

Conservation Commission Meeting Minutes 6/14/2023, 7:30 PM

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

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

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

Applicants, Residents, Members of the Public: Joyce Hastings, GLM Eng., David Parrish, Dan Levine, 16 Donnelly Dr., Richard Kirby, LEC Environmental, Curtis and Greg Petrini, Petrini Corp., and Jay Feeney, 130 Farm St., David Dalury, 25 Miller Hill Rd., Deborah Anderson, Wetland Scientist and Dewald LeGrange, 4 Haven Ter., Peter Alden, 118 Claybrook Rd., Peter Santoro and Diane Simonelli, Field Resources, 36 Miller Hill Rd., David & Kathy Chase and Brian Sullivan, Merrill Eng., 65 Main St., Craig Rafter, 4 Sterling Dr., Carlos Quintal, CAQ Eng., Tyler Simpson, Hale Res., Alex LePage, abutter to 25 Miller Hill Rd., Joan and Barry Roth, Brandon Li, Kelly Eng., Joe Marquedant. Attorney Peter Brooks, Attorney Gregor McGregor, Ken Soderholm, Soderholm Builders, Sally Naser, TTOR for 12/14 Miller Hill Rd. and 36 Farm St.

12/14 Miller Hill Rd. and 36 Farm St.-E.O. Discussion

Present were Attorney Peter Brooks, Attorney Gregor McGregor, Ken Soderholm, Soderholm Builders, Sally Naser, TTOR. The Commission discussed the Enforcement Order (EO) and 12 Miller Hill needing a new delineation. The Chair said the EO was approved by Town Counsel and will be sent out to #12 and #14 Miller Hill Rd. Motion made and seconded to issue the Enforcement Order for violation of the Wetlands Protection Act regarding tree cutting in the buffer zone for 12 and 14 Miller Hill Rd. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

Request for Determination of Applicability

25 Miller Hill Rd., remove 8 trees, Dalury, GLM

Having been duly published, the hearing for 25 Miller Hill Rd Request for Determination of Applicability was opened. Present for the applicant was Joyce Hastings, GLM Engineering. Agent Bowser stated that she had conducted a site inspection to review existing and proposed site conditions and recommended approval of a Neg RDA to allow removal of trees that are in decline and require replacement trees with conditions outlined in her 6/11/23 memo and recommended the re-planting plan be enhanced and that signage and permanent bounds be required to protect any further disturbance in the buffer zone without a permit. Joyce Hastings, GLM showed the plan with replacement trees and shrubs. She said the crane will be outside the buffer zone to remove the trees. Joyce showed the native plant schedule listed on the plan. Alex LePage, abutter, Miller Hill Association, said this lot had 25' oaks that were removed in different rounds. Joan Roth, abutter spoke with the builder regarding run off at the end of April and he added trenches and erosion control. Barry Roth, abutter, said a second driveway was added that abuts the buffer zone. He said rain undercuts their lawn and he is concerned about their driveway. The Commission discussed run off history, tree removal, monitoring, NPDES permits with the abutters. Motion made and seconded to close the hearing and issue a Negative Determination of Applicability for tree removal with replacement on a 2 to 1 basis monitored by the Agent and subject to conditions stated by the Agent. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

Notices of Intent

144-899 16 Donnelly Dr., remove/restore walkway, walls, porch, existing deck into screen porch, Levine, GLM Engineering

Having been duly published, the hearing for 16 Donnelly Dr., Notice of Intent was opened. Present for the applicant was Joyce Hastings, GLM Engineering. She showed the plan and said the existing stairs and retaining walls are unsafe. The proposed project would replace those and the landing going to the house. All work is within the limit of the existing conditions. Joyce made a formal request this project fall under the Commission's grandfather policy. Erosion control proposed is straw wattle and filter fabric and Joyce requested the orange construction fence not be required as this would be a short-term project. Agent Bowser conducted a site inspection to review existing and proposed site conditions and said the owner called her and said the back patio may need to be removed and replaced. Agent Bowser requested that be added to the plan. Motion made and seconded to close the hearing, waive the waiver and classify as a grandfathered policy. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes. Motion made and seconded to issue a standard Order of Conditions with the Agent's Recommendations. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

Request for Certificates of Compliance

144-867 4 Sterling Dr. Rafter, GLM Eng.

Present for the applicant was Joyce Hastings, GLM Engineering. Agent Bowser conducted a site inspection to review existing site conditions and recommended issuance for DEP#144-867 but the CoC not issued until the deed is recorded at the Registry of Deeds. The Chair said it is ok to issue and ask for the recording information after the closing. The closing is tomorrow, /15/23. Motion made and seconded to issue a Certificate of Compliance for 4 Sterling Dr. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

144-897 65 Main St.,Chase, Brendan Sullivan/Caroline Rees, Merrill Eng. & Land Survey

Having been duly published, the hearing for 65 Main St. Notice of Intent was opened. Present for the applicant was Brendon Sullivan, Merrill Engineering. He showed the plan to remove an existing shed and greenhouse structures and regrade and re-seed. Agent Bowser conducted a site inspection to review existing and proposed site conditions and reviewed the outstanding issues with 7 comments as recommended in her memo dated 6/11/23. The hearing was continued to the next meeting on 6/28/23.

144-898 130 Farm St.,Feeney, Richard Kirby, LEC Env., Petrini Corp. Brandon Li, Kelly Eng.

Having been duly published, the hearing for 130 Farm St. Notice of Intent to raze and rebuild an existing barn, install a post & rail fence with proposed site grading was opened. Present for the applicant was Richard Kirby, LEC Env., Curt and Greg Petrini, Petrini Corp., Brandon Li, Kelly Eng. Richard Kirby reviewed the proposed work and the 2,500 sq. ft. of buffer zone enhancement. Agent Bowser conducted a site inspection to review existing site conditions and reviewed her regulatory recommendations and comments and made signage location recommendations. The applicant requested a continuance to the next meeting on 6/28/23 and the Commission granted the request.

144- 118 Claybrook Rd., Alden, Deborah Anderson, Wetland Scientist

Having been duly published, the hearing for 118 Claybrook Rd. Notice of Intent for a proposed garage addition and new construction and expand the existing driveway was opened. Present for the applicant was Deborah Anderson, Wetland Scientist. She showed the plan and described the location, proposed work and existing conditions. Agent Bowser conducted a site inspection to review existing site conditions and said her comments have been addressed but there was no DEP # at the time of hearing. The applicant requested a continuance to the next meeting on 6/28/23 and the Commission granted the request.

Amendment Request to Existing Order of Conditions

144-773 4 Haven Terrace -Replication/Restoration, LaGrange, Deborah Anderson

Present for the applicant was Deborah Anderson, Wetland Scientist. There was discussion of the abutter notification not meeting the bylaw requirement and as a result the public hearing could not be opened. Deborah said abutters within 300' of the property will be notified before the next meeting. She will submit information addressing Agent Bowser's questions and comments. The hearing was continued to 6/28/23.

Cont. Notices of Intent

144-896 36 Miller Hill Rd-pool, fence, patio, wall-Santoro/Field Resources

Present for the applicant was Diane Simonelli, Field Resources. She said the requested changes have been made. Agent Bowser confirmed all required information has been submitted and she recommended approval with 8 special conditions from her memo dated 6/11/23. Motion made and seconded to close the hearing and issue an Order of Conditions with Special Conditions and with #6 of Agent memo changed to 100' and all Findings of Fact. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

144-895 4 Bridle Path Cir.-garage additions-Cara Fineman, Joe Marquedant

Present were Cara Fineman and Joe Marquedant. Agent Bowser requested a revised plan showing the compost sock and orange construction fence but recommended issuance of the Order of Conditions pending receipt. Joe asked for clarification regarding bounds. Agent Bowser said bounds could be eliminated based on site conditions and signage only required. That could be discussed on site with the Agent. Motion made and seconded to close the hearing and issue an Order of Conditions with 7 Special Conditions from the Agent's Report with a revised #7 from 200' to 100'. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

Request for Certificates of Compliance

144-881 Hale Res. Powisset Changing Rms. - Carlos Quintal, CAQ Eng., Tyler Simpson-Hale

Present were Carlos Quintal of CAQ Eng. and Tyler Simpson of Hale Education. Agent Bowser said all work was done according to the plan, but the signage is still outstanding. The applicant requested permission to remove erosion control as it is a tripping hazard. She recommended erosion control could be removed but wait until signage is installed to issue the CoC. Motion made and seconded to grant a Certificate of Compliance to Hale #144-881 subject to completing signage. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

Minutes - 4/12/23, 4/26/23, 5/10/23 draft minutes were continued to the next meeting on 6/28/23 for Agent review.

Conservation Agent Contract/May Invoice

Review/Approve Payment Agent May 2023 Consulting Invoice-Approval continued to next meeting on 6/28/23.

Extension of Agent's Annual Contract for Professional Services for FY2024 (7/1/23 - 6/30/24)- Motion made and seconded to extend Agent contract for 1 year. Roll call vote: Tim-Yes, Sarah-Yes, Anna-Yes, John-Yes.

Discussion

Discussion of a Trustees presentation during a site visit prior to the next meeting.

Agent's Report-Items below continued to next meeting on 6/28/23.

1. Updates on Active Permits, Compliance, Enforcement & Wetland Protection Issues
 - * 18 Walpole St. - OOC Approval to Proceed w/Project
 - * 1 Tubwreck Drive - Signage Approval
 - * 4 Rocky Brook Rd. - OOC Approval to Proceed w/Project
 - * 25 Edgewater Drive - Tree Removal Approval

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- * 38 Mill St. - Tree Removal Approval
- 2. Review & Update on 12 & 14 Miller Hill Rd. Enforcement Order for Unpermitted Tree Removals-discussed above
- * Subject to Final Review & Approval by Town Counsel
(Document previously sent by Agent to ConCom in separate email dated May 23, 2023)
- 3. Draft Order of Conditions Minor Modification Criteria and Guidelines - 3rd Review
(Document previously sent by Agent to ConCom in separate email dated May 20, 2023)
- 4. Update on Tree Preservation Committee Progress and Priorities
- 5. Update on Status & Follow-up Needed Re: Continuing OOC Violation at:
 - * 3 Sterling Drive - BZ Restoration Monitoring Reports DEP#144-0873

Documents:

25 Miller Hill Rd., RDA: GLM Eng. RDA, Proposed Restoration Plan/Narrative, Rev. 6/13/23

16 Donnelly Dr. NOI: Rev. GLM Site Plan 6/13/23, Orig. NOI, GLM Site Plan 5/22/23

36 Miller Hill Rd. NOI: 4/15/23, rev., Field Resources Plans 5/16/23, rev. 5/22/23, 5/25/23

4 Bridle Path Cir. NOI: Orig. NOI 4/19/23, Orig. Site Plan JD Marquedant 3/22/23, rev 4/12/23. Rev. NOI, Northeast Ecological Services Narrative, Drainage Calculations 6/6/23. Rev. Site Plan JD Marquedant 6/5/23.

118 Claybrook Rd. NOI: Cheney Eng. Proposed Addition Plan, 5/4/23, NOI 5/23/23, Narrative 5/25/23

65 Main St. NOI: MA DEP BVW Delineation Field Data Form, 8/25/22, John Zimmer, South River Env. Survey, Site Plan 5/22/23, Brendan Sullivan, Merrill Eng.

130 Farm St. NOI: MA DEP BVW Delineation Fld Data Form, LEC Env. 12/8/21, Kelly Eng. Group Site Plans pp 1-5, 6/12/23, Brandon Li, Steven Horsfall

4 Haven Terrace Amendment: Request to Amend OOC 144-773, Narrative, Photos, 5/10/23 & Cheney Eng. Prop. Replication Plan 4/21/23

4 Sterling Dr. Request for CoC: Request for CoC 6/6/23, rev. 6/12/23 & GLM As-Built Plan 11/29/22, Rev. 6/1/23

Hale Education, Powisset Changing Rms. Request for CoC: CAQ Eng. As-Built Plan 5/30/23 & Req. CoC 6/2/23

Draft Minutes – 4/12/23, 4/26/23, 5/10/23

Agent Bowser May 2023 Consulting Invoice

Agent Bowser Regulatory Review Report & Recommendation/Comment Memo 6/11/23

Agent Bowser 1-yr. FY24 Contract Extension

Meeting Adjourned at 10 PM

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