



Conservation Commission Meeting Minutes

Monday, October 15, 2019 Town Hall, Room 101, 7:00 PM

Present: Jon Clements, Doug Beach, Heather McCann, David Lamb; Conservation Administrator Erica Cross & Assistant Conservation Agent Cayla Paulding

Absent: David Haines, Edward Knight, Sabrina Moreau, Associate member Mark Brownell

Called to order at 7:02 pm by J. Clements

7:00 pm

Notice of Intent Con'd – DEP# 104-1052, BCC# 19-04 – Requests Continuance to 10/28/2019 Lot 2 Allen St, Single Family House with stream crossing & appurtenances

Map 231, Lot 19.01

Jeffrey A. Bessette

H. McCann motions to continue; D. Beach seconds; all in favor

Notice of Intent Con'd – DEP#104-1064, BCC# 19-26 Enoch Sanford Rd, Landscaping associated with new home construction Map 247, Lots 11 & 12 Suzanne Meehan

Heather Comee, wetland scientist, is here to present. She has highlighted areas (in green) of total invasive species: Norway Maple, Black Locust, multiflora rose, bittersweet. Other areas are inhabited with invasives with a more open understory of native ferns. She is proposing to keep the over story in order to keep the shade. Bittersweet and multiflora do not do as well in the shade. The contractor has a forester who is licensed with herbicides. They could potentially do a multilayered approach to deal with the invasives; both mechanically with machinery and chemically. They would seed with rye to prevent erosion and then apply chemical after several years for any invasives that pop up. H. Comee says the slope makes mowing to control invasives an impractical solution. E. Cross would like to see specific plan and methodology before permitting. E. Cross says the commission has to decide if this invasive control would be enough to constitute overall improvement for redevelopment of riverfront. Restoration to alteration ratio is under 2:1. The highlighted area in green will still be lawn. E. Cross asks if the commission believes this is net improvement. The original proposal was to not treat for invasives, remove a shed, and add a small supplemental area for planting. J. Clements discusses concern over who is responsible to continue invasive species control once house is sold. H. Comee says plan will be for 2-3 years, but not in perpetuity. E. Cross says we will hold certificate of compliance until the 2-3

years have been met. J. Clements has no further questions.

Audience comments:

Peter Porowski is an abutter with a shallow well and he is concerned if his septic fails he will have decreased options of where to place a new one if the development continues. H. Comee says changing the septic would require doing more perc tests. They still have not gotten a well and septic permit or a storm water permit.

H. Comee will come back with more details in plan. The commission and E. Cross believe it is improvement.

H. McCann motions to continue until 10/28, D. Beach seconds; all in favor.

Notice of Intent Con'd – DEP#104-1062, BCC# 19-27 Old Bay Rd, Single Family House with driveway, accessory apartment and other alterations Map 229, Lot 3.01 Jaime Ryznic

Ryan Nelson from Levesque associates presents project. The parcel is 2.4 acres with a perennial stream and BVW on property. The applicant wishes to build single family house on property. The engineers have attempted to decrease footprint as much as possible to deal with the riverfront on the property. The driveway would be crushed stone. E. Cross says it is questionable if any development on the property is legally permissible. Yanna Stein is the decision that DEP uses to explain how you cannot further subdivide after the riverfront act to take more and more riverfront. Therefore, DEP says this lot has achieved its initial purpose and cannot be further developed. Ryan says they are working on an alternatives analysis which they do not yet have. The single family house on the property was built in the 1940s which predates the riverfront act. E. Cross interjects that the single family house on the lot is the single family house that was permitted, and no more is allowed. Since the subdivision was created after the lot, the original owners created their own hardship by already having the house. The owner says the former conservation administrator gave her information that it was a buildable lot. The owner asks how she can get her money back on the property. E. Cross cannot provide legal advice. Ryan says they owe it to the owner to submit an alternatives analysis and to question DEP. J. Clements agrees with this being the next step.

H. McCann motions to continue to 10/28, D. Lamb seconds; all in favor

Notice of Intent Con'd – DEP#104-1063, BCC# 19-28
40 Crestview Dr., Single Family House with associated appurtenances
Map 254, Lot 15.07
Kyle Sodano

H. McCann motions to continue; D. Beach seconds; all in favor

Notice of Intent – DEP#104-1065, BCC# 19-30
Lot 14 South Washington St, Single Family House with associated appurtenances
Map 273, Lots 15.12
Marilou Piroug

Donald Frydryk is here to present the project. The driveway access is off of Bardwell St. There is a BVW on the property. The lot predates the bylaw's 50 ft no disturb zone. The proposed driveway is 14 ft from the wetlands at some places and 10 ft from the wetlands at some places. The wetland was delineated in the summer of 2019. H. McCann and E. Cross agree that the delineation was conservative. DEP did not have comments on the project. H. McCann reports that the lot is currently wooded. E. Cross approves of where the rain gardens are proposed next to the wetlands. E. Cross proposes requiring native plantings and permanent markers. J. Clements and H. McCann discuss having design standards for rain gardens in the future. E. Cross brings up neighbor concerns that have been brought to her. Neighbors are concerned about run off due to the development. E. Cross and Donald Frydryk do not believe that the development will impact the neighbors. Abutters came to the meeting, but did not have feedback on the project.

D. Beach motions to issue an order of conditions on the project, J. Clements seconds; all in favor

Discussion Items: Bills, Minutes and Miscellaneous Matters

Minutes

8/26 minutes

H. McCann accepts, D. Beach seconds; all in favor

9/09 minutes

D. Beach motions to approve, H. McCann seconds; all in favor

Emergency Certificates

1. Scarborough Brook Conservation Area Lower Dam – Beaver Dam Removal and Installation of beaver deceiver

The work has been done.

D. Beach motions to ratify the emergency certificate, J. Clements seconds; all in favor

2. Lake Drive to remove beaver debris and install a beaver deceiver

E. Cross would like this to be permitted next time because the applicants had plenty of time.

The commission would like more information before ratifying this emergency certificate.

Enforcement actions

1. Carriage Drive – Ratify changes to enforcement order

They need an extension in order to investigate issues and propose solutions. The major concerns are the impacts to the cold water fishery.

H. McCann motions to ratify changes, D. Beach seconds, all in favor.

2. Hickory Hill – Ratify enforcement order for wetland restoration, sediment control for Phase III

Replication cannot proceed without enforcement order since the permit expired in 2012. DEP must sign off with square footage of deed restriction on consent order.

D. Beach motions to ratify enforcement order, H. McCann seconds, all in favor

Certificates of Compliance

1. 35 Turkey Hill Road; DEP#104-0847/BCC#07-032; Invalid Order

D. Beach motions, J. Clements seconds; all in favor

2. 50 Brandywine Drive; DEP# XG; Briarwood Estates; Partial Certificate of Compliance

This is an old filing from 1979 and this site is not in jurisdiction.

H. McCann motions, D. Beach seconds, all in favor

3. Center Street; DEP#104-0789/BCC#05-095; Certificate of Compliance

We have not received as-built. We will wait for the as-built.

4. 50 Hickory Hill; DEP#104-0863/BCC#08-025; Partial Certificate of Compliance

H. McCann motions; D. Lamb seconds; all in favor

Land Management Updates

1. Holland Glen parking area – fundraising, work to be completed, etc. Survey completed

2. MEMA statement of interest pre-proposal grant submittal

New Business

1. 701 George Hannum St; Map 241, Lot 18; Ch. 61 Right of First Refusal

H. McCann motions to reject right of first refusal, J. Clements seconds; all in favor

2. Building permit coordination

Building dept. must cc us on exterior projects now.

8:45 D. Lamb motions to adjourn, D. Beach seconds; all in favor

NEXT MEETING Monday, October 28, 2019