

Present: Bob Elliott, Chairman; Emily Boeing, Kris Masterson, Rob Rand, Peter Steeves, Pat Swain Rice
Absent: Tim Dinsmore

2/2/2021 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - Continuation Of Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Kenneth Tully To Pace An Existing Dirt Driveway, Relocate Water And Sewer Lines, Cut And Clear Trees, Plantings, Grading And Associated Utilities Within The 100 Ft. Buffer Zone And 200 Ft. Riverfront Area At 20 Sheffield Street

Maureen Herald with Norse Environmental represented Ken Tully. Herald stated she had listened to the concerns of the Commission from the previous hearing and she hopes to satisfy those concerns tonight. Herald was asked about additional plantings, in addition to the six shrubs shown at the entrance. Herald spoke with her client and they are now proposing to add three red oak trees, two along the existing dirt driveway, the third on the northerly side of the driveway entrance. Erosion control was another concern. The new driveway includes a steep slope, requiring grading, but the new proposal includes mulching the slopes. Their intent is to improve the Riverfront Area disturbance. On the original plan, they proposed leaving the current dirt driveway as is but they are now proposing to restore the dirt driveway by using a New England Conservation Wildlife Mix. Herald provided the seed mix specifications. The new plan shows native shrubs, with the minimum requirement of two different shrub species suggested. The original plan proposed to disturb 4,995 sq. ft. of Riverfront Area. The new proposal, with the restoration, is proposing 4,850 sq. ft. Elliott stated he almost commented on the draft Minutes because of the reference to "this driveway is steep or too steep" the existing area within the 100' buffer zone is only a 6% grade (plan shows "282" at 100' buffer zone). The existing is now 280, which is a 5.7% grade. The driveway only gets steeper beyond the 100' buffer zone and even up to 200' offset to Riverfront Area, the overall grade is only 6.6%. Where the driveway is parallel to the road, it approaches 16%. The driveway being proposed is 10% and paved. The area within the buffer zone should stay shallow at 6%, which would eliminate all grading within the buffer zone. Elliott suggested if the driveway will be steeper, that work should take place outside of the buffer zone. The area of concern is next to the road. Herald will speak with the engineer. The existing driveway should be maintained as is, within the 100' buffer zone and continue to be maintained as is to the 200' RFA. At the 282 finish grade, the existing elevation is 280. Scale it down to existing 276, difference of 4', that is a 5.7% grade. Elliott stated by using the current driveway that would eliminate the need for clearing within the buffer zone and eliminate the need for the replantings. Herald said her client would like to pave the driveway and asked if the Commission was open to any type of clearing. Herald said the project was designed to comply with the Riverfront regulations and they tried to improve the area with additional plantings, seed mix, and restoration and she will try to keep the grades. Elliott asked how would making the area within the buffer zone steeper and paving it be an improvement. Herald said paving the driveway will stabilize it, which maintains it. Elliott stated if there is a plan to pave it, keep the existing grades. Herald will speak with her engineer. Rice said she would like to see as little alteration as possible, especially in the buffer zone and Riverfront areas but did say there are a few dead trees and she would have no issues with cutting those but leaving the stumps. Rice also stated that changing anything at the road would conceivably decrease visibility. She asked what sort of grading on the left (south) was intended. Rice prefers none as Elliott also stated. Herald said it was to tie into the 276 contour, which is the existing contour at the driveway entrance. Elliott said it is a 3:1 slope. The side slope grading is 3:1. Rice was concerned with a large pine at the roadway at the driveway. Leaving the sides of the driveway alone would help with erosion and eliminate the replanting of vegetation. Herald stated they are proposing a 12' driveway, which is a little larger than existing driveway. The existing driveway is 10' so it will require 1' on either side of the driveway. Elliott stated at the bend it is 15' wide and they would still be within the tree line as shown on the plan. Rand asked about the hemlock at the entrance and remembered very large trees. There is no vegetation growing on the forest floor and the plan mentioned replanting Mountain Laurel, which he felt would be a nice addition. It would do well in pine and hemlock forests. Herald provided a variety of native plant species to provide options if the nursery does not have one of the species in stock. Rice asked Rand and Elliott if plantings would be necessary if current vegetation remained. Plantings within 100' buffer zone were required for stabilization. Elliott said the 100' buffer zone is at finish grade 282, right now it is 280 and if you hold

that, you wouldn't have any disturbance and you wouldn't need any shrubs. Rice asked about dead pines and heavily damaged pines, possibly by plows, within the 100' wetland buffer. Rand responded they can remove trees but leave the stumps. Elliott stated if there is a safety issue, he does not have a problem. Rice said the revegetation within the 200' (shown close to the 200' RFA line) with the seed mix, to the south, should have as little disturbance as possible, except for work that is understandable such as the water and sewer line work. Herald understands the Commission wants the driveway to stay within the existing footprint at the roadway but it would change the grading and possibly the house location. Herald stated she did not realize the driveway grading was an issue from the first meeting. Elliott stated at the original hearing Herald said the slope was very steep, it was 16%, but it is only 16% for a very short portion of the driveway. The remaining portion is only 6% at the road. Herald will discuss with Mr. Tully and they will try to minimize work within resource areas. Rand commented that in front of the existing house is a huge hole filled with debris. What are the plans for that section of the property? Will fill be brought in or moved around the site? Herald said the debris would be removed and the hole filled in with material onsite. Terrasi asked if Herald had an update on the Turtle Plan. Herald said Dan Wells is working on it. Boeing asked if there were any changes to the tree clearing proposed behind the house. Herald said there were no changes from the initial plan. The public hearing was continued to February 16 at 7:30 PM.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of January 19, 2021

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of January 19, 2021, as amended.

3. For Signature: Schedule Of Bills Payable

On a motion by Elliott, seconded by Rand, all

VOTED: to pay the Bills Payable of \$742.50 to Beaver Solutions for maintenance of the three Conservation Commission beaver deceivers.

4. Master Plan Implementation Update

Deb Fountain with the Master Plan Implementation Committee attended the meeting. A new master worksheet will be released to all Chairs and then to the Conservation Commission next week. The Commission will be heavily involved in the Master Plan Implementation with over 60 recommendations. The next step, once the master worksheet and crosswalk documents have been distributed, would be to prioritize each item and discuss who is responsible for each recommendation. It was agreed Terrasi and Fountain would meet next week to prioritize the recommendations.

5. Conservation Administrator's Report

A. Annual Report 2020

Terrasi will provide a draft of the Conservation Commission's section of the Annual Report before the next meeting.

B. Property Address: 74 Brookline Street - Chapter 61 Right Of Refusal

The property at the intersection of Brookline and Prescott Streets (approximately 8.03 acres) is land currently in Chapter 61A (agriculture). The property is owned by Jon and Anne Kaiser. A buyer for the property has signed a Purchase and Sale Agreement to purchase three lots at this location for \$270,000. This lot is not part of the Agricultural Preservation Restriction (APR) that the farm falls under. The Town has Right of First Refusal because of the change of use from agriculture to a residential. The Planning Board and Board of Assessors voted to waive the option to purchase the property. Terrasi stated there is no funding available, at this time, within the required time period, to act on this request. Rice stated the property is currently in agriculture and questioned whether the State might require the land be "replaced" if this land did not remain in agriculture, similar to the Land Between the Rivers (behind the Senior Center and Shattuck Oil). The property does not abut other protected conservation land, though it does abut the APR land. The ROFR can be assigned to a non-profit land trust or the Commonwealth. Terrasi confirmed Nashoba Conservation Trust and the MA Division of Fish and Game have no interest, or the funding, to act quickly. Terrasi will be discussing the ROFR with members of the Agricultural Board and suggesting if there is an interest in protecting this property, that they contact

the Select Board immediately. The Select Board will be discussing the ROFR on Monday, February 8. A motion was made by Elliott: I move that the Commission vote to recommend to the Select Board that the Town not exercise the option to purchase the property at 74 Brookline Street, as described in the notice of intent to sell received from Attorney Richard Shea on behalf of property owners Jon and Anne Kaiser. The motion was seconded by Rand, all
VOTED: to support the motion.

C. Request For Certificate Of Compliance (Reissue) - 92 West Street, Formerly Lot 129, MassDEP 259-299

Terrasi stated this is a reissue of the Certificate of Compliance originally issued. The second signed original was not in the files. On a motion from Elliott, seconded by Rand, all
VOTED: to reissue the Certificate of Compliance for 92 West Street, MassDEP 259-299.

6. Other Business

None

7. Matters That May Be Raised That The Chairman Didn't Reasonably Anticipate

None

The next Conservation Commission meeting is scheduled for Tuesday, February 16 at 7:00 PM.

Respectfully submitted

Paula Terrasi/Conservation Administrator