

## **Conservation Commission Meeting Minutes 5/24/2023, 7:30 PM**

### **Meeting Held Remotely and Recorded Via Zoom In Accordance with Mass. State Rules & Policy**

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

Other Attendees: Consultant Agent Janet Bowser, Lori Hagerty, Conservation Office.

Applicants, Residents, Members of the Public: Paul Beaulieu and Diane Simonelli, Field Resources, representing 36 Miller Hill Rd. For 12 Miller Hill Rd./36 Farm St. – Ken Soderholm, Soderholm Builders, Sally Naser, TTOR, Gregor McGregor, McGregor Law. Christina Ganung, representing 3 Sterling Dr. and Carol Lisbon for easement discussion.

### **7:30 PM**

#### **Cont. Notice of Intent**

144-896 36 Miller Hill Rd-pool, fence, patio, wall. Present were Paul Beaulieu and Diane Simonelli, Field Resources. The revised plan was received today. Agent Bowser has not yet reviewed. She recommended continuing the Conservation hearing and the applicant securing all permits required from other Town Boards. Diane presented the updated plan. Agent Bowser discussed necessary revisions. Diane will add them to the plan and deliver 2 copies to the office. The applicants requested a continuance to the meeting of 6/14/23 and the Commission granted the request.

#### **Commissioner Term Re-appointments**

John Sullivan and Tim Holiner re-appointments to June 2026

Motion made and seconded to approve John Sullivan 3-yr term and Tim Holiner 3-yr term to 2026. Roll call vote: Sarah-Yes, Amey-Yes, Christy-Yes, Anna-Yes.

#### **Conservation Agent Payment/Contract**

Review/Approve payment of Agent April 2023 Expense Invoice

Motion to vote to approve payment amount of \$6,438.75 for the month of April expenses for Agent Bowser to be paid from the Wetlands Protection Act Fee Account. Roll call vote: Sarah-Yes, Amey-Yes, Christy-Yes, Anna-Yes, Tim-Yes, John-Yes.

Extension of Agent's Annual Contract for Professional Services for FY24 (7/1/23 - 6/30/24)

The Commission and Agent Bowser discussed the extension of the Agent's Professional Services Contract for FY24 and briefly reviewed the draft extension document, which makes no changes to the current contract language or provisions. The Commission will further discuss and vote on this matter at the next meeting.

#### **Discussion - EO**

36 Farm St., 12 Miller Hill Rd., 14 Miller Hill Rd.

Present were Ken Soderholm, Gregor McGregor, Sally Naser. The Commission reviewed the draft Enforcement Order written by Agent Bowser that included an extensive chronology and specific corrective action items. There was discussion of who was to receive a copy of the EO. Agent Bowser has discussed with DEP and they recommended since 12 Miller Hill accepted responsibility for the violation, they should be issued the EO. Attorney McGregor said that 12 Miller Hill was the only responsible party. The Chairman said until the Commission receives something in writing assuming the responsibility, other parties should be copied on the EO as well. Attorney McGregor objected to 36 Farm St being listed on the EO. He said at the previous meeting the Attorney for 12 Miller Hill accepted responsibility. Agent Bowser suggested the draft EO be reviewed by Town Counsel and #14 issued their own EO.

## **Agent's Report**

### 5. Update on Status & Follow-up Needed Re: Continuing OOC Violation at 3 Sterling Drive - BZ Restoration Monitoring Reports DEP#144-0873

Present was Christina Ganung for 3 Sterling Dr. She said all planting has been done. They'd like to remove the orange construction fence. The Chairman recommended it remain until the construction is finished. Christina will check with her representative to ensure timely submittal of the required monthly Progress Reports and quarterly buffer zone restoration monitoring reports. Agent Bowser said the reports have not been submitted as required and should come from the owner's wetland consultant Joyce Hastings at GLM Engineering and she recommended they be given 2 weeks to submit.

### **Correspondence**-MDAR, Eversource YOP - Vegetation Mgmt./Herbicides

Agent Bowser said the route shows spraying close to a Certified Vernal Pool and drinking water wells. She will draft a response for the next meeting, 6/14/23. The Chair said to copy Board of Health on well correspondence.

### **Discussion**-Jim McLaughlin(not present)

Behind 46 Springdale hazard tree removal work estimate/Valley Farm hazard tree removal work estimate - Agent Bowser stated that she and Jim met with Kevin McCabe and Bob Tosi from the DPW to review possible tree removals and drainage issues on conservation land and that the DPW agreed to take care of drainage improvements and the removal of 2 Main Street trees (Valley Farm) and 1 large Pine on Springdale Ave, possibly in the right-of-way.

Larrabee Whiting Estate, Strawberry Hill St. work estimate- Amey Moot said Larrabee Whiting budget is for Dover residents that need help and cannot be used for field maintenance. The Commission discussed the estimate from David Dodsworth for work clearing the invasive species multi flora rose from the field- 2 days at \$2750.00 per day, for the field work. Motion made and seconded to hire David Dodsworth to clear Larrabee Whiting lot. Roll call vote: Sarah-Yes, Amey-Yes, Christy-Yes, Anna-Yes, Tim-Yes, John-Yes.

**Discussion-Easements**-Amey Moot explained the Village Hill easement. The owners asked the Planning Board to release the easement because it was never approved at Town Meeting. Carol Lisbon discussed a proposed process of polling other boards to determine if it should be released, have a site visit, consider the value of the easement, and if it connects to anything and is an actual path.

### **Work Group Updates-None**

### **Agent's Report(cont.)**

1. Updates on Active Permits, Compliance, Enforcement & Wetland Protection Issues
2. Review & Approval of Miller Hill Rd. Enforcement Order for Unpermitted Tree Removals  
\* Subject to Final Review & Approval by Town Counsel (Document to be sent by Agent to ConCom in separate email)

# 1 and #2 covered above.

3. Draft Order of Conditions Minor Modification Criteria and Guidelines - 3rd Review (Document to be sent by Agent to ConCom in separate email)-Agent Bowser recommend this be considered on a case by case basis. The Chairman asked for some Modification examples from the last year.

4. Status of Violation Follow-up Letters as Discussed at 5/10/23 ConCom Meeting:  
\* 105 Haven St. - Notice of Violation Letter Requiring Debris & Brush Removal-Letter sent 5/18/23, no response yet.

\* 24 Donnelly Drive - Letter Requiring RDA for Unpermitted Tree Removals- Letter sent, owner contacted office 5/23/23.

5. Update on Status & Follow-up Needed Re: Continuing OOC Violation at 3 Sterling Drive - BZ Restoration Monitoring Reports DEP#144-0873 - Covered in above Discussion

6. Update on Dead/Hazardous Tree Removals on Conservation Land-2 dead trees on Main St. and large pine tree on 46 Springdale - Covered above.

7. Proposed “No Dumping” Signage Recommended by Stephen Bates/DLCT (Document to be sent by Agent to ConCom in separate email). Stephen Bates installing signage.

8. Request for Agent’s Approval of Tree Removals for Solar Panel Installation-Agent Bowser said this request from the property owner at 25 Edgewater Drive is to remove 3 trees to install solar panels. The Chairman advised Agent Bowser she could decide after a site visit. Anna suggested smaller replacement trees. The Commission agreed.

Red Robin – Agent Bowser reviewed with the Commission an email from Tetra Tech, the Commission’s third-party stormwater consultant on this project, noting that the owner has made an unpermitted small change of the installation of a 4” pressure relief drain which would be a minor change at the base of the retaining wall. The Commission agreed this could be a minor change and added a note: At the 5/24/23 meeting the Commission approved the minor change.

Meeting Adjourned at 9:45 PM

Documents:

36 Miller Hill Plan rev. 5/16/23, DEP Field Data Forms dated rev. 5/22/23-Fld Res.

MDAR Corresp. for Eversource YOP 5-yr veg Mgmt Plan, 5/16/23

JW Faulk est. for work Larrabee Whiting, June 2023

JW Fault est. for work Main St./Springdale Ave June 2023

David Dodsworth, Treework.Pro, est for work Larrabee Whiting, 5/20/23

Mark Ammons, Hunnewell Farm est for work Larrabee Whiting 5/20/23

Agent Bowser invoice dated 5/15/23 for April 1-30

Agent Bowser Regulatory Report 5/21/23

Agent Bowser Draft Minor Mod policy rev 4/21/23

Agent Bowser Draft EO 12 Miller Hill Rd

Agent Bowser’s Annual Contract Extension for Professional Services for FY24 (7/1/23 - 6/30/24)

Agent Bowser’s Site Meeting Report dated 5/23/23 Re: Dead/Hazardous Tree Removals & Drainage Improvements at Valley Farm and Springdale Conservation Land by DPW

Agent Bowser’s Email dated 5/23/23, outlining Tetra Tech’s site inspection related to the unpermitted minor plan change for the after-the-fact installation of a 4” stormwater/drainage pipe below the retaining wall

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