

Committee: \_\_\_\_\_ Conservation Commission \_\_\_\_\_

Date: \_\_\_\_\_ January 19, 2017 \_\_\_\_\_

Time: \_\_\_\_\_ 7:00pm \_\_\_\_\_

Location: \_\_\_\_\_ 3<sup>rd</sup> Floor Town Hall \_\_\_\_\_

Members & Staff present: \_\_Nick Feitz, Carl Shreder, Rachel Bancroft, Laura Repplier & Susan Flint-Vincent

Members not present: \_\_\_\_\_ Rae Baldwin \_\_\_\_\_

The meeting was called to order at: \_\_\_\_\_ 7:04pm \_\_\_\_\_

## Conservation Commission Meeting

January 19, 2017

### Hearings:

#### 13 Bailey Lane (GCC 2016-20; DEP#161-0833) NOI - (cont.)

**Tracy Peter**, Peter Environmental Consulting, LLC

Discussion re: relocation of proposed rock wall 4' T (footing 8" deep x 3'W), 40' linear feet inside the 50' buffer is proposed, down from 56' linear feet.

**Nick Feitz:** Did the owner consider any other alternatives? The wall wouldn't allow any flow of water towards the wetlands. Wouldn't allow any critters to pass through the wall.

**Tracy Peter:** He would consider a 2.5'H wall, but a stockade fence behind it. It's only 8" deep, so any pooling water will infiltrate into the soil.

**Carl Shreder:** More of a natural wall might make more sense.

**Laura Repplier:** The entire wall is within the 75' buffer. It's also a National Heritage Site, which is a firm 100' buffer zone. It's a very large imposing structure in a wellhead area, a Zone 2. That also makes it a special condition and good reason to hold the 100' buffer. It increases my concern regarding the access of the water towards the wetlands.

**Tracy Peter:** It doesn't matter it's in the same aquifer. The water will reach it regardless. There are no environmental impacts that would harm either the well, or the endangered species.

**Laura Repplier:** We don't allow structures of this magnitude within the 100' special condition zone which can be defined by either one of the two natural heritage area or the wellhead area.

**Tracy Peter:** Are you saying this meets the Wetlands Protection Act?

**Carl Shreder:** Yes, it meets the state act I believe, but as you know this is a dual hearing, state and local hearings. So we work off the most stringent requirement, which is the bylaw.

**Rachel Bancroft:** This seems like a retaining wall.

**Tracy Peter:** It would function in that way. Is it the location or the type of fence? Or is it both?

**Carl Shreder:** I can live with fence posts where salamanders, frogs and water can go under it but dogs cannot. Is the applicant open to some variation as to construction? It is a no disturb type area, so we're looking for going as little impact as possible.

**Tracy Peter:** Would you have an issue with the plantings? They would be native.

**Carl Shreder:** Not per se, as long as they are native.

**Laura Repplier:** You could create quite a privacy barrier with plantings without even a wall that would keep people, dogs, animals, prying eyes out without any building required that would allow all of the natural functions to continue.

**Tracy Peter:** Why don't I go back and ask the homeowner.

**Carl Shreder:** We want to try to work with people on their properties, not just say, "No." But we are also trying to work with the bylaws which are more stringent than the Wetlands Protection Act. They would have to be to be valid. We codified this a number of years ago actually to make things clearer. Follow the rules and it's really easy, but everyone wants a little bit more.

If you're looking for more info on the Parker River, I would encourage you to contact Steve.

**Nick Feitz:** Makes a motion to continue 13 Bailey Lane (GCC 2016-20; DEP#161-0833) NOI to February 16, 2017 @ 7:15pm

**Rachel Bancroft:** Seconds the motion.

Motion carries unanimously.

#### **64-74 East Main Street (GCC 2017; DEP#161-0835) NOI - (cont.)**

**Laura Repplier:** Makes a motion to continue to February @ 7:10pm

**Nick Feitz:** Seconds the motion.

Motion carries unanimously.

Discussion:

**Craig Marchionda, 9 Beverly Drive**

**Craig Marchionda:** 2 trees: 1 oak, 36" - 6' from the corner of the house; 1 ash, 33" - 9' from the side of the house.

**Craig Marchionda:** It's not that I want to, it's more that I have to at this point. Fairly sizable branches have fallen on our home, and have woken us up, and my truck causing \$3000 worth of damage. I was without a truck for a week and a half while it was getting fixed.

**Carl Shreder:** The normal process is you file a Notice of Intent. If you tell me there's a tree that's going to fall on my truck tomorrow, there's an Emergency Order you can get to remove the trees. You still need to file a Notice of Intent after the fact. I guess in this case we would need to see some paperwork to go through the process.

**Laura Repplier:** Are there wetlands near you? Why are you here with us?

**Craig Marchionda:** There's a small culvert that runs under the road. One tree is just over 50' away from the brook, and one's 60' away from the brook.

**Carl Shreder:** Steve thinks the trees are technically healthy, so that's why he wants the Commission to hear the case. If he felt the trees were rotten he probably would have done that on his own. He didn't want to keep it from the Commission, that's why he steered it to the Commission to say, "You guys make the call whether you want the homeowner to file or not."

**Carl Shreder:** I understand your concern and we would certainly entertain this and hear it but it should go through a process so everyone isn't questioning, "How many trees is necessary to file and NOI or not, especially not if they're healthy."

**Craig Marchionda:** The Ash looked pretty well during the season, in the fall doesn't look so great now. There's been more than one experience. In August they fell on the truck, a couple of weeks ago we had branches fall on the house.

**Nick Feitz:** Do you have branches hanging over the house now?

**Craig Marchionda:** Yes sir.

**Nick Feitz:** So you're concerned if you get a wet, heavy snow that could bring some of those down?

**Craig Marchionda:** Absolutely.

**Rachel Bancroft:** The windstorms have been happening have been severe.

**Carl Shreder:** From my perspective, it's worth taking a look at, but we would need documentation to do that.

**Nick Feitz:** Typically insurance companies would require trees that close to the house to be taken down.

**Craig Marchionda:** There are very large limbs that hang over large portions of the house and the power lines to the house. They are tall, so anything that falls would fall far, and that's my other concern.

**Laura Repplier:** Would you replace them?

**Craig Marchionda:** I haven't thought about it.

**Carl Shreder:** The homeowner needs to ask Steve for an Emergency Order to take down those trees, then come file with us. That's the legal mechanism to safeguard people and property. We need to have paperwork to cover it.

**Laura Repplier:** Given that they are 50-60' away from the wetlands and 6' away from the house. I would support the applicant going to Steve to obtain an Emergency Order to cut those trees down since we're entering a season of wild weather.

**Rachel Bancroft:** Yes, I'm in agreement.

**Carl Shreder:** It sounds like the Commission is in agreement. Talk with Steve at the beginning of next week.

**Craig Marchionda:** I'll e-mail Steve at the beginning of next week.

## **Camp Denison:**

**Laura Repplier:** He has the roto-virus.

**Carl Shreder:** We'll have to get him on the agenda for the next meeting.

**Laura Repplier:** He came into the Camp Denison Meeting and gave a presentation, and it was very impressive. I was really impressed with his organization. His plan addresses a number of the issues we've had out at the summer camp out at Camp Den.

**Carl Shreder:** I would like to see the section modified where he had referenced boating and swimming from Hood Pond. I don't want to go there for the liability.

**Laura Repplier:** He understands that. The Camper and Counselor ratio is really manageable and very tight. They have agreed to have a maximum of 50-60 campers/week. (If you remember last year some weeks had gotten up over 130. That is much more tightly controlled.); Coming up with safety plan for thunderstorms, using the lodge etc.

The Camp will be freed up for the weekends for the public to use in the summer, which has always been an issue in the past. They are going to use the Nurse's house, the Nature Center, for their headquarters. It's for the same age groups.

**Carl Shreder:** Trying to assure parents whose kids were at the camp and are concerned there was nothing there, that there will be equivalent types of activities, that the kids will be safe and the liabilities will be minimized.

**Laura Repplier:** The Lead counselors, his senior counselors are all college students. All have CPR and first aid training. Additional counselors over 18yrs who have experience with children. There will always be 2 counselors/ 12 kids. All will be CORled.

**Carl Shreder:** It can't be about the money and how many kids you can pack in there, it's got to be about the enrichment of the kids and their safety.

**Laura Repplier:** The nurse's house will be the home base.

It will be a real Nature and Art based camp. It had really gotten away from that model in recent years that we had originally approved. I feel it's really an excellent development!

**Carl Shreder:** We look forward to hearing their presentation when he comes in.

**Laura Repplier:** The Camp is eager to get them on board, because he needs to start advertising. Apparently they are anticipating that a lot of the Workshop in the Woods families will be clamoring to join. I made the point that we have to hold fast to that maximum number of children, that we're not going over that, and they agreed.

**Carl Shreder:** We'll have to quickly work out a package and a contract.

**Laura Repplier:** I believe the Camp Denison Committee would like to engage him. So he can start getting the contract signed and start advertising, etc. He was planning on being here tonight to present, but he's very sick.

**Carl Shreder:** I understand that, but would still like to see his presentation. I can't put the cart before the horse. He can get us information for us to look at before February, then we'll have time to evaluate it. I'd like to know more about the program, we need to know he's got insurance, make sure all this other stuff has been done. We don't want to sign the contract and find out there's a problem. The Camp is under the care and consideration of the Commission, it's always been that way.

**Laura Repplier:** He already is out at the camp teaching Home schooled kids. So he's already been working with them. He's already worked with the Board of Health, because they are the ones that deal with the safety provisions. His proposal has addressed all of my concerns. Also that he's a well-established organization that has had successful programs in many other places including Mass Audubon a camp at Hood Pond as well as Camp Den the past, I would like to support it. Camp Denison Committee really likes him. I was impressed.

**Carl Shreder:** We have a little bit of a window. If he does due diligence ahead of time so it goes very smoothly, a contract could be approved very shortly after that. We can give him a checklist to get done ahead of time. So if we see his presentation in February we are already know about it. I'd like the public to see it too.

**Rachel Bancroft:** That's free advertising right there!

**Rachel Bancroft:** makes a motion to pay bills as read by Susan

**Laura Repplier:** seconds the motion.

Motion carries unanimously.

CoC request for 13 Brook Meadow

**Rachel Bancroft:** Makes a motion to accept the minutes July 21, 2016 and December 15, 2016.

**Laura Repplier:** seconds the motion.

Motion Passes unanimously.

**Nick Feitz:** Makes a motion to close the meeting.

**Laura Repplier:** Seconds the motion.

Meeting adjourned 8:07pm.

List of Documents and Other Exhibits used at Meeting:

Documents and Other Exhibits used at meeting will be available for review at: \_\_\_\_the Conservation Office\_\_\_\_\_

(Office)

Meeting was adjourned at: \_\_\_\_\_8:07 pm\_\_\_\_\_

Next meeting:

Date: \_\_\_\_\_February 16, 2017 \_\_\_\_\_

Time: \_\_\_\_\_7:00pm\_\_\_\_\_

Place: \_\_\_\_\_Third Floor Meeting Room\_\_\_\_\_

Respectfully submitted,

Chairman: \_\_\_\_\_

(Signature)

Minutes approved by Committee on: \_\_ February 16, 2017 \_\_

(Date)