

Conservation Commission Meeting Minutes 4/12/2023, 7:30 PM

Commission Members Attending: John Sullivan, Tim Holiner, Amey Moot, Sarah Monaco, Anna Nagy, Jim McLaughlin(7:53). Absent: Christy Violin

Other Attendees: Consultant Agent Janet Bowser, Lori Hagerty, Conservation Office, Mark Cooperman, EcoTerra Design

Request for Certificate of Compliance

144-858 5 Conrick Ln., Pastor, Mark Cooperman, EcoTerra Design.

Agent Bowser reviewed the plans and visited the site and recommended issuance with 6 conditions listed in her 4/9/23 memo. Motion made and seconded to issue a Certificate of Compliance for 5 Conrick Ln. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y.

Minutes

10/26/22, 11/9/22, 11/30/22, 12/14/22, 12/28/22, 1/11/23

Agent recommended minutes of 12/14/22 and 1/11/23 be sent to Town Counsel for review and the Commission agreed to send.

Minutes-10/26/22

Motion made and seconded to approve the minutes of 10/26/22 as amended. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y.

Minutes-11/9/22

Motion made and seconded to accept the minutes of 11/9/22 as amended. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y.

Minutes-11/30/22

Motion made and seconded to accept the minutes of 11/30/22 as amended. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y.

Jim McLaughlin arrived 7:53 PM

Minutes-12/28/22

Motion made and seconded to accept the minutes of 12/28/22 as amended. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y, Jim-Y.

Discussion

Legal Ad Fees – The Commission discussed a change to the legal ad fees on the website due to an increase in publication charges.

Motion made and seconded to change the legal ad fee on the Dover website to \$100 from \$75. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y, Jim-Y.

Ch. 263 Rules and Regulations for the Dover Wetlands Prot. Bylaw, draft revisions – To be reviewed and discussed at next meeting, 4/26/23.

Conservation Agent Payments, Budget-The Chair said the Professional Services Budget balance is -\$181.00. The Commission discussed paying Agent Bowser using the WPA Account (Town share of State Application Fees). The Chair discussed that other departments at Town Hall have had outside consultants evaluate their departments comparable to other Towns. He said the fees collected and deposited into the General Fund of the Town do not match what is spent to pay Agent Bowser. He discussed the same amount of money could be spent for a full-time agent that is spent for the current part time consultant agent. Sarah Monaco stated that she

supports having Ms. Bowser continue to serve as the Commission's consulting agent since she has been so effective and she wants to make sure that Ms. Bowser's position is secure and adequately funded. She stated that the Commission needs to be transparent and accurate regarding the budget needed for the next year to adequately fund the Agent's expenses. Amey Moot and Anna Nagy indicated their agreement with Ms. Monaco's comments. Jim McLaughlin stated that because the Commission has no control over how many and what types of permit applications are coming in door, the Commission needs to be prepared to address that uncertainty. Ms. Bowser stated that the increase in the agent's workload and professional service expenses are primarily related to the following: 1) an increase in the Agent's scope of services and professional responsibilities as outlined in the Agent's Contract, which did not exist prior to her becoming Agent; 2) an increase in the complexity of permit applications, including 40B projects, on marginally buildable lots that contain a large percentage of wetlands and that require extensive regulatory review and drafting of detailed Order of Conditions permits and on-going compliance monitoring; and 3) the Agent has instituted a concerted effort to increase the Commission's effectiveness in meeting its statutory responsibilities and has developed numerous new policies and regulatory revisions and she has improved, modernized and streamlined procedures resulting in the Commission's increased functionality.

The Commission made a motion to authorize payment of the Agent.

Motion made and seconded to allocate money to cover Agent Bowser's bill for the month of February. Roll call vote: Amey-Y, Sarah-Y, Anna-Y, John-Y, Tim-Y, Jim-Y.

The Commission discussed the complexity of projects and the number of enforcement orders issued and the benefit of peer review consultants being paid by the applicant.

Agent's Report

Draft Order of Conditions Minor Modification Criteria and Guidelines – Agent will make further changes to be discussed at the next meeting on 4/26/23.

Resident's Request to Evaluate and Certify Vernal Pool- Agent asked for input from the Commission regarding this request. It was recommended to ask Town Counsel if abutters could certify a vernal pool. Agent will follow up with abutter and evaluate whether or not to file a vernal pool application pro bono.

12 and 14 Miller Hill Rd. - Agent Bowser recommended sending a Notice of Violation letter and then invite all owners to a meeting. The Chair stated that he discussed this situation with Town Counsel today and that a Notice of Violation will go out next week.

Proposal for Inter-Departmental Program for Improving Local Climate Resilience - Amey suggested it may be good for Open Space Committee to do this because there are members of different boards on Open Space. She will look at it and hopefully it will not be geared toward urban settings.

Update on Red Robin Stormwater Infrastructure Installation – Agent Bowser is in the process of scheduling a meeting with Paul McGovern and Sean Reardon.

Status & Follow-up Needed Re: Continuing OOC Violations. Agent discussed 6 Sterling Drive and 3 Sterling Drive – monitoring reports are behind schedule. Agent and Commission discussed 4 Haven Terrace - Replication & Restoration Amendment. Agent suggested a letter be sent by next week and they attend the next meeting on 4/26/23. Agent and Commission discussed a failure to appear or comply by 4/27 would result in fines of \$300 per day.

Discussion

Easements - What are the ramifications if the Town does not accept easements at Town Meeting? What is the legal position? Amey said if they're not accepted at Town Meeting, then they are not enforceable. Jim discussed an easement on Draper Rd. He'll get something in writing for Town Counsel to give an opinion. The Chair asked what easements Conservation is named in? Amey said in Snow's Hill Lane, but not named in Wilson's Way. The Commission discussed checking with Interim Planner to see if any information in the Planning Board office.

14 Hamlin's Way, CoC Request – They'll need a new submittal letter, As Built per the Agent and the Chair agreed. It was part of Snow's Hill Subdivision. Planning Board is checking to determine if the roadway was accepted.

46 Springdale Ave.– Discussion of fallen tree that may be in the Town right of way. Agent will follow up with DPW about removal.

Valley Farm/Main St. also has a 36" dead pine tree that may be in the right of way.

Adjourned 10 PM

Documents:

CoC Request 5 Conrick Ln EcoTerra Design, 3/30/23, As Built Plan Grady Consulting, 12/7/22

Agent Recommendation/Comment Memo 4/9/23

Minutes-10/26/22, 11/9/22, 11/30/22, 12/14/22, 12/28/22, 1/11/23

Draft OOC MINOR MODIFICATION Form, Agent Bowser, 4/10/23

Ch. 263 Rules and Regs for Dover WP Bylaw

Agent's Bowser's Comments on ConCom Draft Meeting Minutes - 10/26/22, 11/9/22, 11/30/22, 12/28/22

Agent Bowser's email dated 4/11 Re: Proposal for Inter-Departmental Program for Improving Local Climate Resilience