

# CONSERVATION DEPARTMENT MINUTES

Date: July 14, 2022

Time: 6:00 pm – 10:32 pm

***Quorum Check-Sтивен Chidester is Absent, David Barnicle appeared virtually, and all others are present.***

## **DECISIONS**

### **I. PUBLIC HEARINGS**

#### **1. 243 Big Alum Road- RDA-Site Improvements**

- Owner/Applicant: Yulie Peterson     Representative: none
- Request: Issue a DET
- Documents Presented: sketch drawing
- Jurisdiction: Buffer Zone
- Project Summary:
  - Project includes cutting back over-grown brush and growing grass and new shrubs. Project also includes cleaning out an unmaintained drainage swale along Big Alum Road and the installation of a vinyl fence adjacent to the lake. Applicant pulled the fence off the project since filing the application.
- Presentation and Discussion:
  - Public hearing was postponed due to need to notify additional abutters.
  - Proof of abutter notifications & proof of legal ad received.
  - Project site is not located within Priority & Estimated Habitat.
  - Ron Peterson, the other property owner came before the Commission to present the project.
  - Staff contacted the property owner requested a filing as work appeared to have been occurring in the 100-200 ft local BZ. Owner had been clearing out overgrown vegetation. Was historically a field. He plans to plant grass here and maintain as a field and rotate animals here.
  - Also proposing to clean out an unmaintained road swale along Big Alum Road. This section of the road is private. Material to be directly loaded and removed outside of the buffer zone.
  - DPW noted some of Big Alum Rd is town owned. Will need to coordinate w/ DPW ensure that work is just on his land and go over project with them. They may have recommendations.
  - Neighbors have concerns with the Town's roll in the drainage on Big Alum Rd.
  - In order to clean out the swale property owner will need to work with other neighbors to gain permission to work on portions of the road that he does not own.
  - Agent has no concerns with the project, recommends working closely with DPW and neighbors before doing the work on the roadway.
- Public Comment:
  - Andrea Speed recommends contacting Tom Clark who is part of the Big Alum Lake Association to include him on the roadwork discussion before starting.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 243 Big Alum Road. AIF 4-0
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a Determination with a positive #5 and a negative #4 with the following conditions:
  - Minimal vegetation clearing to be completed for swale clean out.
  - Swale work not to be completed during inclement weather. All excavated material to be immediately loaded and removed from BZ.
  - Work with DPW prior to swale work to ensure no town owned property impacts.
  - Standard pre-work and sign off conditions.Fence installation excluded from approval AIF 4-0

#### **2. 188 New Boston Road- RDA-Installation of an Outbuilding and Dead Tree Removal**

- Owner/Applicant: Michael Nickl     Representative: none



**Conservation  
Agent**

Rebecca Gendreau

**Administrative  
Assistant**

Erin Carson

**Conservation  
Commission  
Members**

Ed Goodwin

A-Steven Chidester

V-David Barnicle

Erik Gaspar

Roy Bishop

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- Request: Issue a DET
  - Documents Presented: sketch drawing and photos
  - Jurisdiction: Buffer Zone
  - Project Summary:
    - Project includes the removal of soil and creation of a crushed stone pad (24' x 24') for the installation of a 14' x 24' shed with a 10' x 24' overhang. Spoils to be used to level base and deposited in SW corner of the property. Project also includes the removal of 2 dead trees.
  - Presentation and Discussion:
    - Proof of abutter notifications and legal ad received.
    - Project site is not located within Priority & Estimated Habitat.
    - Staff site visit performed. Area is primarily flat and currently lawn. Trees to be removed are near the road and flagged. No concerns noted with tree removal.
    - Staff noted that area at rear of yard is directly adjacent to the wetland. Area is elevated w/ existing boulder wall. All stockpiles trees and limbs should be removed from this resource area.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 188 New Boston Road. AIF 4-0
  - On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a Determination approving the project with the following conditions:
    - Remove debris at rear of yard prior to new work.
    - No soil to be relocated outside of the yard.
    - ECs at limit of work (wattle okay).
    - Standard pre-work and sign of conditions.
    - No dumping outside of developed yard. AIF 4-0
- 3. 231, 233, 235 Cedar Street—*continued* ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1090**
- Owner/Applicant: Michael and Gail Young      Representatives: P. McManus, EcoTec
  - Request: Issue ORAD
  - Documents Presented: Wetland Replication Monitoring Report & Revised ANRAD Plan
  - Project Status Summary: Resource area approval for 3 parcels, continued to allow time to restore the wetlands.
  - Presentation and Discussion:
    - Replication work approved under an OOC completed per EcoTec. Revised plan received.
    - L. Jalbert provided the updated plan at the meeting. Provided supporting documentation will be received, the Commission can approve the ORAD.
    - EcoTec noted that the replication area footprint indicates an area of 4,842 sf, well in excess of the required area of 2,664 sf.
  - Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to close the Public Hearing for 231, 233, & 235 Cedar Street. AIF 4-0
  - On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote the issue an approved ORAD for DEP File # 300-1090 with a revised plan from L. Jalbert replacing the note with the accurate BVW length. AIF 4-0
- 4. 698 Main Street—ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-1133**
- Owner: National Grid      Applicant: Interstate Towing      Representatives: G. Krevosky, EBT Environmental
  - Request: Issue ORAD
  - Documents Presented: n/a
  - Project Status Summary: Resource area approval of 1,340 feet of a BVW requested.
  - Staff Notes:
    - Proof of abutter notifications and legal ad received.
    - Site is approx. 8.9 acres in size. Applicant is performing due diligence as part of potential project. Staff walked site in the Spring to look at wetlands for VP suitability. No pockets observed suitable.
    - ANRAD only asking for the 1,340 ft of BVW. Site is larger and may have additional wetlands. Any approval to note that full review of site or review of offsite wetlands, which could project a buffer zone on the site, has been requested or done unless requested. Important to note that additional wetlands in vicinity of the project and should be looked at as BZs may project on site.
    - Staff recommends seeking peer review for the project-Since the next meeting is six weeks away the Commission could allow staff to select someone.

- Commission decided to allow Agent, D. Barnicle and the Applicants representative to go over the proposals for peer review and choose, utilizing previously utilized firms.
  - Public Comment: Virgil Van Gervan, 704 Main Street has concerns over the industrial use next to his residential lot abutting.
  - Vote: By consensus the Commission vote to continue the Hearing for 698 Main Street to August 25, 2022.
- 5. 150 Charlton Road- *continued* NOI- Development of a light Industrial building and supporting infrastructure - DEP File #300-1115**
- Owner/Applicant: Cobra Realty Trust      Representative: G Krevosky, EBT Environmental
  - Request: Issue OOC
  - Documents Presented: n/a
  - Project Status Summary: Project was continued from the last hearing to allow for new legal advertisement, abutter notification and new peer review proposal as project substantially changed.
  - Staff Notes:
    - Proof of abutter notifications and legal ad received.
    - Peer review proposal received and provided to project team.
    - Plans substantially changed. No work proposed w/in RA. Therefore, all mitigation work has been removed.
    - Plan needs a LOW. LOW to include all temporary disturbance. Work shown within 25-50 ft of the isolated wetland.
    - Site was staked and the peer review is ready to start.
    - Commission has a few concerns with a wet area in the meadow that is not flagged on the plan. The current ORAD is valid for 3 years. Will review at next site walk, August 16, 2022.
  - Vote: Public Hearing for 150 Charlton Road continued to August 25, 2022.
- 6. 72 & 72A Paradise Lane- *continued* NOI- Raze and Rebuild on a lakefront lot-DEP File #300-1131**
- Applicant: Robert & Lisa Muscaro      Representative: L. Jalbert, Jalbert Engineering
  - Request: Issue a Determination
  - Documents Presented: revised colored site plans
  - Jurisdiction: Buffer Zone
  - Project Status Summary:
    - Project was continued to allow for revisions based on board feedback.
  - Staff Notes:
    - DEP File # received. No comments.
    - Site visit performed.
    - Site contains BLSF and Bank, and is within the buffer zone to Bank. BLSF noted at 721.78 on the plan (MHW EL). Work is not proposed within BLSF. No trees noted for removal.
    - Project was revised to shift new house further out of the 50' no new structure setback. Plan shows existing house at 505 sf w/ decks and stairs at 324 sf. New house at 465 sf. New pervious patio proposed. Size not stated (appears 180 sq. ft.). So small change in impervious w/in 50 ft BZ. Project still requires waiver as new structure is within 50 ft no new structure setback. Mitigation is 2:1. Board should evaluate mitigation. Mitigation shown as recharge systems for roof and driveway runoff. Naturalizing a portion along the shoreline may be valuable and a suitable mitigation. Native shrubs and herbaceous plantings would be beneficial if the board deems add. Mitigation necessary for a waiver.
    - Driveway surface should be stated. Appears pervious pavers (as detail is the same as the patio) but should be stated on plan.
    - House plans were changed and the fill and grading with the 25 foot no touch is not needed.
    - Commission still have concerns with the location of the house on the lakefront lot. It appears there is room to move outside the 50 foot no new structure area.
    - Commission asked the representative is he was looking for a continuation of the Hearing. L. Jalbert asked for a vote on the current plan.
  - Vote: On a motion of D. Barnicle, 2<sup>nd</sup> by E. Gaspar the Commission vote to close the Public Hearing for 72 Paradise Lane. AIF 4-0
  - On a motion of E. Gaspar, 2<sup>nd</sup> by E. Goodwin the Commission vote the issue an Order of Conditions for DEP File number #300-1131, 72 Paradise Lane with the following:
    - Standard OOC conditions.
    - Engineer sign off and supporting documentation of install of drainage structures and pervious driveway and patio.

- Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$5,000 for new single family house development has been previously required. To be released upon issuance of a Certificate of Compliance.
- Perpetual conditions for maintenance of pervious pavers and drainage structures.
- Plantings or other mitigation if deemed necessary.
- AIF 0-4 Motion Fails
- On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to deny the Order of Conditions for DEP File #300-1131, 72 Paradise Lane for failure to meet performance standards. AIF 4-0

**7. 86 & 88 South Shore Drive-*continued* NOI-Raze and rebuild of a single family home and associated site work-DEP File# 300-1127**

- Owner/Applicant: Steven & Marcy Reed      Representative: L. Jalbert, Jalbert Engineering
- Request: Issue an Order of Conditions
- Documents Presented: revised colored plan
- Jurisdiction: Riverfront Area and Buffer Zone to BVW and Bank
- Project Status Summary:
  - Project was continued for further revisions.
- Presentation and Discussion:
  - Project was discussed at the last meeting. Representative to address staff, SCC and DEP comments.
  - Project site has multiple resource areas to work around, additional mitigation could be added in the Riverfront area.
  - New information received:
    - Revised Plan
    - Septic Plan
    - Narrative for RA analysis and calculations.
  - Project further revised. Reduction on 436 sf of the building since the last plan. 260 sf pervious patio included outside of the 25 ft no touch setback. Patio is new to the plan.
  - L. Jalbert requests a continuation to allow time to address the Commissions concerns with work within the 50 ft buffer zone.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to continue the Public Hearing for DEP File#300-1127, 86 & 88 South Shore Drive to August 25, 2022. AIF 4-0

**8. Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – *continued* NOI-Construction of a 71 lot manufactured housing community-DEP File# 300-1132**

- Owner: M. Sosik      Applicant: Justin Stelmok      Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Project Summary: Project was continued to allow for project revisions and site visit.
- Presentation and Discussion:
  - Project was continued after peer review report received.
  - Staff met with LEC staff and Oxbow staff to discuss potential revisions after the last meeting. New concept plans were presented prior to the site walk with the Commission and staff 7/14/22.
  - Brian Madden presented the concept plans showing a wildlife corridor between two vernal pools on site.
  - Pete Engle from McClure provided a detailed overview of the storm-water systems proposed along with photos and information of Rain Gardens.
  - Commission have concerns over the size of the Wildlife Corridor proposed.
  - Oxbow Associates sent a narrative with feedback about the site visit earlier that day. The Agent read portions for the Commission and Applicant.
  - Agent recommended the Commission provide additional feedback to the applicant about the size of the vernal pool no disturb buffer zone for their next set of plans.
  - Applicant requests a continuation to the next meeting.
  - Vote: Commission vote to continue the Public Hearing for Lot 3, 20 Fiske Hill and 30 Main Street; DEP File#300-1132 to August 25, 2022. AIF 4-0

**II. WETLANDS DECISIONS**

**9. 75 Fairview Park Road-Partial request for a Certificate of Compliance-DEP File#300-74**

- Applicant: T. Maio & E. Carioti      Original Permit Holder: Tennessee Gas Pipeline
- Request: Issue a COC
- Presentation and Discussion:
  - Site visit performed.
  - Staff could not locate files. OOC reviewed on registry of deeds. OOC was for pipeline construction. Appears OOC carried on this deed when lot was created. This property is a developed SFH lot. Pipeline may just be adjacent to this property but does not appear to be on this property from review of available info.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to Issue partial CoC releasing 75 Fairview Park Road from the OOC, DEP File #300-74. AIF 3-0(David Barnicle had technical issues)

**10. 3 Hunter Lane – Partial request for Certificate of Compliance -DEP File#300-470**

- Applicant: Grandone Irrevocable Trust      Original Permit Holder: Robert Moss
- Request: Issue COC
- Presentation and Discussion:
  - Site visit performed.
  - Lot part of Sanctuary subdivision. Lot not within buffer zone to wetlands No concerns.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a partial CoC releasing 3 Hunter Lane from the OOC, DEP File #300-470. AIF 3-0(David Barnicle had technical issues)

**11. 566 Route 15 – Request for Certificate of Compliance –SCC#-21-21**

- Applicant: SilverTree Realty Trust      Original Permit Holder: Silvertree Realty Trust
- Request: Issue COC
- Presentation and Discussion:
  - Site visit performed. Site is stabilized. Original plan showed two units to handle stormwater runoff. The Engineer confirmed that one unit was installed double the size and site is in compliance.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by R. Bishop the Commission vote to issue a complete CoC with perpetual conditions: Special condition's 46-48 for SCC #21-21, 566 Route 15. AIF 4-0

**III. ADMINISTRATIVE DECISIONS**

**12. Minutes of 6/23/22 to be approved**

- On a motion of R. Bishop, 2<sup>nd</sup> by E. Goodwin the Commission vote to accept the minutes of June 23, 2022 as written. AIF 3-0-1(Gaspar Abstain)

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**UPDATES**

**IV. OLD BUSINESS**

**13. 36 Mt. Dan Road**

- Presentation and Discussion: Property Owner was not in attendance, he sent an email that the Agent shared. Agent recommends scheduling a site visit to check if the site has reached compliance.

**V. ADMINISTRATIVE UPDATES**

**14. Committee Updates: CPA-no update, Trails-see #16, Open Space-no update, and Lake Advisory-no update**

**VI. NEW BUSINESS**

**15. 355 Leadmine Road-Right of First Refusal**

- Discussion: This parcel was reviewed last year and Con Com recommended declining the Right of First Refusal of land to be removed from the Chapterland Program. Site does contain wetlands and would appear to require review for any future development.
- Vote: On a motion of E. Gaspar, 2<sup>nd</sup> by E. Goodwin the Commission vote to recommend the Board of Selectmen decline the right of first refusal for this property. AIF 4-0

**16. Trail Committee Proposals**

- Presentation and Discussion: Brandon Goodwin and Tom Chamberlain presented plans to the Commission looking for support for trail expansion and repair at various Conservation properties throughout town. See each property for a detailed list of the proposals. Agent provided the following feedback: it is important that time is dedicated to the care and custody of the properties. All CRs need to be reviewed to ensure we are meeting the purposes of the properties. Plans should be developed to design use and preservation of the properties initially before implementing new plans. The Trail Committee has done a good job making properties accessible for the public but we need plans in place to ensure that all interests are being met as we design trails. It is strongly recommended that we obtain the services of a professional to assist with this and to assist with filing applications on the Town's behalf. Working sessions should occur to create plans w/ con com and staff participation. Need new trail's liaison and staff resources to assist. CR

partners need to be directly involved. Overdevelopment of trails is an overall concern on these properties. Need to make sure that other interests and purposes are being met. CR partners have expressed concerns in the past.

- Leadmine:
  - Con com has care and custody, CR held by DFW. NOI will require NHESP review.
  - Revise the Trail plan.
  - Approve four stream crossings through a NOI.
  - Reroute part of the Seven Ridges trail and add culvert to stop washouts.
  - Once approved, details will be sent to DFW for review.
- Riverlands:
  - Amend current Order of Conditions to add a culvert to the Riverwalk trail.
  - Addition of a pump track in the sand pit partially within the 200 ft Riverfront.
  - Commission-would like more information about the pump track proposed.
  - Agent comments-Need assistance in developing NOI plans. Highly recommend that professional assistance is obtained for developing NOI and crossing plans. Blanket approval for such impacts not feasible.
- Plimpton:
  - Approve five crossings.
  - Approve two areas for single track use.
  - Confirm that the field can be mowed to maintain habitat.
  - Once approved, detailed will be sent to Opacum for review.
  - NHESP had concerns with trail development here and provided sketch of concerns. Direct coordination w/ NHESP is required.
- Long Pond:
  - Approve new trails.
  - Approve three changes to current Long Pond Trail-through an NOI
  - Once approved, details will be sent to Opacum for review.
- Fiske Hill:
  - No asks at this time.
  - Agent shared the following:
    - Property acquired with CPA funds last year. Requires CR. Appears will be under BOS care and custody.
    - It needs to be looked into to see if the CR should be worked out before work occurs on the property.
    - Need assistance in developing NOI plans.

**17. Agent's Report**

- **Next meeting:** discuss bond amount for commercial projects, 5 Ladd Road(after the fact NOI), & 102 South Shore Drive

**18. Next Meeting-August 25, 2022 and Site Visit Schedule- August 16, 2022 9am-12 pm**

**Motion to Adjourn by E. Gaspar, 2<sup>nd</sup> by R. Bishop at 10:32 pm. AIF 4-0**