



Conservation Commission Meeting Minutes

Monday, August 26, 2019 Town Hall, Room 101, 7:00 PM

Present: Edward Knight, Heather McCann, David Lamb, Sabrina Moreau, Jon Clements, Associate member Mark Brownell; Conservation Administrator Erica Cross & Assistant Conservation Agent Cayla Paulding

Absent: David Haines, Doug Beach, Associate member Katerina Korolov

Called to order at 7:04 by J. Clements

7:00pm

Notice of Intent Con'd – DEP# 104-1052, BCC# 19-04 - Requested continuance to 9/9/2019

Lot 2 Allen St, Single Family House with stream crossing & appurtenances

Map 231, Lot 19.01

Jeffrey A. Bessette

D. Lamb motions to continue, H. McCann seconds, all in favor

S. Moreau is recused

Corrected Determination of Applicability – BCC# 17-38

644 Federal St, Correction of mutual error

Map 101, Lot 25

Ed & Marcy Megarry

E. Cross says in 2017 the DA that was issued referred to state jurisdiction erroneously. That issuance made a nonexistent jurisdiction. Essentially, it was a typographical error. This is to clarify the record. E. Cross has been in touch with DEP to make sure the record is corrected properly. Since it is an isolated wetland and not a BVW, it does not have state jurisdiction. Based on our records and observations, it is too small to be jurisdictional under our bylaw, and this was not taken into account in 2017. E. Cross has been in touch with DEP to make sure this correction is done according to the regulations. This determination is still open to appeals if there are any concerns.

E. Knight motions to correct the 2017 determination to reflect nonjurisdiction to the wetlands bylaw, S. Moreau seconds, all in favor

Request for Determination of Applicability BCC # 19-21

51 Lake Drive; removal of dead trees

Map 102, Lot 96

Francis & Lisa Byrne

The owners of the property present the project. There are 5 dead trees bordering the wetlands in their yard. They would like to remove the trees to the stump. They have been dead since the owners moved in the property in 2012. The owners would like to replace with wetland shrubs that have wildlife value.

E. Knight motions to issue negative determination for the work, S. Moreau seconds on the condition of planting native shrubs in place, all in favor

Request for Determination of Applicability BCC # 19-2X

412 State St; filling and regrading in the buffer

Map 151, Lot 10.07

Jason Vann

The owners of the property present the project. This is an after the fact filing. The site was outside the 50 ft buffer and under the 2000 sf buffer. There was no sediment running off or going around the base. The owners plan to build a shed on the filled and regraded

area. They are about 100 ft to the stream channel and 55-60 ft from BVW. S. Moreau would like to see a silt fence placed to protect resource area. There is a stockpile on the property now and the plan is to use that to regrade the area. S. Moreau inquires about permanent markers. J. Clements does not think this is necessary as long as owners are clear about jurisdiction now. Owners do not plan to encroach farther into resource area. H. McCann asks about need to record in the deed. E. Cross says this does not go against deed. Anything issued by order of conditions will be recorded against deed since that means there is a presumption that the work will affect the resource areas.

S. Moreau motions to issue negative determination, D. Lamb seconds, all in favor

Request for Determination of Applicability BCC # 19-23

160 Oakridge Dr; clearing native vegetation & landscaping in the buffer
Map 254, Lot 44.18
Tim & Helen Duda

E. Cross discusses this after the fact filing. E. Cross recommends allowing area to revegetate from 100ft line seen in drone footage. This will be 30-50 ft from wetland. The owners lived there for 3 years and they did not know wetland limitations or jurisdiction issues. Owner did not realize there were wetlands on the property. The owner mulched the area, seeded heavily, and took out debris. H. McCann says the reseeded looks great. There is a deed restriction requiring 50 ft from the wetland, but it does not say in perpetuity. Thus, E. Cross asserts that the commission has some say in next steps. The owner has no plans to further encroach in the wetlands. E. Cross brings up the possibility of issuing a certificate of compliance. Owner restates that he was unaware that he was committing a violation. The owner is willing to let from the 100 ft line down to revegetate. S. Moreau would like to see some wetland friendly shrubs to be planted in the buffer. The owners have no problem with this idea. E. Cross would like permanent markers to delineate buffer. Owner will put a couple boulders at the corners and will fill the line with shrubs.

H. McCann motions to issue negative DA with discussed conditions, S. Moreau seconds, all in favor

Request for Determination of Applicability BCC # 19-2X

86 Underwood St; determine stream to be intermittent vs perennial
Map 242, Lot 7
Paul McCloskey

Requested continuance until 9/9

S. Moreau motions to continue until 9/9. H. McCann seconds, all in favor

Notice of Intent – DEP# 104-1061, BCC#19-22

Lot 156.27 Old Sawmill Rd, Single Family House with driveway, lawn, leach field, & well
Map 244, Lots 156.06 & 156.27
Jeff Haughey

E. Knight recuses himself.

Don from sherman and frydryk present project. This is a single family house. The lot has an existing gravel road that was used for access to gravel pit. There are no BVW or floodplain impacts. there are 5800 sf of buffer impacts, nothing within the 50 ft buffer. The parcel has riverfront and NHESP areas, but none of this is within the limit of work. The applicant is looking to stabilize slopes along the driveway. None of this work will be within 50 ft buffer. E. Cross would like permanent markers at 50 ft buffer. Don says there is a natural boundary where the land slopes. E. Cross no longer thinks permanent markers are necessary.

Abutter Comments:

Scott asks about pavement requirement of road edge. Don says they would have to apply for a permit that would be about 5 feet. Scott asks about 2 anti tracking pads since the driveway is so long. Don says the gravel driveway is compact and he does not expect much tracking from it.

John Benoit asks if they would need a permit for any additional alterations. The answer is yes.

H. McCann motions to issue an order of conditions for this development; S. Moreau seconds; all in favor

Notice of Intent Con'd – DEP# 104-1060, BCC#19-18

97 Federal St, Single Family House with common driveway, addition & appurtenances
Map 238, Lot 40
Miranda Tsoumas

Don Frydryk presents project. They have brought alternatives analysis. They want to put the house in the original proposed place, and in turn provide a 4:1 return to increase 50 ft buffer than currently exists. Variance of 60 ft setback would not be allowed for new

development according to Don. E. Cross says amount of contiguous buffer is a gain. The proposal for the buffer are permanent markers and to reseed with the mix of commission choice. E. Cross would like to make sure wetland plants survive by 75% after 2 years and are not overrun by invasives.

E. Knight motions to issue order with 4:1 mitigation; H. McCann seconds; all in favor

Discussion Items: Bills, Minutes and Miscellaneous Matters

E. Knight motions to pay bills, S. Moreau seconds, all in favor

Will vote on minutes next meeting

- Emergency Certificates
 1. Beaver Deceiver installations at Scarborough Brook Conservation Area
- D. Lamb motions to ratify the 2 emergency certificates; S. Moreau seconds; all in favor
- Enforcement actions
 1. Pine Valley Plantation Vegetation Removal enforcement order...continue until 9/9
 2. Update on Pine St
We have as-built plans that show compliance. E. Cross would like commission to sign document that will allow property owner to sell properties. It will go against the enforcement order that was issued previously.
The commission will sign it.
- Certificates of Compliance
 1. 680, 690, & 700 S. Washington St. – DEP# 104-0996, BCC# 16-48; Ken Maryea
We have received appropriate documents.
H. McCann motions to issues CoCs; E. Knight seconds; all in favor
 2. 114 mountain view dr.
S. Moreau motions to issue CoC; D. Lamb seconds; all in favor
 3. 675 Franklin St
S. Moreau motions to issue CoC; H. McCann seconds; all in favor
- Review of grant applications
The Meadows Conservation Area habitat management grant
- New Business
Forest cutting plan from Fish and Wildlife on East St.

The commission discussed accepting a 9 acre parcel of land offered by Jean Duquette. E. Cross mentioned asking for payment in order to maintain the land. E. Knight brings up the fact that on the plus side it means no development, but on the negative side it means the property would stay on the tax rolls for the town.

E. Cross discusses disseminating informational WPA brochures to new homeowners in the future.

9:03 H. McCann motions to adjourn; D. Lamb seconds; all in favor

NEXT MEETING Monday, September 9, 2019