

CONSERVATION DEPARTMENT DETAILED AGENDA

Date: July 14, 2022

Time: 6:00 pm



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.
- Staff Notes:
 - 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.
 - Site visit performed.
 - 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. Depth of material to be removed to be discussed and property lines should be marked out as part of road is town owned. Small trees/shrubs in apportions of the swale would appear to need to be removed.
 - 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.
 - It's important to make sure that inadvertent impacts don't occur downstream as this discharges to wetlands.
 - Additional info on location of the fence appears necessary in order to evaluate.
 - Staff have no overall concerns with the project but additional detail should be provided on the items noted above to evaluate as part of this decision. Fence to be removed from application as survey work has been delayed. Will file for fence at a later time.
- Staff Recommendation: Provided that the swale work clarified, staff recommend closing the hearing and approving the project 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.

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

- Owner/Applicant: Michael Nickl Representative: none
- Request: Issue a DET
- Documents Presented: sketch drawing and photos
- Jurisdiction: Buffer Zone
- Project Summary:

**Conservation
Agent**

Rebecca Gendreau

**Administrative
Assistant**

Erin Carson

**Conservation
Commission
Members**

Ed Goodwin

Steven Chidester

David Barnicle

Erik Gaspar

Roy Bishop

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- 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.
 - Staff Notes:
 - Proof of abutter notifications received. **Proof of legal ad required.**
 - Project site is not located within Priority & Estimated Habitat.
 - Permit issued for house addition project in 2018.
 - 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. Stockpiling of yard waste and tree debris occurring here. Stockpiling of limbs, trees etc. should be removed and undeveloped areas left in natural state. No soil to be relocated outside of the yard.
 - Staff Recommendation: Provided that the legal ad, abutter notifications and additional information is received, staff recommend closing the hearing and approving the project with the following conditions:
 - Remove debris at rear of yard prior to new work. Minimal vegetation clearing to be completed for swale clean out.
 - 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.
- 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.
 - Staff Notes:
 - Replication work approved under an OOC completed per EcoTec. Revised plan received. Staff had a few questions and comments on this. Recommend a few plan changes and clarification before issuance of ORAD. Awaiting response.
 - Staff emailed comments/questions: The ANRAD Plan shows the new culvert on lot 7 as not extending into the wetland. Do we know if the pipe does extend into the wetland boundaries? Also, can Ecotec or Jalbert confirm that all of the culverts were installed correctly and provide the necessary connections to the wetlands? There was an additional pipe installed in Mr. Young's driveway that I would like assurance on as being installed correctly as it provides the BVW connection. The buffer zones also need to be modified for the replication area. It appears that they are still off of the original flagging. This is only relevant at the replication area. There are also a few notes on the plan which were on the original plan that should be eliminated as they are not relevant anymore. There should be a note on here explaining the delineation and the new wetland flagging with the replication area for clarification since there are 2 sets of flags in this area. Can we be provided with a new total BVW length?
 - 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.
 - Staff Recommendations: Wait on ORAD issuance until plan adjusted and questions answered.
- 4. 698 Main Street—ANRAD (Abbreviated Notice of Resource Area Delineation) – DEP File #300-XXXX**
- 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 received. **Proof of legal ad required.**
 - 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. It's not being asked for but important to keep in mind for future project review whether or not part of current ANRAD. Plan should include all BZs not just 100' BZ off of the BVW.

- Staff Recommendations: Request peer review of ANRAD. Next meeting isn't until Aug. 25th. If the board is acceptable, they could authorize staff to solicit requests from qualified entities (previously utilized by the board) and chose a peer reviewer to continue the process or wait to select as a board at the next meeting.

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 required. Proof of 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 needs to be staked for new project. All previous stakes to be removed.
- Staff Recommendations: Recommend continuing to allow for peer review. Perform site visit prior to next meeting and once site is staked preferably w/ engineer once review is completed. Continue to the next meeting: 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
 - **Buffer Zone 10.53(1): General Provisions**
 - "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."
 - SWB Regs. 365-1.1E.- H.; 365-1.2, 365-1.3 (see: <https://ecode360.com/35319582>)
- 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.
- Staff Recommendation: Provided the board is satisfied, staff recommend 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.

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.
- Staff Notes:
 - Project was discussed at the last meeting. Representative to address staff, SCC and DEP comments.
 - Reminder: DEP Comments received (had been noted at the last meeting) include: Although a file # is being issued, please note the following:
 - “It appears that proposed alteration of Riverfront Area will be greater than the 200 square feet reported in Section B of the NOI. The applicant should verify the area of proposed Riverfront Area alteration and provide a narrative describing how the proposed work in Riverfront Area meets the Performance Standards found in 310 CMR 10.58(4) and (5). Vernal pools qualify as Outstanding Resource Waters. The applicant should confirm how far the proposed septic system is setback from the nearby Certified Vernal Pool and whether this setback meets the 100' required for a setback to an ORW. A response from NHESP should be received by the Commission prior to the closing of the hearing and issuance of an Order of Conditions for this project.”
 - Reminder: NHESP Letter received. No concerns. Not within Estimated Habitat just w/in Priority Habitat.
 - New information received:
 - Revised Plan
 - Septic Plan
 - Narrative for RA analysis and calculations.
 - Reduction to RA impacts had been addressed in last plan revisions and the board was satisfied. Requested additional revisions within 50 ft BZ.
 - 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. Board should evaluate this as shown.
 - Septic plan filed with BOH. Awaiting comment for citing of the system within 100 feet of CVP (outstanding water resource). Requires supporting documentation that the system is hydraulically down gradient of the vernal pool. Surface topography alone is not determinative.
 - 3 trees to be removed w/ 3 deciduous trees stated to be planted. Trees must be native and size should be stated. Sizes shall be documented. Should be at least 1.5" dbh.
 - Stone tracking pad shown but final driveway surface not noted. What is proposed surface? Stormwater BMPs may be needed depending on surface.
 - 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. Naturalizing along the tree line with shrubs and allowing it to vegetate versus lawn may be beneficial if the board deems that addition mitigation is necessary to meet 2:1 needed for a waiver. That area is also RA. This could be accomplished by adding native shrubs and herbaceous plants. Currently lawn under the trees. Mitigation necessary for a waiver.
- Staff Recommendation: Written information regarding compliance for septic with vernal pool shall be demonstrated prior to issuance of a decision as this can have a significant impact on the project. If information is received and the board is satisfied with the project, staff would recommend the following conditions:
 - Standard OOC conditions.
 - Engineer sign off and supporting documentation of install of drainage structures and patio.
 - Perpetual conditions for maintenance of pervious pavers and drainage structures.
 - Trees to be native and at least 1.5 caliper. Suitable to provide canopy.

- 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.
- Additional plantings or other mitigation if deemed necessary.
- Surface of driveway to be discussed/stated. Added to plan.

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.
- Staff Notes:
 - Project was continued after peer review report received.
 - Staff met with LEC staff and Oxbow staff to discuss potential revisions. Concept plans to be forthcoming for discussion. Conceptual plans provided on 7-7 and site visit scheduled for 7-12-22.
 - Staff Recommendations: Provide feedback after site visit and of conceptual plans. Continue to next meeting Aug. 25, 2022.

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
- Staff Notes:
 - 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.
- Staff Recommendations: Issue partial CoC releasing 75 Fairview Park Road from the OOC.

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
- Staff Notes:
 - Site visit performed.
 - Lot part of Sanctuary subdivision. Lot not within buffer zone tow wetlands No concerns.
- Staff Recommendations: Issue partial CoC releasing 3 Hunter Lane from the OOC.

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
- Staff Notes:
 - Local OOC for new SFH lot.
 - Site visit performed. Site is stabilized. Agent has reached out to the engineer with questions if both roof run-off systems were installed according to the plan. Still waiting on a response.
- Staff Recommendations: If information is provided by the time of the Hearing, the Commission should Issue complete CoC with perpetual conditions: Special condition's 46-48.

III. ADMINISTRATIVE DECISIONS

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

UPDATES

IV. OLD BUSINESS

13. 36 Mt. Dan Road

- Summary: Staff have had correspondence with the property owner and have met with him. He has asked that his concerns be shared with the board. He was unavailable to attend the last meeting and the matter was continued. No new information has been received.

V. ADMINISTRATIVE UPDATES

14. Committee Updates: CPA, Trails, Open Space, and Lake Advisory

VI. NEW BUSINESS

15. 355 Leadmine Road-Right of First Refusal

- Request: Decline Right of First Refusal of land to be removed from the Chapterland Program.
- Staff Notes: Land was reviewed by Town last year and approved to be removed but must not have been executed. Need purchase and sale in place. Was declined by Conservation and trails last year.
- Site is a forested 5-acre parcel which abuts the Leadmine Mountain Conservation Area.
- Site does contain wetlands. Should be noted that any future project would appear to require a wetland delineation and review.
- Staff Recommendations: Recommend declining right of first refusal for this property.

16. Trail Committee Proposals

- Staff Notes: Trail plans received for comment on various properties. Overall, staff feel 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.
 - New trails and wetland crossings. Most of the trail proposals require DFW review as noted. DFW has expressed concerns w/ additional trail development and unmarked trails which have been created over time. Trail #7 was requested to be removed as within sensitive habitat area. Areas south of the pipeline requested for no new trails. DFW has expressed concerns for over development of trails. The CR allows passive recreation but isn't the only purpose for why the land was protected. Over development of trails is a concern. Staff highly recommend that the board consider an end build for Leadmine. Trail proposal should be sent to DFW for feedback before approval.
- Crossings advisable for the existing trails. Bridges preferred. Will need to document impacts, land under water, bank, etc. and show alternatives have been explored for performance standards. Loggers Cut Trail crossing is a new trail and crossing at a historic cart path. This crossing is of Hamant Brook. Is this access really necessary? Better to not have people directed to this property and avoid perennial stream crossing.
- Riverlands:
 - BOS has care and custody, CR held by Opacum. Need to be careful to not be interfering w/ CR values and purposes. Many flow trails shown here. Needs to be shown to Opacum for comment.
 - Pump track a concern within Riverfront Area. A pump track may not even be allowed by CR.
 - Need assistance in developing NOI plans. Highly recommend that professional assistance is obtained for developing NOI and crossing plans. OOCs need direct impact calculations included. Blanket approval for such impacts not feasible.
- Plimpton:
 - Con com has care and custody, CR held by Opacum. NOI will require NHESP review.
 - NHESP had concerns with trail development here and provided sketch of concerns. Direct coordination w/ NHESP and Opacum needed.
 - Need assistance in developing NOI plans. Highly recommend that professional assistance is obtained for developing NOI and crossing plans. Management (mowing) can be a concern. Will need an O & M Plan.
 - Proposed single use trails should be eliminated.
- Long Pond:
 - Con com has care and custody, CR held by Opacum.
 - Need assistance in developing NOI plans. Highly recommend that professional assistance is obtained for developing NOI and crossing plans.
 - Recommend removing one of the ST trails in center. Crossing fill in resource area is a concern. Need to meet permitting standards.
- Fiske Hill:
 - 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. Highly recommend that professional assistance is obtained for developing NOI and crossing plans

17. Agent's Report

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

243 Big Alum Road

Property Tax Parcels
2021 Aerial Imagery





