

CONSERVATION COMMISSION MEETING
Monday, February 27, 2017 Town Hall, Room 101, 7:05 PM

Meeting Minutes

Chairman David Haines called the meeting to order at 7:05 PM. Present were Commissioners: Edward Knight, Mike Cavatorta, John Henry, Nicholas Burns and Jon Clements. LeeAnne Connolly, Conservation Administrator, was present for the meeting. Conservation Clerk, Michele Nowak was present for the meeting. Associate member Linda Leduc was not present for the meeting. Mark Stinson from DEP was also present for the meeting.

7:05 Notice of Intent, Cont. – Willow Lane, house construction, DEP #104-1004, Henry Martin Construction, Inc., applicant, Map 245, Lot #93.00 (6). The applicant was present for the meeting. D. Haines conducted a site visit, reviewed the delineation and added a few wetland flags. The applicant had submitted a revised plan showing the permanent markers but the Commission requested a new revised plan representing a new survey that includes and shows the two new wetland flags. The new revised plan will need to be submitted to the Commission before work can begin. The current silt fence is located 35 ft. from the wetland in an undisturbed natural area but the Commission requested that the silt fence by the top of the slope be pulled back outside the 50ft. The rest of the silt fence at the 35 ft. can remain where it is but the Commission requested a second silt fence be added at the 50 ft. limit of work area and all work must be outside the 50 ft. Buffer Zone. The Commission questioned the piles on the property and what the applicant was proposing to do with them? The applicant said that the piles would not be used for grading but instead will be cleared out. He will contact Jim Hayward to do this work. The applicant agreed to all the requests and will submit a new revised plan to the Commission before the permit is issued. J. Clements motioned to issue an Order of Conditions, J. Henry seconded. The motion passed unanimously, (6:0).

7:15 Request for Determination – Allen St., house construction, Map 232, Lot #130.00, Coderre Dev., Inc. applicant. The applicant was present for the meeting. This meeting is to confirm the wetland delineation. D. Haines conducted the site visit and agreed with the delineation. All work is outside the 100 ft. and has a proposed sediment barrier to identify the limit of work area. It was confirmed that all work does not fall under the jurisdiction of the Conservation Commission. J. Henry motioned to issue a Positive Determination for the Delineation. M. Cavatorta seconded. The motion passed unanimously (6:0).

7:30 Request for Determination, Cont. – 92 Mill Valley Rd., new agriculture, Map 249, Lot #56.00, Bill Riedel, applicant. The applicant was present for the meeting and provided aerial photographs of the property. D. Haines and L. Connolly conducted the site visit with the landowner. It was confirmed that the property had been a farm but has not been active 3 of the past 5 years. New work does not qualify for an Agricultural Exemption and will be considered New Agriculture. The applicant stated that they have a farm management plan to remove invasive plant species. The Commission requested and the applicant agreed to have the wetlands flagged and surveyed. The Commission also stated that no more work will be allowed in the wetlands and it will be left to grow back naturally. Mark Stinson from DEP responded to abutters' complaints of disruption to the wetlands. M. Stinson confirmed that no blueberry bushes or marsh hay will be allowed, nor will mowing be allowed because it's an impairment of a wetland under 1055-4A. Invasive plant removal can only be allowed with a permit and the applicant needs to file a NOI for this work. Also addressed by the Commission was the violation of working in the wetland and its associated Buffer Zone. It was also noted that the Forest Cutting plan expired in Dec 2016. The applicant was advised that he can work outside of the Buffer Zone but can only do so once the wetlands have been delineated so all work will remain outside of the 100 ft. The applicant will hire a wetland consultant to flag the wetland and will file an NOI for any future work inside of the 100 ft. M. Cavatorta motioned to issue a Positive Determination, J. Henry seconded. The motion passed

unanimously, (6:0).

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7:55 Discussion Item - Catherine Dr. Open Space, Kestrel Land Trust. Chris Volonte, manager at Kestrel Land Trust, was present for the discussion. This discussion stems from Kestrel Land Trust looking at holdings that are incomplete conservation projects on their books where they assisted other communities. A property on Catherine Dr. fell into that category. It's located behind a cluster development project back in 1989. Kestrel has monitored the property since then. There is no conservation restriction on the property and there are Town easements. Kestrel Land Trust will pay the legal fees for this transfer as this is a gift to the Town. There is public access and there are walking trails through-out the property. The new abutter, Trudy Oppenheimer, and her son were present for the meeting (see sign-in sheet). She stated that she'd like to have her horses eat the hay in the field or offered to mow/hay it to keep it maintained for public use. The Commission discussed options. The purpose of this discussion is to determine if the Conservation Commission would pursue obtaining this piece of property. Five of the Commissioners voiced support for considering accepting the property. J. Clements had questions as to why we should accept the property and about public access and who will be responsible for maintenance. D. Haines suggested that the Board of Selectman and the Homeowner's Association should be consulted before there are further discussions on this topic. This matter will be discussed at a another meeting.

8:20 Request for Determination – 20 Bardwell St., utility pole installation, Map 268, Lot #30.00, Chase Bernier, from BSC Group, was present representing the Mass Electric Company, applicant. J. Henry conducted the site visit. The purpose of this hearing is for new service to be installed for new house construction. All work is out of the 50 ft. Buffer Zone. There was a short discussion. E. Knight motioned to issue a Negative Determination, J. Clements seconded. The motion passed unanimously, (6:0).

Partial Certificate of Compliance - 49 Hickory Hill, DEP #104-863, Map 238, Lot #3.44(N), Jean Duquette, applicant. L. Connolly conducted the site visit. The property has not been mulched and recommended that the PCOC not be issued. M. Cavatorta motioned to take no action, E. Knight seconded. The motion passed unanimously, (6:0).

Partial Certificate of Compliance - 40 Meadow Pond Rd., DEP #104-760, Map 245, Lot #56.130, Robert & Tanya Minnon, owners. L. Connolly conducted the site visit. The lot is stable and the vegetation is well established. L. Connolly recommended the release of this lot from the Order of Conditions for the Meadow Pond Subdivision. M. Cavatorta motioned to issue a Partial Certificate of Compliance from the Meadow Pond Order of Conditions, J. Clements seconded. The motion passed unanimously, (6:0).

Discussion Items: Bills - The Commission voted unanimously, (6:0) to pay the bills.

- ✚ Minutes – M. Cavatorta motioned to accept the minutes as amended. N. Burns seconded. The motion passed unanimously, (6:0).
- ✚ Miscellaneous Matters – L. Connolly informed the Commission that a meeting will be held tomorrow night about the rattlesnakes in Quabbin.
- ✚ New Business – there was no new business.
- ✚ MACC Annual Conference – March 4, 2017. M. Cavatorta and D. Haines will be attending.
- ✚ Land & Water Conservation Fund Grant Application – Mader Town Forest – L. Connolly informed the Commission that she is applying for a federally funded grant that is managed through the State. It's the same property but re-applying under a different grant program. D. Haines gave the Commission an overview of how special the property is and encouraged the Commission to support this endeavor.

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Discussion Items – continued:

- ✚ Chapter 61 Removal- Allen St., 1 acre, Mary Mader, owner – The Commission voted unanimously to recommend to the Board of Selectmen not to exercise their right of first refusal and let the purchase and sale agreement transaction to proceed.
- ✚ ANR Plan – Berkshire Ave., EDIC, owner – duplicate from last meeting.
- ✚ Forest Cutting Plan – Franklin St., Franceso Alves, owner. The Commission reviewed this forest cutting plan.

8:30 J. Clements motioned to adjourn, N. Burns seconded. The motion passed unanimously, (6:0).