

**CONSERVATION COMMISSION MEETING**  
**Monday, April 24, 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: Mike Cavatorta, Jon Clements, Edward Knight, and John Henry. LeeAnne Connolly, Conservation Administrator, was present for the meeting. Conservation Clerk, Michele Nowak, was present for the meeting. Commissioner Nicholas Burns was not present for the meeting. Associate member Linda Leduc was not present for the meeting.

- 7:15 Request for Determination – 115 North Main St., building renovation, Map 238, Lot #185.00, The Colvest Group, applicant. Peter LaPointe, from Colvest Group was present for the meeting. Mickey Marcus, New England Environmental, was present representing the applicant. D. Haines conducted the site visit and noted the absence of wetland flags. The Commission was advised that Pet Value will be the new tenant where Hawley's used to be. The proposed project reduces the foot print by 20 square feet and is within 100 ft. of a wetland at edge of parking lot. All work will be done on the existing pavement. The building will be pulled off of the sewage easement. The applicant will put row of straw bales at edge of parking lot. D. Haines suggested additional discharge control measures and M. Marcus suggested the creation of a stone plunge pool or filter strip and is willing to vegetate a filter strip to control discharge out to the wetlands. A shallow graded area with stone or a broad stone swale was also suggested. The Commission would like a detailed discharge control plan/design presented before work begins. The applicant agreed to the condition. The Commission may allow work inside the 50 ft. for the purpose of stormwater control improvement and a maintenance provision in currently disturbed areas. E. Knight motioned to issue a Negative Determination with conditions. J. Clements seconded. The motion passed unanimously, (5:0).
- 7:35 Notice of Intent – Bardwell St., house construction, Map 268, Lot #29.07 (7), Pioneer Valley Custom Homes, LLC, applicant. The applicant was present for the meeting. Keith Terry from Sherman & Frydryk was present representing the applicant. J. Henry conducted the site visit. The site visit was based on local jurisdiction only and not under the State regulations. There is an Isolated Wetland and this property is a former hayfield. The proposed work is for a residential home with a well and septic. No trees are proposed to be cut. The limit of work extends to Bardwell Street to the rear west side of the property at 55 feet. The applicant will put in permanent markers at the 50 ft. offset and the lawn will only be mowed to the closest flag from the 50 ft. offset. The erosion controls are on the downhill side of the property. The machinery limit of work for construction is 55 ft. and greater. The silt fence will be put on one whole side of the property and it's already been staked out. E. Knight motioned to issue an Order of Conditions, J. Henry seconded. The motion passed unanimously, (5:0).
- 7:45 Notice of Intent – 341 East St., Ecological Restoration, DEP #104-1005, Herman Covey Wildlife Management Area, Mass Fish & Wildlife, applicant. The applicant, Benjamin Mazzei from Mass Wildlife, was present for the meeting. B. Mazzei presented the Commission with phase one of their plans to treat invasive plants in the BVW and Riverfront areas with herbicides in order to promote habitats for natural flora and fauna and rare birds and animals. Some of the types of invasive plants were identified. They intend to seed with native plants/nature mix. The Commission had concerns about the types of herbicides that would be used and recommended that any spraying would be done in 'no wind' conditions. The Commission also had questions about the plans not being clear in the demarcation of the 200 acres that this restoration would occur on. L. Connolly read the Massachusetts Division of Wildlife and Fisheries conditions on approval of this proposal. B. Mazzei also discussed with the Commission the types of machinery that could be used in the process, one of which was the Marsh-Master.

7:45 Notice of Intent, Cont.

The plan will include mowing and removal of the invasive plants with the goal of it being ongoing and with the expectation that they'll have a 95% success rate in the first year. The Commission recommended a site visit be scheduled prior to any work it was decided that it will occur next Monday, May 1, 2017 at 5PM. B. Mazzei agreed and will meet the Commission at the gate of the district office. J. Clements motioned to continue until the May 9<sup>th</sup> meeting, M. Cavatorta seconded. The motion passed unanimously, (5:0).

Discussion Item – 11 Emily Lane, DEP #104-988, limit of work area. Andrea Piercey is the new owner and Dan Nitszche was present representing Mrs. Piercey. The issue is that the house was moved and not in line with the original NOI. When subdivision was approved, no work was proposed to be in the Riverfront Area. 2003 Subdivision plan was presented to the Commission had no impact on the Riverfront Area. Lot 1 one is in question this evening. The original house was proposed in a different location – there was ledge, so they shifted it over. When Sherman & Frydryk did the As Built Plan the house was already built. The owner was never provided an Order of Conditions. This is still an active OOC. Lot was cleared approximately 10 yrs ago. Pictures and plans were provided to the Commission. J. P. Builders built the house. The Commission offered suggestions and options. The Commission recommended a New Notice of Intent to be filed which would show the new locations and corrected calculations up to 10,000 sq. ft. of altered Riverfront Area. L. Connolly and D. Haines agreed it's appropriate to issue an Enforcement Order against the Builder for an NOI and Restoration of disturbed Riverfront Area. The Revised Plan will show placement of actual house, put in all actual setbacks and limit of work areas. The Enforcement Order will allow for the mitigations and restoration of the Riverfront Area. D. Haines suggested change the limit of work line and increase the setback. Wildflower seed mix may be spread in the areas to be restored, however Annual Ryegrass is the best suggestion instead of any wildflower seed mixture because it grows quickly. M. Cavatorta motion to issue an Enforcement Order for encroachment by J.P. Builders in Riverfront Area, E. Knight seconded. Motion passed unanimously, (5:0).

Certificate of Compliance – 10 Emily Lane, house construction, DEP #104-979, Map 240, Lot # 55.07, J.P. Builders, Inc., applicant. L. Connolly conducted the site visit and recommend that a COC not be issued because additional plantings are needed to be in compliance. M. Cavatorta motioned to not issue a Certificate of Compliance, J. Clements seconded. The motion passed unanimously, (5:0).

Certificate of Compliance - 179 Orchard St., septic repair, DEP #104-784, Atty. Robert Spencer, applicant. L. Connolly conducted the site visit and noted that the Septic and Well are in and recommended issuing a Certificate of Compliance. The lot is stable. M. Cavatorta motioned to issue a Certificate of Compliance, J. Clements seconded. The motion passed unanimously, (5:0).

Discussion Items: Bills – There were no bills.

- ✚ Minutes – The Commission voted unanimously, (5:0), to approve the 4/10/17 draft minutes as written.
- ✚ Miscellaneous Matters – There were no miscellaneous matters.
- ✚ New Business – Chapter 61A Removal – N. Liberty St., Rudy, owner. The Commission unanimously agreed to continue until the May 9<sup>th</sup> meeting.
- ✚ Holland Glen II Update – L. Connolly shared the good news that it closed.
- ✚ Municipal Modernization Act – department expense warrants (bills) – L. Connolly presented to the Commission the notice from the Town Accountant which changes the process for bills allowing for two signatures instead of a quorum to approve payment of the bills but the bills would still be presented to the Commission. The Commission had questions. D. Haines said he'd be willing to sign off, and J. Clements would sign off when the Chairman is not present. J. Clements motioned to nominate D. Haines, and J. Clements nominated himself as the second. J. Clements motioned "I move that David Haines, and if he/she is unavailable or unable, John Clements be designated to approve all bills, drafts, orders and payrolls not otherwise presented for approval at a posted meeting to the full board/ provided, however, that if such bills, drafts, orders and payrolls are approved by D. Haines or J. Clements, each

shall make available to the board, at the first meeting following such action, a record of such actions, and further to ask LeeAnne Connolly to include on the notice for each meeting of the board an item for such purposes. M. Cavatorta seconded. M. Cavatorta motioned to amend that instead of names of specific people, it would change to be the title of Chairman and Vice Chairman, E. Knight Seconded. The motion to amend the motion passed unanimously, (5:0).

- ✦ Chapter 61A Removal, Bardwell St., 1 acre, Carol & Melanie Spellman, owners. The purchase price is \$65,000. LC recommended not to exercise the right and to let the Purchase and Sale to proceed. The Commission discussed pros and cons. They have 90 days to decide from receipt of the request and the Commission would like to continue to discuss the rest of the property and to get the language in the recommendation. The Commission agreed to continue this discussion until the next meeting.
- ✦ Annual Town Meeting – May 8<sup>th</sup> L. Connolly reminded the Commission to attend.
- ✦ ANR Plan – Bardwell St. & North Liberty St., Carol & Melanie Spellman, owners. The Commission reviewed the ANR plan and a standard letter will be sent to the applicant.

9:00PM J. Clements motioned to adjourn, M. Cavatorta seconded. The motion passed unanimously, (5:0).

**NEXT MEETING Tuesday, May 9, 2017**