



Conservation Commission Meeting Minutes

Monday, September 23, 2019 Town Hall, Room 101, 7:00 PM

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

Absent: Doug Beach

Called to order at 7:04 pm by D. Haines

7:00pm

Notice of Intent Con'd – DEP# 104-1052, BCC# 19-04 - Requested continuance to 10/15/2019

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

Map 231, Lot 19.01

Jeffrey A. Bessette

J. Clements motions to continue to 10/15, E. Knight seconds, all in favor

Request for Determination of Applicability Con'd - BCC # 19-29

86 Underwood St; determine stream to be intermittent vs perennial

Map 242, Lot 7

Paul McCloskey

E. Cross presents project. She has documented a point of the stream to be intermittent for 4 consecutive days in a row. This is now portrayed on new plans which were passed around. There is a BVW that was delineated from a previous plan. The riverfront area originally went past the house, and now it is just behind the house. This new delineation and plan complies with general performance standards. The orange polygon on the plan indicates where lawn will extend to. The lawn is outside the 50 ft buffer and within the previously permitted square footage of allowed developed land. The rest of the previous lawn inside the 50 ft BVW buffer will be restored naturally. This RDA is to set the new delineation line. E. Knight asks why there were no permanent markers originally required when the land was developed. The reason is that no certificate of compliance was ever awarded for the development. E. Cross would suggest making permanent markers a requirement for the continued restoration. J. Clements would like the applicant to come back in the winter to request a certificate of compliance.

E. Knight motions , J. Clements seconds, all in favor

Request for Determination of Applicability BCC # 19-24

558 Federal St; removal of dead and dying trees
Map 102, Lot 46
Bonnie Strickland

Both properties are open for discussion together. D. Haines saw hemlocks and pines that were stressed. D. Haines thinks they should be removed and replaced in kind. These could be trees such as white pine or maple. The rest of the trees on the property will provide adequate shading for the resource area. The applicant of 558 Federal St. was considering planting rhododendrons. D. Haines is ok with this in addition to the tree plantings. The applicant of 556 Federal St. asks reason for planting shrubs in place of tree. D. Haines says the reason is to provide a buffer from the lake and also add some stabilization. D. Haines would like 5 shrubs planted. D. Haines would like the wood chips from the tree removal to be taken from the site because otherwise the mulch on the slope might prevent understory vegetation to grow.

J. Clements moves to issue negative determination, H. McCann seconds, all in favor

Request for Determination of Applicability BCC # 19-25

556 Federal St; removal of dying tree
Map 102, Lot 48
Catherine & Morten Jensen-Hole

J. Clements moves to issue negative determination, H. McCann seconds, all in favor

Notice of Intent – 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

Applicant has asked for continuance.

H. McCann wishes to continue until 10/15, D. Lamb seconds, all in favor.

Notice of Intent – DEP#, BCC# 19-28

40 Crestview Dr, Single Family House with associated appurtenances
Map 254, Lot 15.07
Kyle Sodano

Applicant has asked for continuance.

H. McCann motions to continue until 10/15, D. Lamb seconds, all in favor.

Notice of Intent – DEP#, BCC# 19-26

Enoch Sanford Rd, Landscaping associated with new home construction
Map 247, Lots 11 & 12
Suzanne Meehan

Heather Comee, wetland consultant, presents project. She has delineated the riverfront area along the Swift River. The 200 ft riverfront area extends onto the site. There is a BVW associated with the river. This is BLSF on site as well as NHESP habitat, but they have documentation this will not adversely affect habitat. There is a fishing easement on the property. There is no work in the 50 ft buffer. They are under 4000 sq ft of alteration of riverfront. The project was submitted as redevelopment because of previous infrastructure such as an old shed. DEP comments discuss that the commission may choose to assess project as new development instead of redevelopment. E. Cross says it does not meet redevelopment performance standard 1 which says all new development must be an improvement. Lawn is not necessarily an improvement. H. Comee says her improvement area is removing the shed and adding a 200 sq ft planting area. DEP does not feel this is an adequate improvement. D. Haines says that on the one hand, an alternatives analysis is required with the regulations. On the other hand, alteration is less than 5000 sq ft. E. Cross mentions one alternative could be to request less lawn. This is not adequate to the owners according to H. Comee. They bought two lots because they want more space. One way to improve the lot could potentially be invasive plant removal since bittersweet is currently choking out native vegetation. H. Comee asserts that invasive plant removal would be too difficult for the site. E. Cross would like either a plan for improved conditions or an alternatives analysis. D. Haines does not believe redevelopment will work since there is not an adequate plan to improve conditions. Since they are contiguous parcels owned by 1 owner, a hardship is created on the second lot which will not allow any riverfront disturbance on the second lot. Peter Paroux, an abutter, discusses the history of the property. Two brothers combined their lots to sell them as one lot since they did not have enough frontage to make them two lots. D. Haines says a reasonable solution would be to shift the house and get the development out of riverfront. Peter Paroux is concerned that if they develop too close to his house, he will not be able to move his septic system if it ever fails. He is also concerned that he has a shallow well and he does not want excess runoff from development to infect his well. D. Haines does not believe there will be an issue with the soils to infiltrate the runoff on the property. S. Moreau asserts that the proposed rain garden will also assist in infiltrating the runoff. J. Clements asks if this is a buildable lot without encroaching into riverfront. It is. H. Comee shows photos of some of the riverfront area with a lot of invasives. D. Haines asserts he requires an alternatives analysis because he does not believe it counts as redevelopment. The applicant can decide if it is redevelopment or new development, but they currently do not meet redevelopment standards according to the regulations.

S. Moreau motions to continue until 10/15, H. McCann seconds, all in favor

Discussion Items: Bills, Minutes and Miscellaneous Matters

Emergency Certificates

1. 580 Federal St – Tree removal

The trees have already been removed.

Enforcement actions

1. 248 Stebbins Street Enforcement Order

The enforcement order came about after the applicant requested a certificate of compliance, and it was clear there was development in jurisdictional areas. The lawn and installed pool is filled in BVW. There were several times when the property owners should have been notified of resource areas on the property.

The owners have lived on the property since 1995. The building permit plan shows Batchelor Brook with no associated BVW with it. The EO says that approximately over 3000 sq ft of BVW was filled in. The EO gives time to allow owners to see if they can get financial assistance through title insurance. The owners claim that the lawn was maintained in 1996. E. Cross says the property is very wet. E. Cross is open to getting a second opinion from a wetland consultant. The area is riverfront and BVW, not buffer. E. Cross needs the enforcement order ratified. The enforcement order is very flexible. The restoration is required by 5/15/2020.

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

2. Review of submissions from Carriage Drive

New plans and reviews just came in. No hard copies have been delivered yet.

3. Discussion on upcoming enforcement actions

92 Mill Valley Rd and 400 Franklin might be violating.

Certificates of Compliance

1. 248 Stebbins Street – DEP#104-254

The pending enforcement order will delay the certificate of compliance.

2. 16 Magnolia Lane – DEP#104-863; BCC#08-22

This is outside of the buffer and looks good.

S. Moreau motions to issues partial certificate of compliance, J. Clements seconds, all in favor

Nominate and appoint a representative to CPC

They will nominate David Lamb.

Review of draft conservation land regulations

Review of signage for lands

New Business

E. Cross asks commissioners for recommendations on how much to ask Jean Duquette for in exchange for the property off Helen Lane. The commission recommends around \$2000.

Review Plan Change for 283 Boardman St.

There is a tree to be removed in order for the construction insurance company to insure project. The tree is outside the limit of work.

J. Clements motions to accept if they replace with 3 inch diameter white pine, S. Moreau seconds, all in

favor

A few new requests:

- 1) A group wants to harvest common native seeds from Scarborough Brook.
The commission recommends notifying natural heritage first.
- 2) Someone wants a 30 year lease to grow Chinese chestnuts and do research on them.
The commission would like more information.

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

NEXT MEETING Tuesday, October 15, 2019