commission. Also, the mitigation we put in place with testing and meeting a certain criteria, could be the basis for how we measure and evaluate additional requests that might come in front of the Commission going forward; meaning, if this does not improve the water quality, well then, there's your experiment, right? Now, that said, no 2 bodies of water, or no 2 wetlands, or no 2 resource areas are identical; but this is an opportunity. If this does not work, then this is our precedent to come back to and say, we tried it before, it didn't work in this example – then, you know, we're going to deny that for those reasons.
- Carl:** Well, here's a comment. I mean, you could also put this in a motion that if it doesn't improve the DO within X amount of years, that we deem it a failure. Again, this is kind of based on your data, and say ok, it doesn't work.
- Rachel:** I agree with that.
- Chris:** And also, Carl, that it would then be removed from the resource area.
- Carl:** Well, if it's not working, then that would be probably one of the parameters to look at.
- Chris:** Yes.
- John C:** And we agreed to that; where the Commission has the right, the power to remove it if it's not working. I mean, I think it's an excellent idea. Experiment maybe is the wrong word, but experiment and give it a timeframe. If it's 2 years, 3 years, with the monitoring that's already been in place, that Paul Martin suggested.
- Carl:** I mean, when we normally do restorations and things like that, we normally have like a 3-year window, so we could use that; and that's kind of a proven timeframe that we use for like restorations – if you don't have a regrowth within 3 years, you've got to replant, or what have you, so you could do it that way.
- John C:** I think that's a great idea.
- Carl:** Set the basic parameter at 5 ppm at the lower level, so it would be greater than...5 ppm or greater. And we don't really want to set the upper level and have a 3-year window that, you know, and you've got the sampling plan, and that could be a way to quantify and have actual objective goals for this thing to determine

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whether it's actually working. Otherwise, it's kind of like feel good science; looks good – does it work? We don't know. So, this would be a way to kind of define it, objectify it, and still have some control of what's going on.

Rachel: One more question for me, Carl, because the precedent is really sticking in my craw with this one. Is there a way to put it in the motion that historically, it has been a bog; identified in historical records as a bog? We're going to go forward calling it a resource area, but the historical review of this has been that it was a bog. Is there a way to capture that in the motion?

Carl: I mean, you could state it in the motion. Although this, you know, has been historically considered a bog. I guess it would be how you worded it. I guess it could.

John C: Couldn't it be worded just how she said it? I think that's good.

Carl: You could. You could do it that way.

Logan: Question, though – does the definition change? How does the definition of the body change?

Rachel: It changes from a bog, and then if it was historically a bog, and has remained a bog, and is more bog-like than say, lake-like, then as a resource area, it is not...I think that therein lies the difference. Those are 2 very different resource areas, and as the definition, starting from the beginning, it has been a bog. Therefore, we're not expecting it to all of a sudden have lake-like parameters or pond-like parameters, for that matter; because it is a wetland resource area that started as a bog. So, therefore you cannot expect it to have either a lake, pond, moving body of water, like a stream or a river; or a perennial stream, or a vernal pool – all are very different. So, I just want to capture what it has been historically, so that it doesn't then get lost; because I think that's very important, as far as precedent as well.

Carl: Yeah, I think you could do it that way, too. The Commission has identified it as a bog, and although we are considering it...it's being considered that type of resource, there's still a motion to attempt to utilize this water mover. And again, set the parameters, timelines, and makes a complicated motion – but I guess you could do it.

Rachel: Okay.

Carl: If that would appease the Commission and be amenable to the applicant. But, right now it's in the Commission's court; we've got an open motion.

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- Logan:** Mr. DeRosa, did you have something to say with respect to that?
- Mike:** My only concern, Mr. Chairman – Mike DeRosa, DeRosa environmental, is this resource area, which is correctly described as a resource area; I would not describe this as a bog. A bog is a very specific kind of wetland resource area. It's typically classified by a floating, stagnant of moss surface, and this is not that. This is a depression that has collected stormwater runoff from downtown Georgetown; and you know, the bogs are very specific, very pristine areas. This is a downtown receptacle of all the runoff.
- Carl:** I understand we're not going to find Venus fly traps down there.
- Mike:** It's not a bog.
- Rachel:** Historically speaking, I would like it captured in the motion that historically speaking, it has been on record and historical documents as a bog; and that is what I would like in the motion.
- Carl:** And if it's historically a bog, I mean wetlands are in a constant state of change, and they're constantly becoming different things; and they don't stay the same forever, depending on the conditions. So, I mean it's not technically incorrect to say, historically it was a bog.
- Rachel:** And that's what I'm asking for.
- Carl:** Okay, we've got a motion. Does someone want to re-amend it? But I think we've got some reasonable parameters. Again, we have to do something with it; you either have to approve it, or condition it, or. I think we've made some progress, so. And I understand the precedent; precedent is very important to me.
- Tom:** I was just going to add to what you said about precedent. You wonder if the State has run into this before. In what I read from the DEP; they didn't even mention it.
- Carl:** I actually talked to the State, and they said they're rarely used around here, these kinds of things in any traditional wetland.
- John C:** Mr. Chair, and everything that the Commission has said, you know, if the motion was going to say historically a bog, a 3-year timeframe; I understand and respect everything that's being discussed, and we would have no problem with that, because it's all in the best interest of the body of water. And that's the reason that we're doing this, and suggested from the beginning. So, some of these things that you suggested, and we would have no problem and...
- Rachel:** Okay, thank you.

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- Carl:** So, we've had a few additions. There's a motion on the table. Logan, you made the motion, and Rachel seconded it. For the discussion, we've had the discussion. Logan, do you want to amend your motion with some of the things we talked about, or does someone want to make another motion? Again, we have a motion on the table, and we have to move it somewhat forward or backward, or whatever. We have other things to deal with, too.
- Rachel:** Carl, I can't re-amend it because I seconded it. And if the applicant is okay with what has been stated as far as amending it, I cannot amend it because I seconded it, correct?
- Carl:** I think that's correct unless that particular motion is withdrawn, and you make another motion with those things.
- Rachel:** But it could just be amended at this point, to capture?
- Carl:** Sure, absolutely.
- Rachel:** But I cannot do that.
- Carl:** Logan, are you out there?
- Logan:** I am. I'm just trying to understand. So, you want it amended to reference a bog?
- Carl:** A historic bog, and then add the either 5 ppm or greater oxygen level.
- Rachel:** Over the course of 3 years.
- Carl:** And they've already got a monitor plan for a 3-year period. And I think if you amend that, I think you might have some progress.
- Logan:** Okay. Mr. Chair, I'd like to amend my motion, and I would like to amend that to state – I'd like to call a motion to approve 51 West Main Street / 13 Prospect Street; DEP# 161-0931, to add a water mover to the historically categorized bog resource area. And with the conditions that regular testing will be done, and achieving a DO water improvement of at least 5 ppm or greater.
- Rachel:** Re-seconded.
- Carl:** Okay, we have a motion and it's re-seconded to approve the water mover, considering it a historic bog, with monitoring for 3 years, and to have a minimum set point of 5 ppm or greater for the dissolved oxygen. I didn't state it exactly as it was, but close enough. Is there any further discussion? We've had quite a bit of discussion. Actually, before we do that, I should call and ask, are there any

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abutters out there for 51...I messed up my protocol here – are any abutters to 51 West Main Street?

PUBLIC COMMENTS

Present:

George Comiskey of 45 Old Jacobs Road.

George: I'm not an abutter, but a resident in town; George Comiskey, 45 Old Jacobs Road.

Carl: Okay.

George: I did write a letter to DEP, agreeing with DEP that it is a bog. And, according to testimony from Mr. DeRosa and his responses to DEP, he says he would never put a water mover in a bog. Some of the data I think that Rachel's referring to as far as it's a historic bog, comes from the house history of 13 Prospect Street. My wife does house histories, and she did the house history for the Sheehan's who live there. The vicinity that was discussed at the last hearing indicates that it's a bog. Bogs exist in very low PH conditions, and I think this testing is all well and good, but for Parker River we've been doing testing for a number of years with dissolved oxygen and conductivity, and we're under a Quality Assurance Project Plan – approved by DEP. So, to get the results you want to see on the DO, I would think that would be one of the conditions you would ask for the applicants. But I just wanted to add that. My letter pretty much agreed with some of the test results that ASB has been showing, but was also agreeing with DEP that this is an un-permittable project, and you don't usually get that from DEP. When they site comments on the NOI portal, they're very specific like, the fees didn't come in, or you need to change this on the plan...

Carl: I certainly will agree with that. They rarely write letters; that's why I made the comment earlier that it's all well and good that the Commission may approve it this evening, but the DEP may issue a Superseding.

George: The Commission shouldn't strive to...you should strive to be agreeable with DEP; you shouldn't say, if we approve it, DEP could deny it. I remember a Commissioner a long time ago said, after his term had ended, he said they never had a Superseding Order from DEP, either pro or con. And, I would think that's what your peer review would want; they'd want to get things right, so.

Carl: I agree with that, but occasionally they do. Sometimes it's administratively they'll issue a Superseding.

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George: Anyway, thank you for giving me the opportunity to speak.

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

Logan: I'd like to make a comment. I appreciate Mr. Comiskey's commentary; however, the third-party review does not agree with that assessment, and I guess I have a hard time sometimes with making decisions based on a hypothetical of fear of something happening. Based on the assessment of the third-party review, which was asked by this Commission, paid for by the applicant; nothing states to that point. So, I appreciate it, but I think that's a little extreme view in my opinion – and not consistent with the third-party review by Mr. Martin.

Rachel: But it's still out there. It's still part of this project and is still captured as part of this project by DEP and other people.

Logan: Fair enough.

Rachel: So, we can't say that it doesn't exist and that it's not there, and that it's not valid; because they have every right, especially working with Parker River, to have an opinion on it, and to also have a worked in experience with things like this.

Logan: But Rachel, Rachel, Rachel, Rachel. This isn't opinion, this is science.

Rachel: I said they worked in experience. They literally work with science and Scientists with the Parker River Foundation; therefore, I am saying they literally do this as their job.

Logan: They're in direct conflict with the third-party review opinion.

Rachel: And DEP was also in direct conflict with that already, so I'm saying that there are multiple views here; there are multiple conflicting areas.

Carl: Well, that's true; Scientists don't always agree on everything, so. Even factual science they don't always agree on, and that's why you look at all of the data, and you have to weigh it. So, we've talked quite a bit on this. We've got a motion, an approval motion – the question is, is everyone ready to vote or not ready to vote? Is there more that you want to discuss? Again, we've got a motion of approval on the table.

Paul: I don't know, this Paul Martin from BSC. I feel like I need to chime in a little bit here. I'm looking at the wording from the DEP, and there is no reason given for

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their statement on why it's not permissible. What it says is "project does not appear to be permissible as proposed." Is that because there wasn't enough detail provided in the application? Is it because there were errors and mistakes in form 3? Like, that there's going to be a light or that they're going to remove aquatic vegetation? You cannot say that they are denying this based on the fountain alone, as being a non-permissible activity. They said the application included components that might have made it not permissible; and certainly, if they were going to go in and haul out all kinds of aquatic vegetation, I would not have agreed that this project should go forward.

Rachel: We are not saying that they are definitely going to deny it; we did not say that.

Paul: No, you have said that they have said that it's not permissible, but it's as proposed; you have to use those words if you're going to talk about why something is being denied. If the *as proposed* changes, which it has, because the applicant and Mr. DeRosa provided additional information; they've amended the form 3 to remove some of the questionable actions they had stated they were doing – they're no longer doing them, so we don't know if now the DEP would feel it is permissible.

Carl: Right, and just to comment – I think in your original application, it said it had a light on there, and that would be a very big faux pas for the DEP; to have a fountain on there with a light.

John C: Mr. Chair, you're a hundred percent correct on what you just said. Also, Mr. Martin, thank you because I was trying to get the floor as well, and you beat me to it; and it's better coming from you on those things that you just said, because DEP has not said anything that they're a hundred percent against this or anything. They had questions and stuff, and you said it very well, so thank you for clarifying that. I'm not a Scientist, and I don't know as much as the Commission does – you guys do a great job and I'm not trying to stroke you on that. Your passion shows when some people think these little simple items take so long, I begin to understand more, the more I'm in front of Conservation Commissions – so I compliment you on that. But this is fact, what I'm about to say. I've watched this body of water since I was a little kid, when I used to work at 71 West Main Street, down the street. And, since 2017, I feel like I live at 51 West Main Street, and might as well live in this body of water. This is a body of water, no matter what anyone tries to tell me, that is totally forgotten about; no one ever paid any attention to it whatsoever. All we're asking for is, we're paying attention to it and we're trying to do everything that we can to make it right – please give us the opportunity to get data from it to share with everyone, to see what the right direction is going. But we certainly brought it a long way and have cleaned it up, so again I ask the Commission to give us the opportunity to finish it. Thank you.

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Carl: Okay, very good. So, we have a motion on the table, it's been seconded, we've talked about it. I'm going to call to question. We have a motion to approve with the parameters that were stated by Logan. So, roll call vote, all in favor:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	NAY
Tom Howland	NAY
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

Carl: Okay, I'll entertain a motion to close the Notice of Intent for 51 West Main Street.

Rachel: So moved.

Logan: Seconded.

Carl: We have a motion and it's been seconded to close the Notice of Intent for 51 West Main Street. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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HEARING: SPOFFORD STREET REAR (DEP# 161-0921; GCC# 2022-07)

Spofford Street Rear (DEP# 161-0933; GCC# 2023-03) – NOI - *New*

Tree cutting and stumping of site for the purpose of site improvement and tree farm establishment.

Present:

Andrew Kites (applicant)

Carl: It being on or after 7:20, I'm going to open up a new Notice of Intent for Spofford Street, DEP# 161-0933; GCC# 2023-03. That's tree cutting and stumping of site for the purpose of site improvement and tree farm establishment. If I could have the applicant and/or consultant, and if you could identify yourself for the record, please.

Andrew: Andrew Kites, 135 Spofford.

Carl: Okay. So, Andrew if you could give us where you stand...actually, Julie, did we get green cards for this?

Julie: We didn't get them all, but I did get all of the certified mail receipts.

Carl: Okay. And, Mr. Kites, you had Seekamp do the environmental work out here?

Andrew: That's correct.

Carl: And, there's a MESA review?

Andrew: Also correct, yup.

Carl: Why don't you just run through the project? This started out kind of as an enforcement issue that became a Notice of Intent. Why don't you kind of run through it for us; what the intent was there, for everyone's edification. And what the plan is here.

Andrew: I'd be happy to. Let me attempt to share my screen real quick.

Carl: Sure.

Andrew: If everybody could let me know that they can see it, I'd appreciate it.

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Carl: I can see it.

Andrew: Okay great. First off, thank you Mr. Chairman, and also the Commission. Also, a big thank you to Julie, and Steven and John, for helping me out to get to this point; it's been quite a process. Just to refresh everyone – I think it's been almost a year since I was in this meeting. We're new to the Boxford/Georgetown area, a family of four; my wife and two kids. We moved into this project, probably naively, now that I realize. Our intent was pretty simple; we have a nice piece of property just over the Georgetown line – we are actually located in Boxford, our home. We found the site was kind of well suited for some Christmas tree planting, and we proceeded. We invited the State Forester to come by and walk the property with us, discussed our options, and effectively we landed at the idea of being able to clear some trees and move forward with trying to plant some Christmas trees.

Andrew: This is just an example of the emails back and forth with the then State Forester, Laura Dooley, just explaining our intent here. She was trying to help me interface, give me some connections with local tree growers, so I could also pick their brain a little bit. In the last meeting, and talking with Steven for a number of months, the ask was to go and get a site plan done by a surveyor – we did do that. The ask was also to have Seekamp Environmental, or any environmental firm come through and delineate the wetlands, which we also did; the site plan I believe was in the package that was sent to everybody – and we can move onto where we kind of got to today. Unbeknownst to me, like I said in the last meeting, we thought we were doing the right thing here; we did try to measure everything and make sure that we weren't encroaching – I think we just made a mistake. It's as plain and simple as that. On top of that, we realized after the fact that this was part of the jurisdiction that is under MESA. So, we did go through a MESA review; the documentation was sent, I believe to the Commission, and also to me, and I did speak to that entity as well. They have a number of conditions to proceed with the project, which we will definitely adhere to. We've had a number of people walk the site for us. Like I said, we started with the State Forester; we've also had Mr. Przyjemski here at least twice in the springtime of last year, walking the property with us and evaluating what was here, and talking through what our plans would be to try to correct things. Also, the Boxford Conservation Agent, Ross I believe is his name, was here, and Seekamp Environmental was here twice. So, we've had a number of people walk the property with us at this point. I just captured an email from Steven to Carl and Julie right before he left; I spent a lot of time with Steven. Like I said, we're trying to correct our mistake, and upon his exit he was nice enough to send this email for me, so that we continued the conversation that we had been having. His recommendation after

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talking with Seekamp, was to restore the areas that were within the buffer zone; I definitely agree with that. There has been no top soil disturbance at this point; everything's still there, the stumps are still there. Seekamp Environmental believes that if you leave the stumps as they are, the best chance of re-planting and re-growth, as the stumps will re-sprout; and I do have a picture from 5:00 today, and they certainly are re-sprouting. The other part that Steven mentioned was...I don't know the name of it, but basically trying to show where the buffer line is. I don't know how you do it by the Bylaws, but we talked about options there. One option was, we do have a lot of rocks on-site, and the idea would be to delineate where those buffer lines are, around the wetlands with some sort of loose, fieldstone rock wall. The comments from the MESA review were, they would like to see certain breaks within that wall, to make sure that the blanding turtle can move in and out; and that was their comment, so. This is kind of the history to date. Here's a quick picture, also from the package that was sent over; these were the restoration areas that we were talking about, so we would make sure that we were compliant with the 100-foot buffer around this...this is a vernal pool down here, B1 through 10 or 11. Again, there's an encroachment over here by C4, which I think is a Bordering Vegetated Wetland.

Carl: Correct.

Andrew: Okay, sorry. I'm fumbling my way through this; this is all new to me. Then, finally this area over here, which was an Isolated Vegetated Wetland, and in talking with Steven, he recommended – I think technically the Bylaw states that the 50-foot buffer is a...you know, if you go 52 feet, that would be a good thing to do just in case the line isn't perfect; I don't have any problem doing that. That was where we left it in our conversation, and I think it's reflected in the prior email that I showed. That's all I have; I appreciate everyone's time.

Carl: Thank you. John, do you want to give us your comments on this?

John L: Sure, Mr. Chairman. I do think that this was an unfortunate incident. I think that Mr. Kites has genuinely expressed contrition. He and I have talked many times, and I'm also impressed by his grasp of the Wetlands Act, self-taught; so, he certainly has digested a lot of material. My recommendation would be to issue the Order, including the MESA comments in as conditions.

Carl: I think I would also add that this is one that we wouldn't necessarily accept the wetlands line, because we hadn't gone out and walked it.

John L: That's appropriate, Mr. Chairman.

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- Carl:** Even though for purposes of what he's doing, it's not going to make a difference.
- John L:** Right. But still, as a technical, legal point; that would be stated in the conditions as well.
- Carl:** Right. Any comments from other Commissioners? Again, I think we felt that this action was an error, and Steve felt that, otherwise he would've issued an Enforcement Order and potential fines, but we didn't do that; we felt that we could work with the property owner and come up with a corrective action. Obviously, it was a unique situation because Boxford had to be involved, because the house was in Boxford, so we had to have Boxford ConComm and Georgetown ConComm involved in this project.
- Rachel:** Carl, I have a question. As far as the rock walls, would we require it to be the granite bounds? Would that be better, because then turtles can get through, and does Boxford have the same granite bounds provision?
- Carl:** I think in this case the rock wall is not necessary.... are we using the rock wall as just a defining area for the resource area? We usually use granite bounds for a no-cut, no-disturb type of situation; that's the question.
- Rachel:** Yes, that's my question. And does Boxford have the same?
- Carl:** I think they have similar; I'm not 100% sure, but I think they have a very similar bounds type requirement.
- Rachel:** Okay.
- Carl:** But the land – we're applying Georgetown because the property actually here is in Georgetown, but the house is in Boxford.
- Rachel:** Understood.
- Carl:** John, what are your comments as far as a rock wall? The question is, do we need bounds that are necessary? Because we're not using it as a no-cut, no-disturb zone, are we?
- John L:** No, but would bounds be suitable, even though we would put one of our no-cut, no-disturb medallions on it? I think it would save the same purpose. And it would allow for greater movement of wildlife.

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Rachel: The bounds would?

John L: Yes.

Carl: And normally, we specify where they go, what the distance; and it kind of depends on the topography - whether it's a straight line, you don't need as many. If it's a lot of curves and angles, then you put more so it's more easily definable, where the area that you're keeping out of is.

John L: So, I believe, Mr. Chairman, one way to do this would be granite bounds at intervals of 25-feet, or at inflection points.

Carl: You could do that. We allow both granite and concrete. And, what are the Commissioners' thoughts on that?

John L: Granite is permanent, concrete will deteriorate over time.

Carl: Eventually, yeah.

Rachel: My concern is the Blanding's turtles. I need them to be able to move around as much as they can, because if you've ever seen a turtle, they just wander and wander and wander until they get to where they need to go – and I don't want their habitat to be ruined, or the little hatchlings to then be picked off because they're taking so long to get to where they need to go.

Andrew: I will say that part of the MESA review, there is a submission that has to happen as to what the final plan is; and it has to be approved in writing as one of the conditions in the MESA review.

Rachel: Okay.

Carl: So, the question is – for your submittal, and actually for ours for an approval, do we have to...if the plans are drawn ahead of time, it obviously makes it easier, but these don't have any drawn on here because we just talked about it; and sometimes we allow them to be established by agents in the field, but I really don't want to hold this up because of that.

Rachel: So, then could we go forward with the 25-feet, and then at inflection points? Or are you saying that you don't want to hold it up for bounds?

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- Carl:** No, I think you could specify in the approval; that's one way of doing it. John, comments on if you can specify that in the Order, that they're at every 25-feet or?
- John L:** You can, Mr. Chairman. You could also have the applicant at some point, mark off on the existing plan, where these granite posts would be installed, to be submitted for review and approval by the Commission's agent.
- Carl:** And usually when we motion, we have a plan date. So, we approve a plan date, dated such and such.
- John L:** So, if this plan is not dated, one way to remedy that is to just specify the date during this hearing; identify a date.
- Carl:** Okay.
- John L:** It's unorthodox, yes; typically, we have a date and revision dates.
- Carl:** Right. So, five years from now when we pull it out, we can say *this is the plan, this is the approved plan*.
- John L:** It has to be dated, without a doubt.
- Rachel:** So, when it comes in to be approved, would it be coming in digitally, or would it be coming in a large format, and could it be then stamped once it's in the office?
- John L:** It could be both, and I would recommend both – electronic and hard copy, and stamped, yes. And I would also have the applicant put a revision date on it.
- Andrew:** I do have a revision of the plan.
- Carl:** Normally when Seekamp does the work, they will specify on their work, they're going to specify who did it and what the date is.
- John L:** And that's part of the Order of Conditions; drawn by, stamped by.
- Carl:** Right.
- Andrew:** What was submitted is a stamped plan. Are we saying that what is submitted isn't (inaudible)?

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Carl: No, I just don't have it, I'm not seeing it in front of me. Basically, when we make motions, we usually will reference the plan and the date, so it's part of the actual legal motion; we're approving the plan dated you know, eighteenth of May 2023, or whatever.

Andrew: I see.

Carl: Revision one, or whatever it is. A lot of times these things go through multiple revisions, and we want to make sure we're approving the right one.

John L: And MESA would want that date as well.

Carl: Right.

Andrew: The full plan was definitely submitted to the Commission; are we just saying that we don't have it?

Carl: Digitally, I just don't see it in front of me. So, if I'm asking one of the Commissioners to make a motion, I want them to include the date on that, in part of the motion.

Rachel: What I'm seeing in front of me right now is a screen share, so if I go into my emails to find this, will I be seeing a revision date?

Andrew: Yes. I can probably pull it up really fast. Let me try to screen share again here. Is anybody able to see?

Tom: There it is, yup.

Rachel: Can somebody zoom into it, because I don't have my glasses on and can't see the date?

Andrew: It's February thirteenth.

Rachel: Is that the revision date, or is that the original date?

Andrew: This was the only one.

Rachel: Thank you.

Andrew: You're welcome.

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Carl: Okay, are there anymore comments on this at this point?

John L: Mr. Chairman, we do have a date. We do have a signed, stamped copy with the date of February thirteenth.

Rachel: And that's this year, correct?

John L: 2023.

Rachel: Okay.

Carl: Okay, are there any abutters? I'll just open it up to any abutters. Are there any abutters to Spofford Street Rear; DEP# 161-0933? If you'd like to make comments, please identify yourself.

*No one comes forward.

Carl: Hearing none. Are there any other comments from Commissioners?

*No one comes forward.

Carl: Does anyone want to entertain a motion?

Rachel: Mr. Chairman, let's see if I can capture this. I'd like to approve the plan for Spofford Street Rear dated February 13, 2023, with granite bounds at 25-foot intervals and inflection points. And, do we want turtle plaques on those as well?

Carl: Well, I don't know if they're turtle plaques, but they're the Georgetown Conservation Commission emblems, just so people know that it's a no-disturb area.

Rachel: The no-disturb area to be reviewed by the agent?

John L: Mr. Chairman, if I understand the motion, it would be to have the applicant resubmit this plan with some sort of identification as to where the granite bounds would be – maybe an X along the line, at 25-foot intervals and at inflection points, for review and approval by the agent. Is that correct?

Rachel: Yes, thank you very much; you stated that much more eloquently.

Carl: And, is there a second for that motion?

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- Tom:** Are we accepting the wetlands boundary, too?
- Rachel:** No, not accepting the wetland line.
- Tom:** Okay.
- Carl:** That's why I brought that point up earlier, so thank you, Tom. Not accepting the wetland line. Is there a second for that motion?
- Tom:** Second, Howland.
- Carl:** We have a motion, and it's been seconded to approve the Notice of Intent with not accepting the wetland line, and also installing granite bounds every 25-feet and at inflection points, with Georgetown Conservation Commission markers; little plaques that are glued at the top. Also, I don't know if you want to include the comments from the MESA review.
- Rachel:** Yes, including the comments from the MESA review; I amend my motion.
- Tom:** And second, Howland.
- Carl:** Okay. It's been re-motioned and re-seconded; is there any further discussion?
- John L:** Mr. Chairman, if I may?
- Carl:** You may.
- John L:** Does the Commission wish to have a date and time certain that the revised plan shall be submitted for review?
- Tom:** Next meeting?
- Carl:** Well, let's ask the applicant. Mr. Kites, when do you think you could get the changes; and, they're actually pretty minor, to that plan? I mean, they're basically just that you're putting little blocks on the line.
- Julie:** Carl, I'm sorry – could I interrupt really quick?
- Carl:** Sure.

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Julie: If you guys already made the motion to approve, and the plan was dated 2/13, and he's submitting a new plan, that's not going to work – because the plan will be revised; it'll have a new revision date. I don't know how you want to handle that.

Carl: Occasionally, what we'd do when we'd have live meetings is we'd actually mark up the live plan right on the floor if necessary, and we would put the markers right on there; but it's a little tougher, digitally to do that.

Julie: Yeah, especially where I have to fill out the paperwork.

Carl: So the question is, and that's really why I asked before and brought up the comment – we can actually just specify in the motion, but ideally it's nice to have it on the plan; but I don't necessarily want to hold this particular one up just for that, because you'd have to wait another month to have another meeting, just to submit a new plan.

Andrew: I did just share another stamped plan that we had, that does have these no-cut bound markers.

Carl: Oh, okay.

Andrew: Is that what we're talking about?

Carl: Yes, yes.

Andrew: Okay. This has a different date on it.

Carl: So, if everything else is the same, and it's got the bounds on it, then we should go with that one.

Rachel: What date is that?

Tom: December 7, 2022.

Logan: Good eyes, Tom.

Andrew: Yup that's perfect, December seventh.

Rachel: December 7, 2023?

Andrew: 2022.

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- Julie:** Wait, how is that the revised plan, if the original plan was dated February 13, 2023?
- Rachel:** That's what I was just going to ask.
- Carl:** Yeah, what was changed, do we know?
- Andrew:** The only thing that changed was the conversation with Steven. So, when we originally started, Steven said the no-cut bounds may be needed; when we started talking about the rocks that we had, he said another option, probably cheaper, which I was looking for, would be to use rock walls – and that's where the second plan came. So, those are the dates.
- Carl:** Okay, so that was a different one. One would be rocks, and it seems like the Commission wants the bounds, so then we would go with that plan.
- Rachel:** So, I amend my amendment to the plan dated December 7, 2022.
- Tom:** Second, Howland.
- Carl:** Okay. Motion amended and seconded, to a plan dated December 7, 2022. Is there any further discussion? Again, we're not accepting the wetland line. Roll call vote; all in favor:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

- Carl:** And, I'll entertain a motion to close the Notice of Intent for Spofford Street Rear.
- Rachel:** So moved.
- Tom:** Second, Howland.

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Carl: We have a motion, and it's been seconded to approve the Notice of Intent for Spofford Street Rear. All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

HEARING: 121 LAKESHORE DRIVE (GCC# 2023-05)

121 Lakeshore Drive (GCC# 2023-05) – RDA – New

Replace an existing deck with the same footprint.

Present:

Michael Buonfiglio (applicant)

Carl: It being on or after 7:30, I'm going to open up a new RDA for 121 Lakeshore Drive; GCC# 2023-05. That's to replace an existing deck with the same footprint. This should be pretty straight forward. Do we have an applicant here?

Michael: Yes.

Carl: Can you just identify yourself for the record, please?

Michael: Mike Buonfiglio, owner of the property.

Carl: Okay, and this is going to be a direct replacement? Same footprint, no larger, am I correct?

Michael: Exactly, yup.

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Carl: Yup, this is pretty straight forward. And, are you using the same footings, or are you putting new ones in?

Michael: We're going to be, hopefully using the same ones, but if we need to, we're going to be putting new ones in; and if we do put new ones in, it's all going to be hand digging.

Carl: Okay. Would you be using pre-cast concrete ones, or sonar tubes or something like that?

Michael: Yeah, sonar tubes.

Carl: Okay. Any comments from Commissioners?

*No one comes forward.

Carl: What was the size of the deck? I forget.

Michael: It wraps around the house, so it's not like a standard size.

Carl: So, it's like an L-shaped deck around the house?

Michael: Yeah, it's about 20-feet wide, and then it goes out about 8-feet on each side.

Rachel: Since we have the plans that have been emailed to us, but the public doesn't, could you please share your screen – if that's okay, Carl?

Carl: Yeah, that's fine.

Michael: Yeah, no problem.

*Michael shares his screen.

Michael: Can you guys see that?

Carl: Yes.

Rachel: Yes.

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Michael: So, this is the deck, and it's going 8-feet out. It goes about 12-feet this way, and then another 8-foot out this way. And then it just wraps around; we're just staying in the exact footprint.

Carl: Okay. Since it was a pre-existing building and a pre-existing deck, this is just a direct replacement; I really don't have an issue with this kind of thing.

Rachel: And it is wood, just to clarify?

Michael: Correct.

Rachel: Okay.

Carl: And, assuming you're using pressure treated, or what's that synthetic stuff they're using these days?

Michael: For the posts we're using pressure treated, and for the deck we'll use composite.

Carl: Okay. I don't have a problem with this, so. Any comments from other Commissioners? This is an RDA; we'd be looking for a negative determination; because if you say a positive determination then you'd have to do an NOI.

Rachel: So moved.

Tom: Second, Howland.

Carl: We have a motion, and it's been seconded to issue a negative determination for 121 Lakeshore Drive. And before we call to question, I'm going to ask – are there any abutters to 121 Lakeshore Drive?

*No one comes forward.

Carl: Not hearing any. Alright, any further discussion on this?

John L: Mr. Chairman, is this just for Commissioners or am I allowed to make a comment?

Carl: I'll let you talk.

John L: Thank you. As a procedural matter, Mr. Chairman, there is an open Order of Conditions, which was issued but never recorded. So, the Commission is in a

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slight dilemma to proceed with this, or to wait until the Order of Conditions, which has been lost, is re-issued and recorded on the deed. The Commission can also approve to re-issue the Order, because that is an administrative act, and also issue a negative determination if it so decides; or you could take these separately.

Carl: I mean, if the original Order is lost and it could take some time to look for it, I would think that it might make sense to re-issue one, and bring this to fruition in this hearing. Otherwise, we're going to have to carry this – and I understand this deck is falling off, or in very bad shape?

Michael: Yeah, it's pretty bad.

Julie: Carl? I'm sorry, can I add something?

Carl: Go ahead, Julie.

Julie: The old Order of Conditions – I just want to clarify that it was for a septic system, and the Board of Health provided me with an as-built plan for that septic system, so I don't think it would be an issue for you guys to vote to re-issue the Order of Conditions tonight as well as issue a negative determination for the RDA.

Carl: That sounds like a plan. Thank you, Julie.

Rachel: Problem solving all over the place, guys.

Carl: So yeah, that would seem to be the way to go on this particular case.

Rachel: You need me to amend the regular motion?

Carl: Yes. You could do it two ways; you could make a motion to re-issue the Order for the septic, the lost Order, and then make another motion – or do it in one motion.

Rachel: I would like to amend my motion to include re-issuing the Order of Conditions for the septic system for 121 Lakeshore Drive, with a negative determination for the RDA for the deck.

Chris: Second, Candia.

Carl: We have a motion, and it's been seconded to re-issue the Order of Conditions for the septic system for 121 Lakeshore Drive, and issue a negative determination for

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the replacement of an existing deck; and that's GCC# 2023-05. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

Carl: I'll entertain a motion to close the RDA for 121 Lakeshore.

Rachel: So moved.

Tom: Second, Howland.

Carl: We have a motion, and it's been seconded to close the RDA for 121 Lakeshore Drive. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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BUSINESS: NEW SEPTIC SYSTEM AT CAMP DENISON

Present:

Jim Lacey of Camp Denison

Harry Nelson of Camp Denison

Carl: Okay. I think we have one discussion item and the minutes to take care of. We were going to discuss the Camp Denison septic. Is Jim Lacey out there?

Tom: He was.

Julie: He is. He looks like he's trying to talk. Jim, you're not on mute so I don't know. Yeah, he's trying to talk. We can't hear you, Jim.

Jim: Can you hear me?

Carl: We can hear you, Jim.

Jim: Good.

Carl: So, how this all kind of started is, we saw an invoice for a septic system; I guess we weren't fully up to speed with what the plans were at the Camp, and I wanted to get us a little more attuned of what some of the things you guys were talking about, and plans – cause frankly, we weren't really attuned to some of the things you were talking about and planning down there. Let's talk a little bit about that.

Jim: We've been trying for a couple of years now, to upgrade the apartment for our Camp manager for a couple of reasons. One is, the one he's in right now is sub-standard housing; and he's 72, and at some point, he's going to retire, and we'll need another camp manager. That facility does not function without a manager on-site. Our concern is that the present apartment is such that we would not be able to attract anyone to come and live on-site and manage it. So, we've tried on several occasions to get CPC money, and we've been rebuffed both times. Around Christmas time, we tried getting money through the CIP, through Orlando, and our original proposal he felt was too expensive. What that was, just to back up a little bit – we wanted to replace the building. If you're familiar with Camp Denison, that manager's apartment is on the right as you look at the Main Lodge. We're actually going to tear that down and have a pre-built building put in there. It was very expensive; it was going to be about \$180,000. When we submitted the money to the CIP, which is essentially Orlando, he also thought that that was really too much money. So, we went to a secondary plan, which was to use our Nature Center, which is an existing building that we occasionally rent out.

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- Carl:** I remember you had the Nature Center for teaching and education.
- Jim:** Right, that's right.
- Carl:** The question is, you don't need it for that anymore?
- Jim:** No, not really. There's actually someone who has an office in there now; it's the guy who runs the summer program. He essentially works out of Camp Denison, so fundamentally we don't use that. So, our plan was to move the apartment to the Nature Center. We're proposing to move to the Nature Center, but the Nature Center doesn't have a septic system – so that's where we are with that. We actually contracted someone to do a plan for the septic system, and to do the test pits and everything to make sure that that whole idea worked. That's as far as we (inaudible). We have some, we have a plan, and we're looking to get some financing now to go forward with the whole idea; to do the septic system and to re-do the internals of the building. Right now, there's one-bedroom, there's no bathroom, there is like a living area; so, the volunteers would re-do the inside of the building, and the plan is to install electric heat – and again, put a bathroom and a kitchen in there, to make an entire apartment.
- Harry:** And then move the Nature Center into the existing manager's apartment after we do the rehab.
- Jim:** Then the plan is to move the gentleman that's in the Nature Center now, into the old apartment. We'd do a little bit of work on that, and then he would move into there. And, it's a lot cheaper; a septic system is \$35,000 or \$40,000, and another \$30,000 to re-do the inside of the building – as opposed to \$180,000.
- Carl:** One of the things that I brought up before; as we talk about major changes, we also have to have some kind of discussions with our neighbors in Boxford, too. If we're doing major construction down there, we kind of keep them in the loop, because we do have an MOU with them, and as part of the whole purchase of that we agreed to keep them informed. Actually, we've been down there a couple times on site walks, just to kind of walk around together.
- Jim:** We're not constructing a building.
- Carl:** That was the initial concern when you were talking about putting a pre-fab building on the back; then you've got a historical building, and it's like eh...
- Jim:** Yeah, that really wasn't true - that's not a historical building; it's old, but not historical. As far as the Nature Center's concerned, again we're renovating the inside of the building. We are putting in the septic system on the back of the

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building, so it's outside of all the buffer zones. We had an environmental study done, and we have a plan, and it is outside of all buffer zones.

Carl: And what concerned me is, we normally have - the Town has a sign-off sheet for departments to sign off; I never saw this thing. Julie, did we ever see a sign-off sheet from the departments for the project here?

Harry: If I might chime in. We have very consistently, since December, I think - Mr. Lacey has provided the Conservation Commission with copies of a multitude of correspondence; emails and so-forth, showing that we have in fact kept Steve very much up to date on it, and also included another member of your Board in the correspondence for it. And, I think there are over 23 pieces of correspondence showing or indicating what we're doing, and the fact that Steve was in the discussion, and a couple of meetings we had with Orlando on-site...

Carl: Right, I get that. Orlando shouldn't be signing off on anything; this is a Conservation property, so it really should've come to us.

Jim: The only thing that Orlando signed off on was the contract for someone to do a plan; and he is the procuring officer.

Carl: Yeah, so what I'm what saying is, for every permit that goes through the Town, there's a sign-off sheet for all the departments to sign off on it; Planning, Board of Health, Conservation – whether we have any issues with it. I don't recall seeing one for this particular project.

Jim: No, we didn't do one. The problem we're having is, when Steve left, Steve was essentially our manager, and when he left there's no thread for us.

Carl: Exactly, hence that's why I wanted you guys to come in and chat with us.

Jim: If there's something that we need to do, like that sign-off sheet, we'd be happy to do it.

Carl: Yeah, that's not specific to you guys, that's specific for any project that comes through the Town. So, anyone that wants to do any kind of permit stuff – so, if the Board of Health is saying *yeah, it's okay*, we also would see that, and everyone kind of says *yeah, it doesn't have a Conservation issue, it does*, and everyone kind of signs – the department heads would sign off on it. That's what normally would happen on any, whether it was a private project or anything.

Jim: Really? Okay. We will (inaudible) to that.

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- Carl:** That's how we normally catch these things, because it's like, oh, someone wants to put a garage in – does it have a Conservation issue or not? If it doesn't and we look at it and say *no, this doesn't, this is outside our jurisdiction, it's okay*. So, we never saw one for this, that's all I'm saying.
- Harry:** We appreciate that concern, and very much as residents of the community, are anxious for that to happen. We felt that by the information, the meetings, and the correspondence directly with Steve and with Mrs. Bancroft, that we were doing our due diligence, if you will, in providing that info. If there technically was an additional sheet that we should've had, we'd be happy to perform...
- Carl:** We just weren't up to speed on this, and that's why when I contacted Jim, I said "let's re-group, have some discussion about that the plans were", because it's been a while since we chatted with you folks, and we want to make sure we're not in the dark and everyone including the Library Commission knows what's going on, but we don't. So that's kind of why I decided to have this discussion. And again, we'd like to know what the plans are; not just for septic, but the grand plans. Again, that's why we had to develop this Management Plan through the State and everything, and it gets updated so we all know what's going on.
- Rachel:** And to clarify, Carl, this is Rachel Bancroft; that is why I brought it to your attention. So yes, I brought it to your attention because it needed to come in front of us; we needed to discuss it, we needed to talk about it. It is not something that can just be signed off on by one of us, or one Commissioner; it has to come in front of the entire Conservation Commission.
- Carl:** And, in reality it's not just the agent to say *go ahead and do it*. Yes, the agent was kind of acting as a manager, but even the agent has to kind of keep us informed and bring and say, *oh, by the way, this is going on, this is something they want to do*. And I mean, in reality, when you guys want to throw in major CPC projects, normally, like with Open Space, before they bring it to CPC, they come to us and say *what do you guys think of this? Is this something that you guys want to support and back?* I shouldn't find out about a CPC project for \$250,000 or whatever, and it's like, oh I didn't even know about that.
- Jim:** I think in the Management Plan, it's in there; it's in the back of the Management Plan. And I think – I may be wrong, but again we applied for this first time in 2020 to the CPC, and I think we did talk to you; cause it's in the Management Plan. I went back and looked at the versions, and it was in the original version.
- Carl:** I don't remember it, but I'm not saying it didn't happen; I just don't remember it. So again, the whole point is to kind of keep a little closer communication so we know that projects, cause maybe we want to jump behind you and support it and

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say *yeah*. Like on the other CPC projects, we vote to actually support them to the CPC – we'll say *ConComm voted in favor of this*, and we back it.

Harry: I guess the point at this stage would be – what is it that you would like from us, other than the background information that we provided? We're tickled pink to give you the info.

Carl: The invoices that Rachel had cued me in on – that work has already been done; some engineering, but nothing else has been done?

Jim: We have an engineering plan, and (inaudible) it passed – so everything is fine as far as we can tell. The Health Department has accepted it.

Carl: Julie, do we have plans for this in the office?

Julie: Plans?

Jim: We just got the plan.

Carl: One thing is you could just forward us the plan, just so I can take a look at them. I understand it's outside the 100', but we're not filing it as an NOI; just, we'd like to take a look at it.

Harry: Absolutely.

Jim: Actually, I have a plan that I can drop off.

Carl: Okay, that'd be great.

Jim: I can drop it off on Monday. What I would like to do right now is to get our invoices signed.

Carl: That process really hasn't changed right now.

Jim: Okay, I wasn't aware of that.

Carl: Yeah, it's the same process, so nothing's changed with that; just bring them on down and we can get them signed.

Rachel: Carl, just to clarify – the other invoices have gone through, I have signed them. It's still the same thing; you contact Julie, you contact myself, email them – I am the single-signer, and I go through them. This is the one thing that was a pause, because it had not really come in front of the entire Conservation Commission. Even with Steve leaving, it still goes through Julie and myself.

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- Jim:** Right, okay. I've been doing that, but just what happened in the past couple of weeks, I wasn't sure that you were able to sign off on it.
- Rachel:** Yes, I am.
- Jim:** And that's fine, I'm not complaining about that; that's worked. So now, where I am, is there any possible chance that if we put some invoices at the police department, you could sign them? Because Mary said that she'd take them on Monday morning.
- Carl:** Yeah, put them in a folder in the police department. We do that all the time with documentation.
- Julie:** Yes, however, Mary's not going to get them by Monday morning because you guys all need to make your way down to the police station before then, and...
- Jim:** My question is, could Rachel do that? Is she willing to?
- Julie:** Oh, she's the single-signer. Correct.
- Rachel:** I'm the single-signer, but Carl is asking to see the plans. Carl and the entire Commission needs to see the plans. Those need to be emailed in; I think that's what you're asking for, Carl.
- Carl:** Yeah, I'd like the Commission to see copies of them; I don't know if you have them hard copy or digital.
- Jim:** We have hard copies. We could digitize them at the Planning Department. My point is – we have a plan, and what I'm asking for is, can we pay the guy that made the plan? Because we're not going forward with the plan; what we did was get a plan – that's where we are.
- Carl:** So, the work has been done, we have to pay the guy.
- Jim:** Right, thank you – that's what we want to do.
- Carl:** But again, it brought up the question of, what is this stuff? We don't know about this, so. If it's done, then we're obligated to pay the person who did the work.
- Rachel:** Carl, do you still want to see that plan before I sign?
- Carl:** If possible.
- Harry:** You tell me where and I will deliver a set of plans.

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- Carl:** You can deliver them down to the police station.
- Julie:** They can bring them right to the office. I'll be there on Monday.
- Rachel:** And then Julie, can you send them to the entire Conservation Commission, please?
- Julie:** Yes. So, you can bring them to the office, you can bring them to me – I'll be there by 8:30.
- Harry:** Alright, I'll see you there on Monday morning.
- Julie:** That sounds great, thank you.
- Harry:** What we have are hard copies. Is one hard copy sufficient, or do you want me to get some additional copies so that each Board member can have one?
- Julie:** If the Commissioners want to speak on whether or not they want to see a hard copy, but usually I ask for one hard copy and one electronic copy if you have it. If you don't, I can probably find a way to scan that in, in the Town Hall.
- Harry:** I do not have an electronic copy. The Board of Health has a full set of plans as well, but I will bring the set to you at 8:30 on Monday, Julie, and we can go from there.
- Julie:** Okay, that sounds great. Thank you so much.
- Harry:** I really appreciate it.
- Jim:** I think the Planning Board has a scanner that'll take the large documents – so it can be digitized in the Planning Department.
- Julie:** I think it's the Assessor's Office now, but I'll find out.
- Jim:** Right, but there is one; a large format scanner.
- Julie:** Correct, there is one. I'll find out for sure and I'll scan them in for the Commission.
- Carl:** Jim, mid-day you sent me a bunch of documents related to some of the activities, and I forwarded them to Julie. So, what I'd like is to make sure all the Commissioners to get an opportunity to just breeze some of the documents of some of the things happening, some of the plans that have discussion; and again, this is not a hearing that we're in now, but again, I wanted to bring everyone up to

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speed on some of the activities going on, and some of the things you were talking about – about future activities and us being in the loop, so we know what's going on down there.

Jim: Could we all go down to Camp Denison some time? Would people be interested in that and seeing what we're doing?

Carl: Yeah, I think that would be a great idea at some point.

Jim: We'd love to do that.

Carl: Yeah, just a quick walk around. You guys can do a little show and tell. I think that would be a great idea.

Harry: Have you come out and take a look. The place is really cleaning up after a very tough winter/spring area, with a lot of activity going on. So, it's nice to see some good action and a lot of kids floating around.

Carl: While we're here, one thing I was going to question was, I haven't seen any contracts for the summer educational program. Normally, we see the contract and sign off on that, because usually we'll get our request also for scholarships and things like that; although we don't have a lot of money these days.

Jim: I had forgotten that. Andrew sends you that and you sign off on it?

Carl: Yeah, we always have a signature authority; we've been doing that for years.

Jim: Oh, okay.

Carl: Usually it's by like December or January of that year, so it's way before the camp occurs. We've always done that.

Jim: I will contact Andrew tomorrow.

Carl: Yeah, if you could do that. I was like, why aren't we seeing that; are they still having it? I haven't heard anything.

Jim: We'll definitely be doing that.

Carl: We were certainly behind the Camp, that's why I thought of it. If you could follow up on that and make sure we get a copy, I'm sure we're good to approve that.

Jim: Okay.

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- Rachel:** Carl, would we want to see him or that in the next meeting?
- Jim:** We can get it to him before that.
- Carl:** Sometimes what has occurred, is we've had the camp manager and not who runs the environmental camp come in and chat with us, but that usually happened in the first couple of years when that was a new camp. But, in the later years we didn't even have him come in because we're familiar with the type of camp he was running, and we were familiar with the contract – but you could reach out to him and see if he wants to pop in, since it's Zoom right now.
- Rachel:** I'm only asking in case there are any items that we would need to try to find money for, as far as funding a camper, etcetera. We can't do that without the ConComm having that in front of us. It would come into the office before the next meeting, and then next meeting we would then meet about it.
- Carl:** Right, that would be a vote. That's really why I wanted to bring up the whole issue, because I hadn't seen anything, and it's something that's come before us for years. So, if we could make that happen, that would be good.
- Jim:** We will.
- Carl:** Does any other Commissioners have any other questions for our Camp Den folks right now? Again, this isn't a hearing, this is just kind of an update on what was going on there with septic. Again, I sent Julie a bunch of documents, and she can make sure she forwards them out to everyone, with some of the activities that they want to do. Again, CPC projects – throw them to us also and say *hey, what do you guys think of this*, before you go to CPC.
- Jim:** Okay, yes.
- Carl:** So, anything else that we need to talk about right now? Again, this was just kind of a little bit of an update and explanation of what was going on there. If not, I'm good right now. And I thank you guys for sticking it out and hanging out online with us.
- Harry:** I thank you for having us, and Julie, I'll see you at 8:30.
- Carl:** Alright, thanks Harry. Thanks Jim, I appreciate you coming.
- Harry:** Thank you, gentlemen and ladies.

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- Carl:** Let's see, I think the only thing we have are meeting minutes; is that correct? I'm going down the list here. Does anyone want to make a motion for the meeting minutes of February sixteenth and March sixteenth? Were there any comments or changes?
- Rachel:** Before we go any further, I just want to thank Julie for everything she's doing.
- Carl:** She's done an amazing job.
- Rachel:** Not just the minutes. I mean, her minutes are impeccable, but I want to thank her for every single thing she's doing – it's a herculean effort.
- Carl:** It's a surely challenging time right now.
- Tom:** Amen.
- Chris:** Agreed. Wholeheartedly agreed.
- Julie:** Thank you. Carl, real quick – nobody voted on the COC request, business item #10, for the utility right-of-way.
- Carl:** Oh yeah, we missed that one.
- Rachel:** And, we would've missed it without Julie, so thank you.
- Logan:** Didn't we miss 9, too?
- Carl:** No, we voted on that one. I asked John about that one.
- Julie:** Yes, Rachel made the motion and Tom seconded it.
- Carl:** So, let's talk about the utility one. Thanks for bringing them up, there were a whole bunch of them.

BUSINESS: COC REQUEST FOR UTILITY RIGHT-OF-WAY NORTHEAST OF THURLOW STREET (DEP# 161-0901; GCC# 2020-15)

- Carl:** So, #10 was a COC request for utility right-of-way Northeast of Thurlow Street; DEP# 161-0901. John, are there any issues with this?
- John L:** I have no issues with it, Mr. Chairman.
- Carl:** Okay. I'd entertain a motion on this one, to issue a COC.
- Chris:** So moved, Candia.

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Tom: Second, Howland.

Carl: We have a motion, and it's seconded to issue a COC for the utility right-of-way Northeast of Thurlow Street. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

BUSINESS: APPROVE MEETING MINUTES FROM FEBRUARY AND MARCH 2023

Carl: So, now may be the last thing we have are the meeting minutes.

Tom: Carl, I wasn't there for the March sixteenth meeting. I had a correction on it, because I read them; a minor correction, was the address for George Comiskey. The address was 25 (Old Jacobs Road), but it really should've been 45 (Old Jacobs Road).

Carl: Noted.

Tom: And, should I abstain because you're going to vote for them together?

Carl: Yeah, you probably should, but your comment can be valid.

Julie: So, I can make the change on Monday. I'll resend it out to you. Is it okay, once I send it out to you with the corrected address, to add it to the website after that? I just want to make sure, because I don't want to push it out to another meeting just to correct that address.

Carl: Yeah, I don't think you need to.

Julie: Okay, thank you.

Carl: So, I will entertain a motion for the meeting minutes for February sixteenth and March sixteenth, with the correction so noted.

Chris: So moved.

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Logan: Second, Umberger.

Carl: We have a motion, it's seconded to approve the meeting minutes from February 16, 2023 and March 16, 2023 with a correction as noted. Is there any further discussion? All in favor, roll call vote:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	ABSTAINED
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

CLOSING THE MEETING

Carl: Wow, all we have left to do is if there's any further discussion or anything. If not, I'd entertain a motion to close this meeting because it's just about 10:00.

Tom: So moved.

Rachel: Wait, two seconds, two seconds. I just want to let Julie know that if she needs anything, to please, please reach out. Because we're here for her, and we're here to back her up in what she needs.

Chris: Agreed.

Julie: Thank you.

Carl: We appreciate all your effort. It's outstanding.

Julie: It's difficult because being in the office, I know there's only so much the Commission can do without being physically present. But thank you.

Rachel: But, Julie, if you need any of us, just call us – because we can pop in, or we can make a time to pop in.

Julie: Okay. Thank you so much, I appreciate it.

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Carl: Thank you, again. Again, I'll entertain a motion to close the meeting.

Tom: So moved.

Chris: Second.

Rachel: Second.

Carl: We have a motion and two seconds, to close the meeting. All in favor:

ROLL CALL

Rachel Bancroft	AYE
Chris Candia	AYE
Tom Howland	AYE
Logan Umberger	AYE
Carl Shreder	AYE

Motion carries.

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

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

This section is for approving the meeting minutes

Minutes for the Conservation Commission meeting held on May 18, 2023 were approved by a virtual roll call vote on June 15, 2023. The Chairman will sign the Meeting Minutes when in-person meetings resume.

Respectfully submitted,

Chairman: _____
(signature)